

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

EDREWEENE RAYMOND, PEDRO SERRANO, SANDY
GONZALEZ, and RITCHIE BAEZ,
Plaintiffs,

Index No.:
15-CV-6885
(LTS) (HBP)

-against-

THE CITY OF NEW YORK, WILLIAM J. BRATTON,
JAMES P. O'NEILL, CHIRSTOPHER McCORMACK, and
CONSTANTIN TSACHAS,
Defendants.

- - - - - x

New York City Law Department
100 Church Street
New York, New York

October 23, 2019
10:10 a.m.

DEPOSITION of CONSTANTIN TSACHAS, on behalf
of the Defendants, by the Plaintiffs, in the
above-entitled action, held at the above time
and place, pursuant to Notice, taken before
ALBERT LADA, a shorthand reporter and Notary
Public within and for the State of New York.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Appearances:
NWOKORO & SCOLA, ESQUIRES
Attorneys for Plaintiffs
30 Broad Street, Suite 1424
New York, New York 10004
BY: JOHN SCOLA, ESQ.

ZACHARY CARTER, ESQ.
Attorneys for Defendants
100 Church Street, 4th Floor
New York, New York 10007
BY: YUVAL RUBINSTEIN, ESQ.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C. Tsachas
CONSTANTIN TSACHAS,
the witness herein, having been first duly
sworn by a Notary Public of the State of New
York, was examined and testified as follows:
EXAMINATION BY
MR. SCOLA:
Q. State your name for the record,
please.
A. Constantin Tsachas.
Q. State your address for the record,
please.
A. 1 Police Plaza, New York, New York
10038.
Q. My name is John Scola. I'm the
attorney for the plaintiffs in this action,
specifically, Edreweene Raymond. We're here
to ask you a couple of questions. Just a
couple of ground rules.
Essentially, let me finish my
question before you answer it. We have a
court reporter taking down everything that we
say which will be placed on the transcript
which you'll be able to review at some point
later but this is an official record and it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STIPULATIONS
IT IS HEREBY STIPULATED AND AGREED
by and between the attorneys for the
respective parties herein, that filing,
sealing and certification be and the same are
hereby waived.
IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form of
the question shall be reserved to the time of
the trial.
IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed and
sworn to before any officer authorized to
administer an oath, with the same force and
effect as if signed and sworn to before The
Court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C. Tsachas
will be used in court so I just ask that you
let me finish and I'll try to do the same for
you. I'm more likely to talk over you than
you are to me but we'll try to make it work.
Have you ever been deposed before?
A. Yes.
Q. When?
A. Few years back. It was for a car
accident. RNP accident.
Q. What was your role?
A. I was the operator.
Q. You were driving the car?
A. Yes.
Q. So were you being sued?
A. I assume so, yes.
Q. Was this line of duty, like, in the
course of your normal police activity?
A. I was driving a department vehicle,
yes.
Q. Are you given a department vehicle?
A. Yes.
Q. So were you on-duty at the time?
A. I was going home but I was in a
department vehicle.



1 C. Tsachas
 2 Q. And what happened with that lawsuit?
 3 A. I have no idea.
 4 Q. Was the City the ones that defended
 5 you?
 6 A. Yes.
 7 Q. Have you ever been deposed at any
 8 other time?
 9 A. No.
 10 Q. Have you ever testified in court?
 11 A. Traffic court, criminal court. Yes.
 12 Q. And those were related to work?
 13 A. Work, yes.
 14 Q. When did you start with the NYPD?
 15 A. August 30th, 1993.
 16 Q. And after joining the force, did you
 17 go to the academy?
 18 A. I went to the academy for six
 19 months, yes.
 20 Q. And where did you go following that?
 21 A. Went to PSA 5.
 22 Q. And where's PSA 5?
 23 A. 115th Street and 5th Avenue. That's
 24 the old PSA 5 and now there's a new one more
 25 uptown.

1 C. Tsachas
 2 Q. And what was your role?
 3 A. I was a police officer there.
 4 Q. So basically you worked on patrol?
 5 A. Patrol and some administrative work
 6 also.
 7 Q. You didn't go to the Citywide Task
 8 Force?
 9 A. No, I was in Housing Bureau.
 10 Q. And how long were you there for?
 11 A. Five years.
 12 Q. And where did you go after that?
 13 A. 19th Precinct as a sergeant.
 14 Q. When did you take the sergeant's
 15 test?
 16 A. I don't recall exactly when, no.
 17 Q. How long do you have to be on the
 18 force before you're eligible to take the
 19 test?
 20 A. Five years on.
 21 Q. So you took it as soon as you could?
 22 A. No, I'm sorry. To get promoted, you
 23 need three years as a police officer to get
 24 promoted so the test I must have taken
 25 approximately my third year, yeah.

1 C. Tsachas
 2 Q. So you went to the 19th Precinct as
 3 a sergeant, what was your role there?
 4 A. Patrol sergeant and also some
 5 administrative work.
 6 Q. And what's the responsibility of a
 7 patrol sergeant?
 8 A. Patrol sergeant, you're on a patrol,
 9 you're monitoring the radio, you make sure
 10 jobs are being answered, make sure police
 11 officers are where they're supposed to be.
 12 Q. And how long were you at the 19th
 13 Precinct for?
 14 A. Three years.
 15 Q. And did you take the lieutenant's
 16 test?
 17 A. Lieutenant's test, yes and I went to
 18 the 17th Precinct.
 19 Q. As a lieutenant?
 20 A. Yes.
 21 Q. When you became a sergeant, did you
 22 have to go through sergeant training?
 23 A. Yes, about a month.
 24 Q. Is it the same as, like, the academy
 25 but just focused on sergeants?

1 C. Tsachas
 2 A. Yeah, supervisory skills.
 3 Q. What else do you learn at the
 4 sergeant academy?
 5 A. You learn the responsibilities of a
 6 patrol sergeant, sergeant.
 7 Q. Now, after the 19th Precinct, you
 8 said you went to the 17th Precinct?
 9 A. 17th Precinct.
 10 Q. As a lieutenant?
 11 A. Yes.
 12 Q. What were your responsibilities as a
 13 lieutenant?
 14 A. Again, I was in charge of the first
 15 platoon.
 16 Q. First platoon, what does that mean?
 17 A. Midnights.
 18 Q. As a lieutenant, how does your
 19 responsibilities change?
 20 A. They expand. You're in charge of
 21 three squads instead of one and same thing to
 22 make sure the sergeants are doing their jobs,
 23 cops are doing their jobs, as proper
 24 supervision.
 25 Q. Now, what's a squad?



1 C. Tsachas
 2 A. Squad is a group of officers. It's
 3 usually one sergeant and eight police
 4 officers.
 5 Q. So the platoon is made of up three
 6 squads?
 7 A. Three squads, yes.
 8 Q. And you're responsible for
 9 overseeing all of them?
 10 A. Yes and if you have an anticrime
 11 team or conditions team that's working your
 12 platoon, they're also yours.
 13 Q. And what's an anticrime team?
 14 A. Plain clothes unit.
 15 Q. Is that a specialized unit?
 16 A. Yes.
 17 Q. What about a conditions unit?
 18 A. It could be uniform or plain
 19 clothes. It's usually plain clothes.
 20 Q. That's also a specialized unit?
 21 A. Yes.
 22 Q. They're there to try to stop a
 23 specific --
 24 A. Yeah. Targeting enforcement in
 25 certain problematic areas where the police

1 C. Tsachas
 2 officers and cars answer radar runs. They're
 3 targeting different conditions.
 4 Q. How long were you at the 17th
 5 Precinct for?
 6 A. About three or four months. Not
 7 long.
 8 Q. Where did you go after that?
 9 A. Patrol Borough Queens North.
 10 Q. And what's Patrol Borough Queens
 11 North?
 12 A. Patrol Borough Queens North is in
 13 charge of the precincts in Patrol Borough
 14 Queens North. Queens is divided into north
 15 and south so we had the ones that are north.
 16 Q. So you were there as a lieutenant?
 17 A. I was there as a lieutenant doing
 18 crime stat, crime analysis.
 19 Q. Now, tell me what that entails, what
 20 is crime stat and crime analysis?
 21 A. We analyze crime statistics. We
 22 deploy different crime strategies. I advise
 23 the executive staffs of where the problems
 24 are, different conditions, like, say
 25 robberies and grand larcenies, where they're

1 C. Tsachas
 2 happening, when they're happening.
 3 Q. And then you were directly with the
 4 commanding officers of the precincts in
 5 the --
 6 A. I worked directly for the chief of
 7 Patrol Borough Queens North and the
 8 commanding officers of the precincts were
 9 under Patrol Borough Queens North under the
 10 chief.
 11 Q. How long were you there for?
 12 A. A long time. Probably seven years I
 13 would say.
 14 Q. And where did you go after that?
 15 A. After that, I went to One Police
 16 Plaza to work with chief of patrol's office.
 17 Q. Chief patrol?
 18 A. Chief of patrol, yeah.
 19 Q. And what did you do in that role?
 20 A. Also same thing, crime analysis.
 21 Q. But on a broader scale?
 22 A. Citywide now.
 23 Q. And that entailed what, reviewing
 24 statistics and looking for patterns?
 25 A. Yes.

1 C. Tsachas
 2 Q. What borough did you work on while
 3 you were with the chief of patrol? Did you
 4 have a specific borough?
 5 A. Everything. It's citywide so
 6 instead of just looking at Queens North,
 7 we're looking at everything.
 8 Q. Now, where did you go after One
 9 Police Plaza?
 10 A. I was promoted and I went to Transit
 11 Bureau.
 12 Q. You were promoted to?
 13 A. Captain.
 14 Q. Is captain promotion discretionary
 15 or did you have to take a test?
 16 A. I took a test.
 17 Q. When did you take the test?
 18 A. I don't remember when I took it.
 19 Q. After becoming captain, did you have
 20 to go to a captain academy?
 21 A. Yeah.
 22 Q. Now, that's --
 23 A. About three weeks.
 24 Q. It's about three weeks?
 25 A. I think so.



1 C. Tsachas
 2 Q. And what did you learn there?
 3 A. Again, the responsibilities of being
 4 a captain.
 5 Q. How does a captain responsibilities
 6 differ from a lieutenant?
 7 A. Well, now you supervise let's say
 8 three lieutenants, four lieutenants. Your
 9 either the commanding officer of a command
 10 precinct or you're the executive officer,
 11 second in command.
 12 Q. And what role did you first have?
 13 A. Executive officer.
 14 Q. And this was in Transit 32?
 15 A. I started in District 30.
 16 Q. What's District 30?
 17 A. 30 is part of Transit Bureau.
 18 Q. So it's Transit District 30?
 19 A. Transit District 30 within Transit
 20 Bureau.
 21 Q. So how many districts total are
 22 there in Transit?
 23 A. 12, I'm guessing.
 24 Q. So it's not 1 through 30?
 25 A. No, no, no.

1 C. Tsachas
 2 Q. What does Transit District 30 cover?
 3 A. They cover Downtown Brooklyn mostly.
 4 Q. And you were the XO there?
 5 A. Yes.
 6 Q. For the record, the XO means
 7 executive officer. As the XO, what was your
 8 responsibilities?
 9 A. My responsibilities were to assist
 10 the commanding officer in charge of
 11 specialized units and, again, to make sure
 12 everybody on patrol is performing their
 13 functions.
 14 Q. What specialized units?
 15 A. Like anticrime, conditions team,
 16 school teams, patrol units.
 17 Q. How long were you at District 30
 18 for?
 19 A. Three months. Not long.
 20 Q. Is there a reason why it was so
 21 short?
 22 A. I was transferred to the executive
 23 officer of Transit District 32. It was more
 24 busier.
 25 Q. How long were you at Transit

1 C. Tsachas
 2 District 32 for?
 3 A. I was executive officer there for
 4 approximately eight months.
 5 Q. Now, did your duties change at 32 as
 6 opposed to 30?
 7 A. Same duties.
 8 Q. Where did you go after 32?
 9 A. Then I was commanding officer of
 10 Kings Task Force.
 11 Q. What's Kings Task Force?
 12 A. They supplement the transit
 13 districts if there is a district that's
 14 having high crime, we have officers that we
 15 deploy there and we're not designated to one
 16 district. We're able to go from one to
 17 another depending on crime conditions.
 18 Q. Now, you keep saying "conditions,"
 19 what do you mean by "conditions?"
 20 A. Crime conditions, quality of life
 21 conditions.
 22 Q. What does condition actually mean?
 23 A. A condition is a problem that I have
 24 to address.
 25 Q. Now, how long were you at Kings Task

1 C. Tsachas
 2 Force for?
 3 A. Four months.
 4 Q. Where'd you go following that?
 5 A. I became the commanding officer for
 6 Transit District 34.
 7 Q. When was that?
 8 A. I don't recall the year. I have to
 9 look it up. I don't remember exactly when.
 10 Q. Was it around, like, 2010, you
 11 think?
 12 A. Late 2010 -- no, no, in 2011, I'll
 13 say the first quarter. I'm taking a guess,
 14 yeah.
 15 Q. And then you became the commanding
 16 officer?
 17 A. Yeah, of Transit District 34.
 18 Q. Did you have to go through
 19 additional training to become a commanding
 20 officer?
 21 A. No.
 22 Q. But you were still a captain at that
 23 time?
 24 A. Yes.
 25 Q. Now, how is Transit District 34



1 C. Tsachas
 2 structured, the overall structure of the
 3 command? If you can just let me know.
 4 A. As far as -- can you be more
 5 specific?
 6 Q. Sure. How many officers? How is it
 7 broken up?
 8 A. Officers at the time, I'm going
 9 back, over 100, 110, 115, with supervisors,
 10 120, 125. It depends. It fluctuates.
 11 Q. How many civilians are in Transit 34
 12 approximately?
 13 A. Maybe ten.
 14 Q. So overall, you're responsible for
 15 about 150 people say?
 16 A. You could say about maybe a little
 17 higher than that number but we keep adding
 18 people up, yeah.
 19 Q. What are the positions of the police
 20 officers in Transit District 34?
 21 A. Positions?
 22 Q. Yeah, you have a police officer.
 23 A. Police officers doing patrol,
 24 specialized units, do administrative work.
 25 Q. How many sergeants?

1 C. Tsachas
 2 A. Probably, like, 17.
 3 Q. 17 sergeants?
 4 A. It's a round number. It keeps
 5 changing.
 6 Q. And how many lieutenants?
 7 A. I would say six to seven, the
 8 average.
 9 Q. And you're the only captain, I
 10 assume, or was there an XO captain as well?
 11 A. XOs were rare over there. They
 12 might have been there briefly but it was
 13 mostly me.
 14 Q. Why were they rare?
 15 A. Because there is other districts
 16 that have more crime and they get the
 17 executive officer first.
 18 Q. What does Transit District 34 cover?
 19 What neighborhoods?
 20 A. Coney Island, Brighton Beach, all
 21 the way up to, like, the middle of Brooklyn.
 22 Q. Now, is each Transit District based
 23 on a specific subway line or is it just
 24 areas?
 25 A. Areas. So you have more than one

1 C. Tsachas
 2 subway line.
 3 Q. What subway lines were in 34?
 4 A. We had the F, D, E, F, N, D, yeah,
 5 and the R.
 6 Q. And what tours do you have in a
 7 normal command? You said the first platoon,
 8 that's midnights?
 9 A. As a commanding officer, you're
 10 saying?
 11 Q. No, just in general.
 12 A. Overall?
 13 Q. Yeah.
 14 A. Cover 24/7.
 15 Q. So the first platoon is midnights?
 16 A. So you have midnights and you have a
 17 day tour and you have a third platoon for 12.
 18 Q. Now, how do you determine how many
 19 officers are in each tour?
 20 A. It's usually based on, again, we
 21 have the -- there is three squads on every
 22 tour so we try to make it one in eight but it
 23 can be one in six if you're sure. So, you
 24 know, we try to even it out. If one platoon
 25 is busier than the other, you might have a

1 C. Tsachas
 2 few more.
 3 Q. What platoon is usually the most
 4 busy?
 5 A. Over there in District 34, it's
 6 usually the end of the day tour and started
 7 on the third platoon.
 8 Q. So, essentially, rush hour?
 9 A. Rush hour times, yeah.
 10 Q. Do the responsibilities of an
 11 officer change depending on what tour they
 12 have?
 13 A. Responsibilities are the same but
 14 your conditions and crimes are different.
 15 Q. Meaning what?
 16 A. You have to enforce the law no
 17 matter what tour and violators and
 18 violations, during the day in the morning,
 19 that morning rush hour, you have kids going
 20 to school and afternoon, there is the
 21 afternoon rush hour, school dismissal so that
 22 gets picked up by the second platoon and
 23 third platoon and then it gets quieter
 24 throughout the third platoon and the
 25 midnights start and we have crimes such as



1 C. Tsachas
 2 crimes against sleeping passengers.
 3 Q. How does the night differential
 4 work?
 5 A. If you do midnights, you get a
 6 little more and you check.
 7 Q. And then do you get a little bit
 8 more but not as much as the midnights for the
 9 4 by 12?
 10 A. Yeah. You get a little bit less and
 11 in the day tour you get a tiny bit.
 12 Q. Now, within the, I guess the platoon
 13 or I don't know if the platoon is the right
 14 word but for each tour, there is different
 15 assignments for the officers, correct?
 16 A. There are some assignments that are
 17 different.
 18 Q. What are the assignments that
 19 normally platoons are assigned to?
 20 A. There is always patrol. Every
 21 platoon has patrol.
 22 Q. And what's patrol?
 23 A. Patrol is you're either in a car or
 24 you're on train patrol and you answer radio
 25 runs. Again, you address crimes and

1 C. Tsachas
 2 conditions on your post whether it's after
 3 service, crimes, robberies, grand larcenies,
 4 unsafe riding. That's everybody. Littering,
 5 smoking in the subway, drinking in the
 6 subway. Minor violations to felonies.
 7 That's for everybody.
 8 Q. Now, Transit is a little bit
 9 different, right, because you don't have a
 10 lot of cars?
 11 A. No, just two cars per platoon.
 12 Q. And what do they do, the people that
 13 are in the cars?
 14 A. They answer radio runs. They go
 15 pick up officers and people they have
 16 arrested. They'll do transports of prisoners
 17 and police officers. If they need to do
 18 errands, they'll transport whatever has to
 19 get done.
 20 Q. Now, the radio runs a little bit
 21 different in Transit I assume, right, because
 22 normally if a 911 call comes to the precinct,
 23 it goes to the precinct, what radio runs do
 24 you go on in Transit? How does it differ?
 25 A. There is no difference, you get

1 C. Tsachas
 2 everything.
 3 Q. So you just get a call so if
 4 something happens in the precinct, you
 5 respond?
 6 A. No. We're on different channels.
 7 We get the jobs that go to Transit.
 8 Q. So what would be --
 9 A. So we respond to Transit jobs.
 10 Q. That would be usually crime that
 11 happens on the subway?
 12 A. They'll notify us, yes. If
 13 something major happens topside they notify
 14 us so we know what's going on and vice versa.
 15 Q. Does each Transit district work with
 16 a specific precinct or is it completely
 17 separate?
 18 A. We have multiple precincts. We
 19 cover multiple precincts.
 20 Q. Right. What precincts does 34
 21 cover?
 22 A. The 60, 61, 62, 66, 68. That should
 23 be it.
 24 Q. Now, who assigns officers to patrol?
 25 A. Who assigns to patrol?

1 C. Tsachas
 2 Q. Yeah, is there someone in the
 3 precinct who's responsible for that?
 4 A. When you first get there, you're
 5 assigned to a patrol function usually in a
 6 squad.
 7 Q. So an officer gets there, they're
 8 assigned to a squad?
 9 A. Yeah.
 10 Q. Then who assigns their assignments
 11 for say each tour? Does that happen at roll
 12 call?
 13 A. It's on a need of tour so once you
 14 come into command, they see where they need
 15 you and ask where you place.
 16 Q. And that's usually determined at a
 17 roll call?
 18 A. No, that's predetermined. You have
 19 a second platoon, you'll always have the
 20 third platoon unless there's changes,
 21 transfers or whatever.
 22 Q. I mean more specifically, what
 23 assignment they're given on each particular
 24 tour, who determines that?
 25 A. It's assigned by roll call and



1 C. Tsachas
2 supervisor in roll call.
3 Q. So outside of patrol, what other
4 assignments can an officer get while on their
5 tour?
6 A. Crime team, anticrime team, plain
7 clothes unit, a conditions team, the school
8 team.
9 Q. So these are all specialized units?
10 A. Yes.
11 Q. What's the difference between a
12 specialized unit and regular patrol?
13 A. As we discussed before, specialized
14 units target specific conditions.
15 Q. Are they more likely to get
16 overtime?
17 A. It depends on the commanding
18 officer.
19 Q. How so?
20 A. If my teams were performing well, I
21 gave them overtime.
22 Q. So that's discretionary?
23 A. Yeah. Everyone gets overtime but
24 some get more than others.
25 Q. Is there a fine line amount of

1 C. Tsachas
2 overtime for 34, say, in a month? Like is
3 there a limit for the amount of overtime you
4 can get?
5 A. We try to keep, you know, everybody
6 35 hours.
7 Q. Is it capped at 35 hours or is it
8 where you try to keep it at?
9 A. There's no rule that says oh, you're
10 at 35, no matter what happens, you can't
11 stay. This is what we try to do.
12 Q. What other assignments are there?
13 Is there hospitals details?
14 A. If there is a prisoner in a
15 hospital, yeah.
16 Q. So what does a hospital detail
17 entail?
18 A. You have a prisoner in a hospital
19 and he's handcuffed and somebody has to watch
20 him and it's face-to-face relief?
21 Q. What does "face-to-face relief"
22 mean?
23 A. If one officer is guarding the
24 prisoner at the hospital, the other officer
25 arrives and says I'm here, they exchange any

1 C. Tsachas
2 kind of information that's needed and the
3 officer that worked leaves. There is no
4 leaving the prisoner unattended.
5 Q. Is that the same as prisoner
6 transports? Is that another assignment?
7 A. Prisoner transport is also an
8 assignment, yes.
9 Q. And what is prisoner transports?
10 A. You take the prisoner from the
11 district to central booking.
12 Q. And you do that in one of the two
13 cars that you mentioned?
14 A. One of the cars, yeah.
15 Q. Do you usually transport the person
16 that you arrest or is it given to somebody
17 else?
18 A. There is no rule on that. If you're
19 busy with multiple arrests or you have things
20 to do, somebody else will transport him.
21 Whatever's good for the command.
22 Q. Now, do you have foot posts in
23 transit or is everyone basically on foot
24 posts?
25 A. Train patrols, sometimes they're the

1 C. Tsachas
2 fixed post.
3 Q. What would be an example of a fixed
4 post?
5 A. If you have a station that's very
6 busy, you keep officers fixed there.
7 Q. So like David 22 and 32?
8 A. Yeah. Atlantic Avenue's fixed.
9 Q. So just for these specialized units,
10 like, what's the anticrime unit?
11 A. Plain clothes unit that patrol the
12 trains in plain clothes so they're not seen.
13 Q. How many officers at that time are
14 normally in plain clothes?
15 A. You can have, let's say everybody is
16 in, my average is a sergeant and four cops or
17 a sergeant and six. It falls in there.
18 Q. Is it easier to get a summons and
19 arrest in plain clothes?
20 A. Yeah. You could say that. No
21 matter what, if you're in an unmarked car.
22 Q. It makes it easier?
23 A. Easier, yeah, easier.
24 Q. What's a school unit?
25 A. School unit usually works from 9:20



1 C. Tsachas
 2 to 6:00 p.m. and they're there to address
 3 truancy and school dismissal.
 4 Q. What's school dismissal?
 5 A. School dismissal is when kids get
 6 let out of school. There is multiple schools
 7 that get dismissed at once and the trains
 8 usually get very heavy with people and you
 9 need to direct the students up onto the
 10 trains and make sure everybody's safe.
 11 Q. So the specialized units that you
 12 mentioned earlier, those are contained within
 13 the Transit district that you're supervising,
 14 correct?
 15 A. Yes.
 16 Q. There is other specialized units
 17 outside of the command?
 18 A. Yeah. The bureaus might have some,
 19 like, Kings Task Force. It's mostly uniform
 20 but you also go out in plain clothes.
 21 They're an outside unit. You have graffiti
 22 units. Yeah, you have borough crimes,
 23 borough crime teams.
 24 Q. How do they work?
 25 A. They get deployed if a district

1 C. Tsachas
 2 needs assistance. That's where they get
 3 deployed.
 4 Q. How do officers get into these
 5 specialized units outside of their command?
 6 A. Outside the command, they perform
 7 well.
 8 Q. So you have to transfer into it?
 9 A. You have to apply for it or you're
 10 asked to put in for it or they ask you if you
 11 want to work it because they're happy with
 12 you. You have to prove yourself.
 13 Q. Does the commanding officer have to
 14 recommend the officer for the transport?
 15 A. For the outside, yeah, and for
 16 inhouse too.
 17 Q. And what are the criteria for
 18 transferring into these specialized units
 19 either inside or outside?
 20 A. Behavior, respect, enforcement
 21 records, good arrests, observant.
 22 Q. And that's based on most of your
 23 evaluations?
 24 A. Evaluations, yeah.
 25 Q. So the evaluations encompass all of

1 C. Tsachas
 2 that, behavior, respect, enforcement?
 3 A. It's all in there, yeah.
 4 Q. What about your sick record?
 5 A. Also very important, yeah.
 6 Q. So you can't be chronic, in other
 7 words?
 8 A. Not chronic A or chronic B, but
 9 sometimes things happen in life or somebody
 10 becomes ill and you take that into
 11 consideration.
 12 Q. And CCRB would also be a factor?
 13 A. CCRB is an issue also. Again, if
 14 they're founded, unfounded. A lot is going
 15 to happen because the more active you are,
 16 you might get more CCRBs so you have to
 17 consider all this.
 18 Q. So there's a lot of factors?
 19 A. Yes.
 20 Q. But if you're more active, then
 21 you're willing to overlook the CCRB?
 22 MR. RUBINSTEIN: Objection.
 23 You can answer.
 24 Q. Is that what you're saying?
 25 MR. RUBINSTEIN: You can

1 C. Tsachas
 2 answer. I just made my objection.
 3 Q. There is liberal deposition rules
 4 these days. So the CCRB may not be taken
 5 into consideration if you have sufficient
 6 activity?
 7 A. It's taken into consideration but
 8 you take a look at it and if you see it's a
 9 problem then you don't take that person into
 10 the unit.
 11 Q. Why would officers want to be in
 12 these specialized units?
 13 A. They also get a chance to promotion
 14 for detective. It's a chance to work in a
 15 plain clothes unit and from there, you can
 16 move onto other units.
 17 Q. Like what?
 18 A. A borough unit, detective squad.
 19 There is so many units in a department and it
 20 could be the cop, this is what he likes to
 21 do, this is my dream.
 22 Q. So, essentially, it could be
 23 steppingstone into promotion?
 24 A. To many thing. Going into
 25 detective, yes. Not to supervisor.



1 C. Tsachas
 2 Q. Because you have to take a test for
 3 that?
 4 A. Yes.
 5 Q. But it's a steppingstone to other
 6 desired assignments?
 7 A. Yeah, to other assignments or maybe
 8 your desire is to do this within a command.
 9 Q. Have you ever not recommended
 10 anybody for specialized units?
 11 MR. RUBINSTEIN: Objection.
 12 A. We get people who are interested in
 13 it, yes and then I pick.
 14 Q. Now, within the Transit Districts,
 15 are there other terrorism-based posts, like,
 16 for instance the Omega booth?
 17 A. We have the Omega booth.
 18 Q. How does that work?
 19 A. The purpose for the Omega booth is
 20 between usually the boroughs, the
 21 geographical boroughs by the tunnels to make
 22 sure nobody goes into the tunnel or to come
 23 out of the tunnels at the booth at these
 24 locations and your job is to be there and be
 25 observant.

1 C. Tsachas
 2 Q. So, essentially, they're located in
 3 terrorist targets, essentially, right?
 4 A. Terrorist targets and tunnels.
 5 Q. Were they around before 9/11 or did
 6 that happen after?
 7 A. After.
 8 Q. And how does that work, like
 9 essentially, is that paid for by the federal
 10 government, the overtime?
 11 A. It's a federal grant. That's what I
 12 been told but I didn't verify it anywhere but
 13 my belief is yes.
 14 Q. How long are those tours supposed to
 15 be?
 16 A. It's 24/7. It's manned 24/7 but, of
 17 course, gets rotated.
 18 Q. So if you're stationed in Omega
 19 booth for your tour, what is the condition at
 20 the Omega booth?
 21 A. Other than your regular duties as a
 22 police officer?
 23 Q. Yeah.
 24 A. Also to observe that nobody goes on
 25 the track or comes out of the track.

1 C. Tsachas
 2 Q. And that's also a relieve post,
 3 meaning, you have to be relieved face to
 4 face?
 5 A. Face to face, yeah.
 6 Q. So, essentially, the officer is
 7 underground guarding the tunnel between
 8 boroughs in order to prevent some type of
 9 terrorist act; is that correct?
 10 A. Correct.
 11 Q. So basically an officer is mostly
 12 just sitting there for the duration of their
 13 tour?
 14 A. Well, he's supposed to be observant;
 15 not sitting there.
 16 Q. Right, but he's not up moving around
 17 the way someone would be on patrol?
 18 A. He has to stay within that area.
 19 Q. Now, the length of tour for that
 20 assignment can be, is it a normal eight hours
 21 or is it supposed to be shorter?
 22 A. Eight hours, maybe they're just for
 23 four hours.
 24 Q. It's not supposed to be three to
 25 four hours at most?

1 C. Tsachas
 2 A. It could be after your tour. Yeah.
 3 It could be after your tour or it could be a
 4 day off. It's done different ways.
 5 Q. But, like, the tour -- like, your
 6 assignment is not capped at four hours?
 7 A. No. There's not a cap, no. It's
 8 usually four hours. You work your tour and
 9 then you go to the booth or you have a
 10 pre-tour. It's usually four to five hours
 11 but it can be on your day off too.
 12 Q. So if you're stationed on that post,
 13 can you go use the bathroom?
 14 A. Yeah.
 15 Q. How?
 16 A. You take a personal. You write it
 17 in the -- there's a book over there at the
 18 booth that you're going to go take a personal
 19 and you go to the bathroom. That's usually
 20 like emergency purposes but you can also call
 21 a sector car, which you're supposed to do.
 22 Call somebody, they set the booth and then
 23 you go to meal or to the restroom.
 24 Q. But you have to be relieved before
 25 you can do that?



1 C. Tsachas
 2 A. Yeah, that's the proper way.
 3 Q. The same way with eating, like, a
 4 meal?
 5 A. Yeah.
 6 Q. Someone has to come and relieve you,
 7 they take over then you go eat and when you
 8 come back --
 9 A. That's the proper way of doing it,
 10 yeah.
 11 Q. Do people do it improperly?
 12 A. When there is short personnel, it
 13 has happened.
 14 Q. Now, how involved is the commanding
 15 officer in determining who is assigned to
 16 either what tour or these specialized
 17 details?
 18 A. Say it again.
 19 Q. How involved is the commanding
 20 officer to determining who is assigned to
 21 these specialized details?
 22 A. You should make the final
 23 determination.
 24 Q. Meaning what?
 25 A. Meaning yes or no. You're in or

1 C. Tsachas
 2 out.
 3 Q. In and out of what?
 4 A. These specialized details. He gets
 5 the recommendations.
 6 Q. What about these other assignments,
 7 how involved is the commanding officer in
 8 say, giving someone the Omega booth?
 9 A. Usually the Omega booth is done by
 10 inhouse personnel.
 11 Q. Who would do that?
 12 A. The admin staff. Administrative
 13 supervisors.
 14 Q. So you have final approval over the
 15 --
 16 A. If I see something I don't like,
 17 yeah.
 18 Q. What would be an example of that?
 19 A. If I see somebody who is getting the
 20 booth excessively.
 21 Q. What would you call "excessively?"
 22 A. If I hear complaints that somebody
 23 is not getting it because this person keeps
 24 giving it to this person, I'm going to take a
 25 look at it. If I see somebody who's supposed

1 C. Tsachas
 2 to be at his post and he's not there anymore,
 3 he's not going to get it.
 4 Q. Because it's for overtime?
 5 A. Whatever it is, he failed his
 6 responsibility and he has an overtime post
 7 and you're not going to get it if you fail to
 8 do your responsibilities.
 9 Q. So when someone applies for a
 10 transfer, there's three boxes that a
 11 commanding officer can check, correct?
 12 A. Yes.
 13 Q. Not recommend, recommend and highly
 14 recommend?
 15 A. True.
 16 Q. Have you ever checked "not
 17 recommend" on one of these transfer
 18 applications?
 19 A. I never had a non-recommend. I had
 20 a recommend and some highlys, yeah.
 21 Q. Now, in practice, recommend actually
 22 means not recommend in the department,
 23 correct?
 24 A. To me, recommend means you're okay.
 25 Q. But it's implied that you're not

1 C. Tsachas
 2 highly recommended?
 3 A. I don't think you're the best for
 4 the job but give it a shot.
 5 Q. So back to what your
 6 responsibilities are. So as a commanding
 7 officer, what are your responsibilities?
 8 MR. RUBINSTEIN: In which
 9 command? Are we still talking --
 10 Q. At 34.
 11 A. My responsibilities is everything.
 12 From crime, personnel, community, budgets,
 13 personnel moves.
 14 Q. So what responsibilities do you have
 15 related to crime?
 16 A. To crime, I have to make sure that
 17 my personnel get deployed at the right
 18 locations at the right time and the idea is
 19 to bring crime down.
 20 Q. And what about personnel, same type
 21 of thing?
 22 A. Same, personnel, I have the right
 23 people in the right place to be most
 24 effective.
 25 Q. And community?



1 C. Tsachas
 2 A. Community, I go to community
 3 meetings, I talk with them, I listen to their
 4 concerns.
 5 Q. Is there common concerns in Transit
 6 District 34 or 32 that come up?
 7 A. Concerns from a community, noise,
 8 drinking, people sleeping on the benches.
 9 Q. And what about the budget, how does
 10 that work, are you given a specific amount of
 11 money for the year?
 12 A. I'm given money for usually -- it
 13 changes. It could be for a week. It could
 14 be for a quarter. It could be for fiscal
 15 year. It could be for tomorrow, you have X
 16 amount. It keeps changing.
 17 Q. How does conditions work?
 18 A. The conditions teams?
 19 Q. Or just conditions in general within
 20 the district? Is the commanding officer
 21 responsible for determining what the
 22 condition is?
 23 A. Commanding officers are supposed to
 24 be aware of them and he determines what's
 25 important. I mean, everything is important

1 C. Tsachas
 2 but there's priorities also.
 3 Q. Who dictates the conditions, is it
 4 from crime stat?
 5 A. My observation, statistics,
 6 supervise observations.
 7 Q. So would certain posts have certain
 8 conditions? Were they can be changed?
 9 A. Posts could be different, yeah.
 10 Q. So you testified that the admin
 11 lieutenant is the one that assigns officers
 12 to tours? We'll just start over.
 13 Who assigns officers to tours?
 14 A. When you first come into the
 15 district?
 16 Q. Yes.
 17 A. We take a look at where they're
 18 needed and from there we'll start placing.
 19 Q. Do you do that yourself as a
 20 commanding officer or someone below you?
 21 A. I might say -- it's like a teamwork,
 22 listen, we need four in a second platoon,
 23 three in a third platoon and four in a
 24 midnight. Let's get that done.
 25 Q. Do they consult with you

1 C. Tsachas
 2 essentially?
 3 A. Yeah, they have to. Yeah.
 4 Q. So, basically, everyone reports to
 5 you?
 6 A. Everything, yeah.
 7 Q. So you have the final say over
 8 basically everything?
 9 MR. RUBINSTEIN: Objection.
 10 You can answer.
 11 A. Yeah.
 12 Q. Basically, just tell me how it
 13 works.
 14 A. I'm responsible for the entire
 15 command. There is decisions that are made
 16 out in the field, they're not going to call
 17 me up because there is supervisors. There is
 18 sergeants, lieutenants, they make decisions
 19 everyday but overall I'm responsible to make
 20 sure the command is run properly.
 21 Q. So you don't assign officers to
 22 specific posts?
 23 A. If I want to, I can do that too.
 24 Q. Do you?
 25 A. I've done it, yes.

1 C. Tsachas
 2 Q. When have you done it?
 3 A. When I've done it? We're still in
 4 34?
 5 Q. 34 or 32, just whenever.
 6 A. I've done it in 34 with certain
 7 conditions. I think people are really good
 8 and I done it in 32 arraignment.
 9 Q. Does the admin lieutenant usually do
 10 it? In a normal course of the day, no issues
 11 with the police officers, no conditions, who
 12 assigns?
 13 A. The admin staff. If I'm happy with
 14 everything, the way it's running and I see
 15 things are running well, we just continue
 16 with the operations.
 17 Q. Is the admin staff civilians or
 18 members of service?
 19 A. Members of service. They may have
 20 one civilian, yeah. There is a few
 21 civilians, they're part of the administrative
 22 staff as we discussed before.
 23 Q. So the admin lieutenant is basically
 24 the operations coordinator, right?
 25 A. Yeah.



1 C. Tsachas
 2 Q. They're interchangeable?
 3 A. That's a new name for it. I'm old
 4 school.
 5 Q. I heard it both ways so I just want
 6 to be clear. So then who works underneath
 7 the admin lieutenant in terms of the
 8 administrative duties?
 9 A. A sergeant, police officers.
 10 Q. Do they consult with you?
 11 A. Yeah. If there is a big decision,
 12 yes. If I have my trust in them and it's
 13 daily business, they take care of it.
 14 Q. And then these assignments are
 15 announced where, at roll call?
 16 A. At roll calls, yeah, or
 17 predetermined. If they have overtime or
 18 anything like that, they'll get a
 19 notification.
 20 Q. Now, I know that there's no written
 21 policy about how assignments are given out
 22 but isn't the practice for the less desirable
 23 post to be given to people with less
 24 seniority?
 25 A. Not really because I've been happy

1 C. Tsachas
 2 with some rookies; I'm unhappy with some
 3 senior people. I don't care how much time
 4 you have.
 5 Q. Isn't a more experienced officer
 6 usually more capable?
 7 A. Usually is the word.
 8 Q. And why would that be?
 9 A. Why? Because if they have more
 10 experience, they're usually capable of doing
 11 things more efficient, properly. If they
 12 have the desire to do so, yes.
 13 Q. So are some of these tours -- sorry,
 14 not tours.
 15 Are some of these assignments more
 16 favorable than others within the command?
 17 A. There is always one post better than
 18 the other. Usually that's how it works out
 19 in life. In general on posts, yeah.
 20 Q. Are some more busy or active?
 21 A. Yeah. Some more busy, more slower,
 22 some closer to food places, some others are
 23 not.
 24 Q. Are some are less busy?
 25 A. Yeah. Less busy and closer to the

1 C. Tsachas
 2 command. Absolutely.
 3 Q. So, just for the record, activity
 4 for this deposition is referred to as
 5 summonses and rest arrests. Is that what
 6 activity is?
 7 A. That's documented activity where you
 8 can document, yeah.
 9 Q. Are some of these posts less likely
 10 -- strike that.
 11 Are some of these posts less likely
 12 to afford a police officer the ability to get
 13 activity?
 14 A. It depends on it. If you're looking
 15 at major crimes like robberies and grand
 16 larcenies, assaults, that you can pinpoint to
 17 certain areas, and then we have the
 18 violations, unsafe riding, there is
 19 misdemeanor theft of services, that kind of
 20 occurs everywhere.
 21 Q. For instance, would you be able to
 22 get any activity say on a hospital detail?
 23 A. No. We're talking patrol posts.
 24 Q. Right. What about prison transport,
 25 would you be able to get any activity if

1 C. Tsachas
 2 you're assigned that, like, during the
 3 prisoner transport?
 4 A. You want to transport a prisoner,
 5 you see a guy passing a red light, yeah, you
 6 can do it but it's not advisable because you
 7 have a prisoner in the back. So sometimes
 8 it's common sense.
 9 Q. What about the Omega booth?
 10 A. Yeah, of course.
 11 Q. Do you get activity while you're in
 12 the Omega booth?
 13 A. You can get it, yeah.
 14 Q. Do people?
 15 A. If I would look back, listen, there
 16 have been radar runs where there have been
 17 fights, stolen phones, yeah.
 18 Q. But it will be more likely to get
 19 more activity on patrol?
 20 A. Absolutely, yes.
 21 Q. Why is that?
 22 A. On patrol, you have the freedom to
 23 move around and you scope different places,
 24 that's all. Over at the Omega booth, you're
 25 confined to that booth because your primary



1 C. Tsachas
 2 mission is for counter terrorism but also in
 3 front of you are passengers, people, you
 4 know.
 5 Q. Now, officers that are assigned
 6 these posts more frequently that are harder
 7 to get activity, are they judged against
 8 their peers in terms of activity?
 9 A. Go again.
 10 Q. So for officers that are assigned to
 11 these less active posts like prisoner
 12 transport, hospital detail or say the Omega
 13 booth, are they judged against other officers
 14 in terms of activity who are on patrol?
 15 A. Well, prisoner transport, everybody
 16 does it usually. It's not a particular
 17 person unless you have steady sector and
 18 you're doing it but it's not often. It
 19 doesn't consume their time everyday, no, it's
 20 sometimes.
 21 Q. So regardless of what assignments
 22 you're given, you're judged against everybody
 23 else?
 24 A. Yeah. Every assignment gives you
 25 the opportunity to be like everybody else.

1 C. Tsachas
 2 Everything gets rotated. It just gets
 3 rotated.
 4 Q. So it's rotated equally?
 5 A. I can't tell a hundred percent
 6 equally but it's rotated.
 7 Q. That's the goal?
 8 A. We do the best, yeah.
 9 Q. So who do you report to as a
 10 commanding officer?
 11 MR. RUBINSTEIN: Currently,
 12 you're talking about?
 13 MR. SCOLA: Just in general,
 14 like, in 34.
 15 A. The borough. The transit borough.
 16 There's Transit Borough Brooklyn which is
 17 what I reported to at the time.
 18 Q. So kind of like Queens Borough
 19 North?
 20 A. Queens Borough North.
 21 Q. How many boroughs are in say,
 22 Brooklyn?
 23 A. In Brooklyn there is one borough.
 24 Q. For transit?
 25 A. Yeah and you have District 30, 32,

1 C. Tsachas
 2 34 and Kings Task Force so five commands
 3 report to Transit Borough Brooklyn.
 4 Q. And then how does it go up from
 5 there?
 6 A. From there it goes to the bureau,
 7 chief of transit.
 8 Q. How are you rated as a commanding
 9 officer, are you given evaluations in the
 10 same way police officers are?
 11 A. They're different.
 12 Q. How so?
 13 A. They're just different performance
 14 areas.
 15 Q. So, like, what are they?
 16 A. You have your goals, you have your
 17 conditions that your boss wants you to
 18 address. That's how you're rated on.
 19 Q. So when are you given your goals?
 20 A. Goals are given in the beginning.
 21 Q. Beginning of the year?
 22 A. Of the period, yeah.
 23 Q. So on a quarterly base or for the
 24 year?
 25 A. The year.

1 C. Tsachas
 2 Q. So at the beginning of the year or
 3 whenever the fiscal year starts for the NYPD,
 4 you're given goals from the chief of transit?
 5 A. By the borough.
 6 Q. So an inspector?
 7 A. Yeah.
 8 Q. So the inspector gives you your
 9 goals, do you remember what your goals were
 10 for District 34?
 11 A. Back then, probably
 12 sleeping-passenger crime, after service
 13 always is something, grand larcenies, school
 14 conditions. Those are specifically 34.
 15 Q. And how do the chief or the
 16 inspector determine what the conditions are
 17 going to be?
 18 A. From experience.
 19 Q. So do they rely on someone like you,
 20 you said earlier, basically compiling
 21 statistics?
 22 A. From statistics, from their
 23 experience, from speaking to commanding
 24 officers, prior, present.
 25 Q. So then you're given the goals and



1 C. Tsachas
 2 then you're evaluated based on how you
 3 perform by some of those goals?
 4 A. Yeah, those goals and overall
 5 performance.
 6 Q. Are you given a score, like,
 7 performance evaluation?
 8 A. Yes, usually goes from 1 to 5.
 9 Q. What were your evaluations like?
 10 A. Quite a few fives, maybe a four.
 11 They're pretty good. They're good.
 12 Q. Are they based out of the same
 13 grading structure as a police officer
 14 evaluation, such as a 3.5 is average?
 15 A. Just whole numbers pretty much,
 16 yeah.
 17 Q. Have you ever received a bad
 18 performance evaluation?
 19 A. No. Never.
 20 Q. And then do you have a meeting with
 21 the inspector to go over the evaluation?
 22 A. Yeah.
 23 Q. So do you have to go to COMPStat
 24 meetings as a commanding officer?
 25 A. Yes.

1 C. Tsachas
 2 Q. And what does that entail?
 3 A. When they call COMPStat, they pick a
 4 borough, either Brooklyn South or Brooklyn
 5 North, if you're covering part of that
 6 borough then you also attend.
 7 Q. So Transit would be unique and it'll
 8 be part of Brooklyn North and South?
 9 A. District 34 was just the South.
 10 District 32 is North and South.
 11 Q. So you go to these meetings?
 12 A. Yes.
 13 Q. Do you have to present?
 14 A. Not always, no. It depends if they
 15 want to speak to you.
 16 Q. Have you ever spoken to at COMPStat?
 17 A. Yes.
 18 Q. And what about?
 19 A. About crime conditions, about
 20 debriefing prisoners that they get arrested,
 21 about deployment, crimes against sleeping
 22 passengers. I also went there to represent
 23 the borough. After I transferred from
 24 District 32, I spoke about the borough
 25 overall. Some of the borough, its

1 C. Tsachas
 2 conditions, accomplishments.
 3 Q. So when you go there and they talk
 4 to you about conditions, how does that go,
 5 like, what happens?
 6 A. They put up maps. They show you
 7 where the crimes are, when the crimes are
 8 happening and, basically, what you're doing
 9 about it. That's the overall thing with
 10 COMPStat.
 11 Q. So it's basically statistical
 12 analysis?
 13 A. Yes, index crimes usually.
 14 Q. What are index crimes, just for the
 15 record?
 16 A. Murder, rape, robbery, felony
 17 assault, grand larceny, burglary.
 18 Q. So who's your number two, that was
 19 the admin lieutenant?
 20 A. It's supposed to be an executive
 21 officer if you have one.
 22 Q. Did you have one in 34?
 23 A. Here and there.
 24 Q. In 32 did you have one? I know
 25 we're jumping around a bit but that's why

1 C. Tsachas
 2 we're here.
 3 A. Here and there. I had mostly in 32.
 4 I would say most of the time over there, yes.
 5 34, most of the time, no.
 6 Q. So back to the Omega booth, so how
 7 does the Omega booth work exactly? Does the
 8 officer have to ask you for overtime or how
 9 is it assigned?
 10 A. He gets assigned by the admin staff,
 11 it gets rotated and it might be a post-tour
 12 or pre-tour or on a day off.
 13 Q. What do you have to do in order to
 14 get paid for overtime as an officer?
 15 A. Perform the function at the Omega
 16 booth and put in an overtime slip.
 17 Q. So the overtime slip will contain
 18 what?
 19 A. Your name, your information, the
 20 time you worked, the time you're supposed to
 21 work.
 22 Q. Now, is there a specific code that
 23 an officer has to put in in order to get
 24 overtime?
 25 A. It depends on what function he's



1 C. Tsachas
 2 doing.
 3 Q. Would he have to put in a specific
 4 code for the federal overtime?
 5 A. For the Omega, there's a code, yeah.
 6 Q. Now, is that paid separately from
 7 federal money?
 8 A. Where the money comes from, I don't
 9 know. They say it's federal money. Does
 10 that federal money go into the bank accounts
 11 of the NYPD and it's all pooled together? I
 12 don't know.
 13 Q. So the Omega booth is for basically
 14 a federal overtime post?
 15 A. Supposed to be, yeah.
 16 Q. "Supposed to be," meaning, sometimes
 17 it's not?
 18 A. Yeah, it's federal. As far as I
 19 know, it's federal.
 20 Q. So how does regular NYPD overtime
 21 work? Is there also classifications of
 22 overtime for officers?
 23 A. Yes. Arrest overtime, there is
 24 operational overtime. There's detail
 25 overtime because of an event.

1 C. Tsachas
 2 Q. Now, do you have to put in a code
 3 for each one of these?
 4 A. Each one has its own code, yeah.
 5 Q. So, like, for instance, if you're
 6 waiting to be relieved face to face, would
 7 there be a specific code for that?
 8 A. Yeah, there's a code for that.
 9 Q. Or arrests?
 10 A. Arrests is a code, yeah.
 11 Q. Same with, like, parades or
 12 specialized details?
 13 A. Yeah, they all have codes.
 14 Q. And that would be different from the
 15 federal code, correct?
 16 A. Absolutely, yeah.
 17 Q. So for the Omega booth say at York
 18 Street or Clarke Street, that's a federal
 19 post with federal money paying for it?
 20 A. Yes.
 21 Q. So theoretically, any time a officer
 22 works the Omega booth, he should get federal
 23 overtime?
 24 A. He gets paid overtime, yes.
 25 Supposedly coming from the federal

1 C. Tsachas
 2 government.
 3 Q. When did you change the Omega booth
 4 in York Street from a federal overtime post
 5 to a regular post?
 6 A. If it's on a straight time, you
 7 don't get paid overtime.
 8 Q. Even though it's marked money from
 9 the federal government?
 10 A. Yeah.
 11 Q. So the days that someone was working
 12 the Omega booth during the regular tour, for
 13 that period of time, no other officer was
 14 receiving federal overtime money for that?
 15 A. Unless they work in another booth.
 16 Q. But they're only on the Omega booth?
 17 A. On the Omega booth.
 18 Q. So there is no officers out there
 19 with memo books showing arrests but using the
 20 code for the Omega booth for the federal
 21 overtime money?
 22 A. Should be an arrest code.
 23 Q. But not the federal overtime code?
 24 A. No, should be an arrest code.
 25 Q. When did you change that in York

1 C. Tsachas
 2 Street from the federal overtime for a
 3 regular assignment for police officers during
 4 their regular tour?
 5 A. York Street is covered by 34. After
 6 Hurricane Sandy, everything was straight
 7 time.
 8 Q. So after Hurricane Sandy, there is
 9 no officers receiving federal overtime using
 10 the federal overtime code that weren't
 11 working the Omega booth?
 12 A. As long as that post is covered with
 13 straight time or overtime. If it's overtime,
 14 it's the Omega code. If I use the overtime,
 15 and we use it for something else, the post is
 16 covered.
 17 Q. They wouldn't put in the Omega code
 18 unless they're working the Omega booth,
 19 correct?
 20 A. That's the way it's supposed to be.
 21 Q. So in some ways, it's not that?
 22 A. In some ways.
 23 Q. That's the way it's supposed to be?
 24 A. Yeah.
 25 Q. So on some occasions were officers



1 C. Tsachas
 2 using the federal Omega booth code while not
 3 working --
 4 A. Maybe I redeployed and I saw there
 5 was a straight time post there and they use
 6 it for crime conditions, yeah.
 7 Q. You were using the federal money but
 8 not on the Omega booth; is that correct?
 9 A. If that's what I did, yeah. I guess
 10 you have it.
 11 Q. Would that be fraud?
 12 A. No, I have the post covered.
 13 Q. No, no, no. Using federal money for
 14 overtime for a designated Omega booth for
 15 officers not working the Omega booth and
 16 getting that overtime, would you consider
 17 that fraud?
 18 MR. RUBINSTEIN: Objection.
 19 You can answer.
 20 A. Fraud's stealing. No, I'm not
 21 stealing. No.
 22 Q. But you're misappropriating the
 23 funds, are you not?
 24 MR. RUBINSTEIN: Objection.
 25 A. I have the post covered.

1 C. Tsachas
 2 Q. You have the post covered?
 3 A. Uh-huh.
 4 Q. Let's just back up. This is a
 5 federal overtime post, the Omega booth?
 6 A. Uh-huh.
 7 Q. To be paid out of federal dollars
 8 using a federal overtime code to work that
 9 booth?
 10 A. Okay.
 11 Q. So if an officer is working that
 12 booth but using that federal code but not
 13 working the booth, isn't that fraud?
 14 A. If I did, I did. No. I did it for
 15 the benefit for the department.
 16 Q. So you committed fraud for the
 17 benefit of the department?
 18 MR. RUBINSTEIN: Objection.
 19 A. No, I didn't commit fraud.
 20 Q. When did you change the Omega booth
 21 in Clark Street from a federal overtime post
 22 to a regular post?
 23 A. I don't know when.
 24 Q. So when an officer's assigned to
 25 Clark Street, theoretically, they should be

1 C. Tsachas
 2 getting overtime?
 3 A. Theoretically.
 4 Q. Exhibit A. Actually, let's do this
 5 one.
 6 (Whereupon, NYPD Overtime
 7 Report was marked as Exhibit TC A for
 8 Identification.)
 9 (Whereupon, Monthly Conditions
 10 and Impact Measurement Report was
 11 marked as Exhibit TC B for
 12 Identification.)
 13 Q. So for Exhibit A, this is an NYPD
 14 overtime report. Now, if you look on the
 15 middle right here, it says "reason code?"
 16 A. Yeah.
 17 Q. What is that?
 18 A. That's the overtime code depending
 19 on what overtime you performed.
 20 Q. So some examples, the first one is
 21 "0940," which is safe passage?
 22 A. Okay.
 23 Q. What is that?
 24 A. Safe passage is what we use for
 25 school dismissal.

1 C. Tsachas
 2 Q. Okay. Just running through here.
 3 None of these are really pertinent but for
 4 for example, "0010" is labeled arrest?
 5 A. Arrest overtime, yeah.
 6 Q. So that would be you make an arrest
 7 and then you put in the overtime, that's the
 8 reason?
 9 A. If you stayed beyond your tour,
 10 yeah.
 11 Q. And it's the same for say Coney
 12 Island which is like about halfway down,
 13 about right here, right about there somewhere
 14 or a little bit lower. "Coney Island."
 15 So what's the Coney Island code?
 16 A. If there is a detail at Coney
 17 Island, July 4th, Labor Day, Memorial Day.
 18 Q. What's ordered overtime?
 19 A. Ordered overtime is -- I wish I knew
 20 what event happened at the time.
 21 Q. This is just hypothetical. These
 22 are just for example.
 23 A. "323," is that the back screening?
 24 Q. Where? I just got this on Sunday so
 25 I'm not really sure.



1 C. Tsachas
 2 A. Yeah, I can't tell you for sure. I
 3 don't know all the codes.
 4 Q. So, basically, there is a reason
 5 code and an authorization code, what's the
 6 difference between the two?
 7 A. That's how the department tracks the
 8 overtime. I don't know why they need both
 9 but they have both.
 10 Q. So the authorization codes, does it
 11 have to be approved by someone?
 12 A. All overtime slips get signed and if
 13 you're doing a detail, it gets approved
 14 beforehand.
 15 Q. By the commanding officer?
 16 A. Unless it's something that's on
 17 patrol, it's a late job or something then
 18 there is no approval, it just happens, but
 19 every detail and everything is planned
 20 beforehand.
 21 Q. And it's approved by the commanding
 22 officer?
 23 A. It depends. Usually it's a detail,
 24 listen, I need ten people on overtime, I need
 25 ten people, okay.

1 C. Tsachas
 2 Q. So the federal code for the Omega
 3 booth would be some specific code, correct?
 4 A. Yeah.
 5 Q. Okay. Here's Exhibit B. So this is
 6 Plaintiff Police Officer Edreweene Raymond's
 7 Monthly Conditions and Impact Measurement
 8 Report for September 2015. So just a couple
 9 of things here. So, essentially, on the left
 10 this says "assignments?"
 11 A. Uh-huh.
 12 Q. Is that basically where he was
 13 stationed?
 14 A. Yeah.
 15 Q. And then right here, that says
 16 "overtime hours?"
 17 A. At the end?
 18 Q. Right here.
 19 A. Okay.
 20 Q. So if you go down, for instance, on
 21 the sixth, Police Officer Raymond worked
 22 Coney Island and received ten hours of
 23 overtime.
 24 A. Okay.
 25 Q. So he would put in a code for that,

1 C. Tsachas
 2 correct?
 3 A. That's what he did.
 4 Q. So notice number two, he works Clark
 5 Street Omega booth, there is no overtime
 6 payment there, how can you explain that?
 7 A. What do you mean?
 8 Q. Right here on number two, the second
 9 day of September 2015, Police Officer Raymond
 10 worked the Clark Street Omega booth.
 11 A. Why? I don't know why.
 12 Q. No, no, no, not why. So here, there
 13 is overtime hours but none listed so he
 14 didn't receive overtime for that?
 15 A. He didn't receive overtime I guess.
 16 Q. But it's marked for federal overtime
 17 money?
 18 A. If you worked beyond your tour.
 19 Q. So you have to work over a certain
 20 amount of hours to get overtime?
 21 A. Yeah.
 22 Q. Even though it's an earmarked
 23 overtime post?
 24 A. There's no overtime for free. You
 25 have to work beyond your tour.

1 C. Tsachas
 2 Q. But that money is paid by the
 3 federal government, correct?
 4 A. As far as I know, yes.
 5 Q. And it's overtime for NYPD officers,
 6 correct?
 7 A. Uh-huh.
 8 Q. But Edreweene Raymond worked there
 9 on the 2nd?
 10 A. He didn't get it.
 11 Q. Let's go down September 8th, 2015,
 12 the Clark street Omega booth.
 13 A. September 8th.
 14 Q. Right there. So, essentially, here
 15 it says that Police Officer Raymond received
 16 one hour and 40 minutes of overtime, correct?
 17 A. That's what it says, yep.
 18 Q. And this would be probably because
 19 of face-to-face relief, correct?
 20 A. Probably.
 21 Q. So he wouldn't have used the federal
 22 overtime code?
 23 A. No, that's it.
 24 Q. Can we agree that if an officer is
 25 putting the wrong code -- strike that.



1 C. Tsachas
 2 Can we agree that if an officer is
 3 putting in a code for overtime, it should
 4 reflect what he's actually doing on the tour?
 5 A. Yeah.
 6 Q. So in your experience, have officers
 7 ever used Omega booth overtime money from the
 8 federal government to not work the Omega
 9 booth?
 10 A. When I put on straight time.
 11 Q. So, for instance, during the times
 12 that Police Officer Raymond was working the
 13 Clark Street Omega booth, no other officer
 14 during that tour was receiving federal
 15 overtime money?
 16 A. Well, there is other booths also.
 17 Q. So during the time that Police
 18 Officer Raymond was working the Clark Street
 19 Omega booth, there is no other police officer
 20 in your command earning overtime for the
 21 Clark Street Omega booth?
 22 A. I'll have to see.
 23 Q. So maybe?
 24 A. Maybe.
 25 Q. Now, you said that Clark Street was

1 C. Tsachas
 2 assigned randomly, correct?
 3 MR. RUBINSTEIN: Objection.
 4 Was that your testimony?
 5 A. Clark Street -- overall, Omega
 6 booths, they alternate people.
 7 Q. So 12 times to be stationed in the
 8 Omega booth in a month would be high,
 9 correct?
 10 A. Very high.
 11 Q. And just to be clear, the federal
 12 overtime code would be reflected in the
 13 overtime slips of the police officers?
 14 A. Yeah.
 15 Q. When did you first become aware that
 16 police officers were using this federal
 17 overtime code but not actually working the
 18 Omega booth?
 19 A. Depends if I sign them for the
 20 benefit of the department. If I have someone
 21 on straight time, for the benefit of the
 22 department, I have another body on patrol.
 23 Q. So you felt, as a commanding
 24 officer, you could use this earmarked to
 25 effectuate --

1 C. Tsachas
 2 A. Maybe here and there I did it, yeah.
 3 Q. Is that common?
 4 A. Well, I have no idea.
 5 Q. Were you ever told that you could do
 6 that?
 7 A. No.
 8 Q. So you just did it on your own?
 9 A. On my own.
 10 Q. Did you tell police officers to use
 11 that Omega booth code when they were not in
 12 the Omega booth when you made these
 13 decisions?
 14 A. If the code is there, they must have
 15 gotten word somehow.
 16 Q. And that would be reflected in all
 17 these records?
 18 A. Yeah.
 19 Q. We'll call for production of all the
 20 overtime slips, NYPD overtime reports for at
 21 a minimum of September 2015 and probably more
 22 but I'll follow-up in writing.
 23 So asking you as a seasoned police
 24 officer, if a police officer is getting money
 25 from the federal government to work an

1 C. Tsachas
 2 overtime post but is not working that post
 3 but putting in a code as if they were working
 4 that post, is that fraud?
 5 A. If I did it, I'll take
 6 responsibility. No. I did it for the
 7 benefit of the department. I got that post
 8 covered.
 9 Q. That's not my question. Is that
 10 fraud?
 11 A. No, it's not fraud.
 12 Q. How is it not fraud?
 13 A. Not fraud. I'm not stealing
 14 anything.
 15 Q. You're stealing money from the
 16 federal government.
 17 A. No, I'm not stealing money.
 18 Q. Can you elaborate on the
 19 distinction?
 20 A. Are we going to debate if it's fraud
 21 or not? I guess somebody else will make that
 22 determination. I did it for the benefit of
 23 the department and it worked out well.
 24 Q. Were you ever censured for that or
 25 punished?



1 C. Tsachas
 2 A. No.
 3 Q. Does anybody know that you're doing
 4 that?
 5 A. I have no idea. I don't know.
 6 Q. As far as you know --
 7 A. I did it on my own.
 8 Q. As far as you know, are other --
 9 A. I had them on straight time and I
 10 don't waste the money so I put people on
 11 patrol which benefited the police department
 12 and the people of New York.
 13 Q. So it's your testimony that it's not
 14 fraud?
 15 A. No.
 16 Q. So back to 34, so did you ever have
 17 any issues when it came to police officers in
 18 34?
 19 A. Yeah, I had some issues. Yes.
 20 Q. What were those?
 21 MR. RUBINSTEIN: Objection.
 22 It's vague but I guess you can
 23 answer.
 24 A. I had people who were low performers
 25 who failed to take the responsibilities of a

1 C. Tsachas
 2 New York City police officer.
 3 Q. What responsibilities are those?
 4 A. To be observant, address conditions,
 5 theft of services, crimes.
 6 Q. When you say "conditions," you mean
 7 effectuate arrests and summonses, right?
 8 A. Yeah, enforcement.
 9 Q. So "conditions" means enforcement?
 10 A. Conditions is the problem.
 11 Enforcement is what you do to correct the
 12 problem.
 13 Q. But if you're not -- okay. Strike
 14 that.
 15 So "conditions" would be what, theft
 16 of service?
 17 A. That's one of the conditions in
 18 transit, yes.
 19 Q. Why don't you just elaborate a
 20 little bit about "conditions" a little bit in
 21 the enforcement? It's a vague question.
 22 A. We have problems, violations, crimes
 23 in the transit system that we need to
 24 address. These are common problems ongoing.
 25 Theft of service is ongoing.

1 C. Tsachas
 2 Q. So if you fail to address your
 3 condition, that means you're failing to
 4 enforce?
 5 A. Failure and not wanting to. They
 6 don't want to.
 7 Q. How do you know that?
 8 A. Because I sat down with them, I
 9 spoke to them. No interest.
 10 Q. "No interest" meaning they didn't
 11 have any arrests or summonses at all?
 12 A. I don't know if they had any, a
 13 little bit but compared to what I see out
 14 there on patrol and when I look at what
 15 everybody else is doing, they're working the
 16 same locations, same times. They don't want
 17 to do anything.
 18 Q. So it's primarily based on their
 19 enforcement essentially?
 20 A. Yeah, enforcement, that's a big part
 21 of it. Yeah.
 22 Q. Back to the Omega booth for a
 23 second. When you gave that federal overtime
 24 to officers that weren't working the Omega
 25 booth, how did you determine what officers

1 C. Tsachas
 2 got that federal overtime money?
 3 A. How?
 4 Q. Yeah.
 5 A. Just people I trusted probably.
 6 Q. What do you mean by "trusted?"
 7 A. People who work. They fulfill the
 8 responsibility of a New York City police
 9 officer. They're out there, observant,
 10 working.
 11 Q. Do you have any examples of officers
 12 that you trusted?
 13 A. There's a lot of them I did, yeah.
 14 Q. But those are the ones that you
 15 would give the federal overtime money to for
 16 not working the Omega booth?
 17 A. I don't know specifically if it was,
 18 you know, who exactly. I would have to look
 19 at records.
 20 Q. Back up a second. By "trust," what
 21 do you mean by "trust?"
 22 A. People I know who are out there who
 23 perform their functions properly.
 24 Q. Meaning getting enforcement?
 25 A. Getting enforcement, out there on



1 C. Tsachas
 2 patrol, observant. We also warn and
 3 admonish.
 4 Q. What do you mean by "warn and
 5 admonish?"
 6 A. We might see a violation and a
 7 person might have a good excuse for it.
 8 Q. You're talking about the police
 9 officer themselves?
 10 A. Yes.
 11 Q. So the people you trust are the
 12 people that --
 13 A. All performers.
 14 Q. Let me finish my question for the
 15 record.
 16 A. Go ahead.
 17 Q. You're good.
 18 A. Trust maybe is not the best word,
 19 it's people who performed their duties and
 20 responsibilities well.
 21 Q. Determined by you essentially,
 22 right?
 23 A. Determined by me and their
 24 supervisors.
 25 Q. Now, who picked the conditions in

1 C. Tsachas
 2 A. He worked in District 34, right, at
 3 that time?
 4 Q. Yes. Do you remember his race?
 5 A. Male, Hispanic.
 6 Q. When did you first meet him?
 7 A. When I first got there. Daniel
 8 Perez, yeah, he's an officer of District 34.
 9 Okay.
 10 Q. So in paragraph 11, he's talking
 11 about the Omega booth. It says "Rather than
 12 work the Omega booth, which was an overtime
 13 post in Transit District 34, which would give
 14 me eight hours of overtime per tour, he would
 15 assign me to school detail which allowed me
 16 only one hour of overtime." So why would the
 17 school detail give you less overtime than say
 18 the Omega booth?
 19 A. The school detail is the second
 20 platoon, you worked a little bit afterwards
 21 for school dismissal and third platoon came a
 22 little bit early.
 23 Q. So the eight hours of overtime that
 24 he's referencing in the Omega booth, this was
 25 prior to you switching that from an overtime

1 C. Tsachas
 2 34? Did you?
 3 A. Some have always been there and some
 4 pop up, all of a sudden you might get
 5 robberies at a certain location and grand
 6 larcenies in another location. There is some
 7 that come and go and some that are always
 8 there.
 9 Q. You always received good performance
 10 evaluations in 34?
 11 A. Yeah.
 12 Q. Were you ever investigated as the
 13 commanding officer of 34 that you know of?
 14 A. I have a feeling of it, yeah.
 15 Q. Were you ever contacted?
 16 A. In 34, I don't believe so unless I
 17 forgot something but not in my head, no.
 18 Q. As far as I know, you weren't but I
 19 was asking if maybe you were.
 20 A. No.
 21 (Whereupon, Declaration of
 22 Daniel Perez was marked as Exhibit TC
 23 C for Identification.)
 24 Q. So this is the Declaration of Daniel
 25 Perez, do you know who Daniel Perez is?

1 C. Tsachas
 2 post to a straight post?
 3 A. He's not guaranteed eight hours of
 4 Omega booth.
 5 Q. How many hours do you normally get?
 6 A. He's not guaranteed Omega booth. I
 7 don't understand what he's saying here. It's
 8 an easy department. That's it.
 9 Q. So when you judged police officers
 10 based on their activities compared to their
 11 peers, how does that work?
 12 A. Take a look at the average, I see
 13 what's going on during the platoon, and from
 14 there.
 15 Q. Is it proper to judge police
 16 officers based on their activity?
 17 A. It's part of it. We're police
 18 officers, we make arrests and enforce the
 19 laws. It's a big part of it.
 20 Q. But isn't it taught in the academy
 21 that activity shouldn't factor into how a
 22 police officer's judged?
 23 A. I don't remember that in the
 24 academy. 1993.
 25 Q. So it's your testimony that activity



1 C. Tsachas
 2 is how police officers are judged?
 3 A. It appears to be something new now.
 4 Q. When did that change?
 5 A. When did it change? It's something
 6 recent. They talk about new mindset but,
 7 listen, I went to the academy, this wasn't
 8 mentioned, we worked, I became commanding
 9 officers and my job is to enforce the laws
 10 and correct conditions. That's it.
 11 Q. What's the new mindset that you
 12 speak of?
 13 A. The only thing in transit is they
 14 wanted more on the trains basically.
 15 Q. Is that because most crime happens
 16 on the trains?
 17 A. Most crime is on the train but it's
 18 very hard to get.
 19 Q. Why is it hard to get?
 20 A. You have to be on the train, at the
 21 right car. There's five cars going on the
 22 line this way, five cars going the other way
 23 and then you have ten cars on each train.
 24 Very difficult.
 25 Q. So you're most likely to get

1 C. Tsachas
 2 activity, like, in the mezzanines
 3 essentially?
 4 A. To address theft of services, yes
 5 and you, also in the mezzanines and in the
 6 platform, you see a commotion and you go to
 7 that commotion and that's where you get your
 8 robbery arrests, your grand larceny arrests.
 9 Q. What's the difference between soft
 10 targets and hard targets?
 11 A. I would say -- a soft target and a
 12 hard target -- I don't know.
 13 Q. Number 12, "Tsachas did this despite
 14 my arrest numbers being on par with the rest
 15 of my district. Tsachas was still not happy
 16 with me though as I was, in his opinion,
 17 stopping too many soft targets. This means I
 18 was stopping too many White and Asian people
 19 and not enough hard targets meaning Black and
 20 Hispanic civilians."
 21 Why would a White or Asian person be
 22 considered a soft target?
 23 MR. RUBINSTEIN: Objection.
 24 THE WITNESS: Did I say this?
 25 I don't know if I said this.

1 C. Tsachas
 2 Q. Did you say this?
 3 A. I don't remember. No. Too long
 4 ago.
 5 Q. Have you ever said something like
 6 this?
 7 A. I said something with talking with
 8 Raymond on Asians.
 9 Q. Would you consider White or Asian
 10 people soft targets?
 11 MR. RUBINSTEIN: Objection.
 12 A. Anybody who commits crimes.
 13 Q. What's the difference between a hard
 14 target and soft target?
 15 A. I don't know.
 16 Q. Are Black and Hispanics considered
 17 hard targets because they're more likely to
 18 have an outstanding warrant?
 19 MR. RUBINSTEIN: Objection.
 20 Ask and answered -- strike that.
 21 Objection.
 22 A. If they have more warrants, you can
 23 check that.
 24 Q. Number 13, "Tsachas would say that
 25 the Black and Hispanics civilians are career

1 C. Tsachas
 2 criminals. He would say, "How come you're
 3 not targeting Spanish people? You are
 4 stopping too many Russian and Chinese."
 5 Do you remember saying that?
 6 A. Don't remember saying it.
 7 Q. So you may have said it?
 8 A. Don't remember. Why would I? I
 9 don't know.
 10 Q. I don't know why you would, did you?
 11 A. I know I spoke to Birch once on
 12 females.
 13 Q. But you wouldn't say -- but you
 14 don't classify black people --
 15 A. Russians, Chinese.
 16 Q. Number 14, "When I responded that I
 17 only stopped people who were doing something
 18 illegal, Tsachas ordered me to "stop Black
 19 and Hispanic with tattoos. Tattoos equal
 20 career criminals."
 21 Did you say that?
 22 A. Don't recall.
 23 Q. But you may have?
 24 A. It just sounds like I wouldn't say
 25 it.



1 C. Tsachas
 2 Q. It sounds like you wouldn't?
 3 A. No. Tattoos and crime? Stop
 4 somebody for a tattoo, that sounds
 5 ridiculous.
 6 Q. Okay, excellent. All right. Next
 7 exhibit, D.
 8 A. I don't remember arguing with him
 9 about this. I thought we got along.
 10 (Whereupon, Declaration of
 11 Felix Benitez was marked as Exhibit
 12 TC D for Identification.)
 13 Q. For the record though, you said you
 14 don't remember or you do remember arguing?
 15 A. I don't remember. I thought I got
 16 along with him, Daniel Perez.
 17 Q. Do you think you don't get along
 18 with him now?
 19 A. He's not working with the department
 20 anymore. There is no reason to get along
 21 with him or not to get along with him.
 22 Q. Did you find him to be truthful in
 23 dealings with him?
 24 A. I only know him as a police officer.
 25 I never had a problem.

1 C. Tsachas
 2 Q. Back to the exhibit before though,
 3 number 19.
 4 A. Back to Daniel?
 5 MR. RUBINSTEIN: Back to
 6 Exhibit C.
 7 Q. Yeah, back to Exhibit C. Number 19,
 8 "My dislike of Tsachas was directly related
 9 to how he treated people. He treated
 10 minority officers as if they were from a
 11 third world country; often talking down to
 12 them."
 13 Is that how you act?
 14 A. Absolutely not. You should go speak
 15 to some minority people in 34.
 16 Q. We are. Who is Felix Benitez?
 17 A. Felix Benitez, he also retired I
 18 remember.
 19 Q. Was he a cop in 34?
 20 A. A cop in 34, yeah.
 21 Q. What was his race?
 22 A. Male, Hispanic.
 23 Q. Do you have one of these?
 24 MR. RUBINSTEIN: Yeah. I have
 25 Benitez, yes.

1 C. Tsachas
 2 Q. Actually, I think one of these is
 3 the original. I think I might have given you
 4 the original by accident. Maybe this is the
 5 original. Is there a quota in the NYPD?
 6 A. No.
 7 Q. So number 4, "After Constantin
 8 Tsachas arrived as the commanding officer of
 9 Transit District 34 the emphasis on the
 10 arrest quota increased dramatically."
 11 Is that the case?
 12 A. No.
 13 Q. Number five, "While I was assigned
 14 to Transit District 34 an arrest quota was
 15 pressured on the officers of the command. I
 16 was told by the Platoon Commander Lieutenant
 17 Campos, one of Tsachas' minions, that I
 18 needed to write 10 summonses and have one
 19 arrest per month."
 20 Is that true?
 21 A. I don't know what Campos told him
 22 but I never gave numbers out.
 23 Q. So you never gave numbers?
 24 A. No.
 25 Q. "Following this discussion with

1 C. Tsachas
 2 Lieutenant Campos, he was pressuring me to
 3 meet the arrest quota. As a result, I tried
 4 to speak to the Integrity Control Officer,
 5 now Lieutenant, now Captain, Kalinas, and was
 6 told he cannot do anything as these were
 7 Tsachas orders."
 8 Who is Lieutenant or now Captain
 9 Kalinas?
 10 A. That's probably Klein.
 11 MR. RUBINSTEIN: I'm sorry.
 12 THE WITNESS: That's probably
 13 Captain Klein.
 14 Q. Klein?
 15 A. Yeah.
 16 Q. How do you spell that? K-L-I-E-N?
 17 A. Yeah, K-L-I-E-N.
 18 Q. And he was the one you gave these
 19 orders to?
 20 A. I didn't give any of these orders.
 21 He was integrity control officer.
 22 Q. So what's the integrity control
 23 officer's role in the department or the
 24 precinct?
 25 A. His role is to make sure everybody's



1 C. Tsachas
 2 doing what they're supposed to be. He
 3 doesn't walk around in uniform. He takes
 4 care of the command, disciplines.
 5 Q. Now, would you communicate directly
 6 with the ICO?
 7 A. Yeah, he works under me.
 8 Q. So it's your testimony that you
 9 didn't give these orders regarding the arrest
 10 quota?
 11 A. Nope. No quotas.
 12 Q. Number 7, "In 2012, Hurricane Sandy
 13 hit the people of Transit District 34
 14 particularly hard."
 15 I'm just going to read 8 and 9.
 16 "Following the hurricane, officers were
 17 instrumental in helping the community. This
 18 angered Tsachas as officers were not writing
 19 summonses and making arrests during this time
 20 as they were helping victims of the
 21 hurricane. Tsachas had our immediate
 22 supervisors yell at us that they wanted their
 23 numbers up to the pre-hurricane level. We
 24 want more arrests and we don't care how you
 25 get them."

1 C. Tsachas
 2 Did you ever say that?
 3 A. I don't remember saying it. Can you
 4 explain how he was helping the community?
 5 Because I'm curious.
 6 Q. No, I don't believe that he did.
 7 Maybe at trial.
 8 Okay. So we already established
 9 that police officers are judged based on
 10 their enforcement amongst other things?
 11 A. That's part of it, yeah.
 12 Q. Are commanding officers judged on
 13 their enforcement as well?
 14 A. Primarily to keep crime under
 15 control.
 16 Q. "Under control" meaning what?
 17 A. Hopefully every year crime goes
 18 down. That's the goal.
 19 Q. Is that practical? At some point
 20 there would just be no crime essentially,
 21 correct?
 22 MR. RUBINSTEIN: Objection.
 23 You can answer.
 24 Q. Is it practical for your crime to go
 25 down every year?

1 C. Tsachas
 2 A. We would like that to happen. It
 3 doesn't always happen.
 4 Q. Has that always happened for you?
 5 A. No, not always.
 6 Q. When did it not?
 7 A. I have to look at the years. There
 8 was some years it was up and some down.
 9 Q. Did you ever receive worse
 10 performance evaluations when the crime was
 11 down?
 12 A. No. I put my effort. When the
 13 crime goes up and down, the effort's there.
 14 Q. Okay. So after the hurricane, the
 15 statistics in the District, would they have
 16 went down?
 17 A. There was no trains for a few days.
 18 Nothing was running so nothing happened.
 19 Q. So is the statistical analysis of a
 20 commanding officer based on the number of
 21 crimes, the number of arrests or how does it
 22 work?
 23 A. Say it again.
 24 Q. The statistical analysis of the
 25 performance of a commanding officers, is it

1 C. Tsachas
 2 judged based on the number of arrests?
 3 A. No. Primarily it's crime.
 4 Q. What do you mean by "crime?"
 5 A. Our goal is to keep crime down. To
 6 deploy properly, watch our budgets and if you
 7 see things that are happening in the command
 8 because of lack of supervision, it's my
 9 responsibility also. It's a lot of things.
 10 Q. So by "crime" you mean like the
 11 statistical occurrences of crime?
 12 A. Yeah.
 13 Q. So if you had six murders the year
 14 before and next year you had four, you're
 15 doing better?
 16 A. Murders is a bad example.
 17 Q. So robberies say, you have ten
 18 robberies in 2015, in 2016 you have five,
 19 you're doing better?
 20 A. Yeah, because it's lower. Yeah.
 21 Q. In the eyes of the department?
 22 A. Yeah, that's a good goal to reach.
 23 Absolutely.
 24 Q. Number 11, "I would be assigned to
 25 patrol but would be ordered to transport



1 C. Tsachas
 2 prisoners to central booking, placed on
 3 hospital detail and other assignments which
 4 made it virtually impossible to meet Tsachas'
 5 arrest quota."
 6 So you said there's no quota so for
 7 this one we'll make Tsachas' arrest quota
 8 activity.
 9 "I would be assigned to Patrol but
 10 would be ordered to transport prisoners to
 11 central booking, placed on hospital detail
 12 and other assignments which made it virtually
 13 impossible to get activity."
 14 Is that correct?
 15 A. He didn't go to hospitals everyday.
 16 I'm pretty sure.
 17 Q. But would those assignments make it
 18 harder to get activity?
 19 A. For that moment.
 20 Q. For that moment but then you would
 21 make up that time when you're on patrol?
 22 A. Back on patrol and these assignments
 23 get by a supervisor or patrol at the time, he
 24 assigns these things. They don't come to me
 25 and say who should transport the prisoner,

1 C. Tsachas
 2 no.
 3 Q. You only did that for Raymond,
 4 correct?
 5 MR. RUBINSTEIN: Objection.
 6 MR. SCOLA: Well, he testified
 7 that earlier.
 8 A. Raymond didn't transport any
 9 prisoners that I know of.
 10 Q. So basically, hospital details and
 11 prison transports, while doing those specific
 12 assignments, an officer wouldn't be able to
 13 get activity?
 14 A. No, it's very different.
 15 Q. But he will still be judged against
 16 his peers who were out on patrol?
 17 A. It's a moment in time.
 18 Q. So each moment --
 19 A. There is 30 days in a month, there
 20 is 365 days in a year, a transport to the
 21 hospital here and there is not going to have
 22 a negative effect on anybody.
 23 Q. But if they received these
 24 assignments --
 25 A. If he did it every single day or put

1 C. Tsachas
 2 it on his sheet, hospitalized prisoner,
 3 hospitalized prisoner, hospitalized prisoner,
 4 then okay, no problem.
 5 Q. That would have a negative impact?
 6 A. No, not at all because I would see
 7 where his assignment is.
 8 Q. So for instance, it will say because
 9 you were assigned to prisoner transports
 10 15 days out of the month, your activity
 11 compared to your peers is lower but it's
 12 understandable?
 13 A. It doesn't come to mind. You say on
 14 occasion for two weeks, hospitalized prisoner
 15 for two weeks, yeah, that's it. Done.
 16 Q. Number 19, "I was also issued bogus
 17 command disciplines as a result of not
 18 meeting the arrest quota in a way that White
 19 officers were not."
 20 Did you ever do that?
 21 A. I don't know what he's talking
 22 about. I don't know what "bogus command
 23 discipline" is. If you have evidence of it,
 24 sure.
 25 Q. So the patrol guide is voluminous

1 C. Tsachas
 2 to say the least, correct?
 3 A. It's a guide.
 4 Q. So theoretically any officer at any
 5 point can be guilty of a command discipline,
 6 correct?
 7 A. No. I mean, they're doing the job,
 8 no.
 9 Q. So it's your testimony that the
 10 patrol guide is applied evenly to every
 11 officer?
 12 A. Yeah.
 13 Q. "On one occasion in 2013, I was
 14 issued a command discipline for not having a
 15 Spanish insert of Miranda rights which
 16 officers are supposed to carry. By the way
 17 of background, a Spanish insert of the
 18 Miranda rights are given to officers so
 19 officers can inform people they arrest who do
 20 not speak English of their rights in Spanish.
 21 The purpose of the insert is for officers who
 22 do not speak Spanish have the ability to
 23 advise civilians in their custody of their
 24 rights."
 25 Is it mandatory for an officer to



1 C. Tsachas
 2 have that insert, all officers?
 3 A. By that time, yeah.
 4 Q. So, theoretically, even if he spoke
 5 Spanish --
 6 A. No, doesn't matter. You have to
 7 have it.
 8 Q. So it wasn't bogus is what you're
 9 saying?
 10 A. You have to have it.
 11 Q. "Despite being able to do that I was
 12 issued a command discipline for not having
 13 the insert. When Lieutenant Williams told me
 14 that I was getting a command discipline for
 15 not having the insert, I took off my hat to
 16 look for it. When I took off my hat, I was
 17 issued another command discipline for being
 18 out of uniform."
 19 Would that have been proper?
 20 A. He took off his hat to look for it?
 21 Q. Yeah.
 22 A. Doesn't sound proper according to
 23 this but you have to see the --
 24 Q. The actual command discipline?
 25 A. The CD, yeah.

1 C. Tsachas
 2 Q. So who is Lieutenant Williams?
 3 A. Lieutenant Williams had the second
 4 platoon in District 34.
 5 Q. Number 33, Tsachas in particular
 6 didn't like when officers would stop Asian
 7 civilians who broke the law. He would tell
 8 us to target Black and Hispanic civilians as
 9 they were more likely to pop which means have
 10 a warrant out for their arrest which would
 11 increase the arrest numbers within the
 12 precinct."
 13 Did you ever say that?
 14 A. I've discussed crime statistics with
 15 officers and that's it.
 16 Q. When discussing crime statistics
 17 with officers, would you --
 18 A. Look at the overall picture, when
 19 where, who. It's all there. It's stats.
 20 Q. So to be clear, Black and Hispanic
 21 civilians are more likely to commit crimes in
 22 your opinion?
 23 A. No, I'm just going through the stats
 24 where I worked.
 25 Q. So you would order them to target

1 C. Tsachas
 2 these people?
 3 A. No. We don't target people. If
 4 they commit a crime then yeah.
 5 Q. But if you look at the statistics
 6 and say a Black or Hispanic male would be
 7 more likely to commit the crime, would it be
 8 addressing your condition to target those
 9 individuals?
 10 A. The statistics had what, there was
 11 more Black and Hispanics, it's a statistic
 12 but they're supposed to stop everybody who
 13 commits crimes and violations.
 14 Q. Right but the people committing the
 15 violations are more likely to be Black and
 16 Hispanics so did you order them to stop them
 17 more?
 18 A. We had all kinds in District 34.
 19 Q. All kinds of people?
 20 A. Yeah, everybody. I would see
 21 summonses of all races.
 22 Q. Number 35, "Tsachas assumed that all
 23 Black and Hispanic civilians were criminal
 24 due to his archaic stereotypical beliefs of
 25 minority groups." Do you agree with that?

1 C. Tsachas
 2 A. No.
 3 Q. Do you believe that all Black and
 4 Hispanics are criminals?
 5 A. No.
 6 Q. Now, how does the pension work
 7 within the department so essentially when you
 8 retire, you're given pension money for the
 9 rest of your life, correct?
 10 A. Yes.
 11 Q. How is that calculated?
 12 A. For the officers, the last three
 13 years or could be best three years.
 14 Q. So depending on when you came into
 15 the NYPD?
 16 A. Yeah, different tiers.
 17 Q. It can either be the last three
 18 years, the average or your last year so long
 19 as it didn't go up 20 percent or something
 20 like that?
 21 A. So on, yeah.
 22 Q. So when you found out officers were
 23 retiring that didn't have good activity,
 24 would you ever assign them different tours or
 25 details to ensure that their pension was



1 C. Tsachas
2 lower?
3 A. I don't ensure that anybody's
4 pension is lower. I gave the overtime to
5 those who were deserving. People are not
6 entitled to overtime.
7 Q. So did you ever order Benitez to
8 take a psyche test, psychological test?
9 A. I don't recall. I don't see why I
10 would do that.
11 Q. I guess it's physiological is the
12 way it's written.
13 A. I didn't think there is anything
14 wrong with him. He took a leave.
15 (Whereupon, Declaration of
16 Christopher Laforce was marked as
17 Exhibit TC E for Identification.)
18 Q. Here's Exhibit E which is the
19 Declaration of Christopher Laforce. Who is
20 Christopher Laforce?
21 A. He was a police officer in District
22 34.
23 Q. What was his race?
24 A. Male, black.
25 Q. Just to be clear, what was Felix

1 C. Tsachas
2 Benitez' race?
3 A. Male, Hispanic.
4 Q. When did you first meet Laforce?
5 A. When I was first assigned there.
6 He's a senior guy there, been there a while.
7 Q. Number 7, "When Tsachas became the
8 commanding officer of Transit District 34 he
9 would officer to target certain groups of
10 people when officers were on patrol."
11 Did you ever order your officers to
12 target certain people?
13 A. No.
14 Q. "Tsachas would get angry when
15 officers stopped what he called soft
16 targets."
17 A. Sounds like all the rest of them.
18 These guys are all buddies, of course it's
19 going to sound the same.
20 Q. Right or they're all just telling
21 the truth.
22 A. They're all buddies.
23 Q. "Tsachas would get angry when
24 officers stopped what he called soft targets.
25 To Tsachas soft targets meant White and Asian

1 C. Tsachas
2 Civilians. Instead Tsachas believed that
3 officers should target Black and Hispanic
4 civilians because they were more likely to
5 lead to an arrest."
6 Why would targeting Black or
7 Hispanic civilians lead to an arrest?
8 MR. RUBINSTEIN: Objection.
9 A. Why would it?
10 Q. Yeah.
11 A. If they have a warrant, they'll be
12 arrested.
13 Q. On average though, what races are
14 most likely to have warrants?
15 A. I think that's better if you just go
16 get the statistics than me saying anything.
17 Q. Right but we don't have the
18 statistics here and I'm asking you.
19 A. We can get them. I think it's
20 better that you get them.
21 Q. But what do you think?
22 A. What do I think?
23 Q. Yeah.
24 A. Anybody can have a warrant.
25 Q. They could, right?

1 C. Tsachas
2 A. Yeah.
3 Q. But the statistical analysis for
4 years, according to your testimony earlier,
5 what specific minority groups are more likely
6 to commit crimes?
7 A. The perpetrators from where I work,
8 District 34, were mostly male, black and
9 male, Hispanic.
10 Q. Would they more likely, what you
11 call pop, if they have an outstanding
12 warrant?
13 A. If they don't return their summons
14 and go to court, yeah.
15 Q. So as your testimony, essentially,
16 most of the crimes committed in Transit
17 District 34 were Black and Hispanic?
18 A. As far as I meant, it's according to
19 statistics here.
20 Q. So, in turn, Black and Hispanics
21 civilians would be more likely to have an
22 outstanding warrant because they're more
23 likely to get arrested?
24 MR. RUBINSTEIN: Objection.
25 Q. Is that what your testimony is?



1 C. Tsachas
 2 A. No, that's up to the individual.
 3 Q. So you never told anyone to target
 4 Black and Hispanic civilians?
 5 A. I discussed statistics with
 6 officers, I remember that.
 7 Q. "As a result of this racial
 8 profiling, Tsachas would get angry if you
 9 tried to patrol subway stations in
 10 predominately White and Asian neighborhoods."
 11 So in Transit District 34, are
 12 certain neighborhoods different demographics
 13 in terms of race?
 14 A. Yeah. On the D train, there was an
 15 Asian community; Brighton Beach area, Russian
 16 community.
 17 Q. What would be the predominantly
 18 Black and Hispanic neighborhoods?
 19 A. Predominantly --
 20 Q. I guess stations would be the proper
 21 question. What would the predominantly Black
 22 and Hispanic stations in 34?
 23 A. That kind of spread out. Like
 24 Russian population in Brighton Beach was
 25 dominant. Everything else, along 86th

1 C. Tsachas
 2 Street, there is a lot of Asians stores, lot
 3 of Asians there. Everything else was kind of
 4 spread out between White and Black.
 5 Q. On the Q line, what about Coney
 6 Island, is that station predominantly black?
 7 A. No, that's mix.
 8 Q. Mix of what?
 9 A. Everybody goes to Coney Island.
 10 Buses go there, trains go there, different
 11 schools are.
 12 Q. What about Newkirk Avenue?
 13 A. Newkirk on the --
 14 Q. The Q line.
 15 MR. RUBINSTEIN: If you look at
 16 paragraph eight.
 17 THE WITNESS: I can look at
 18 that.
 19 MR. RUBINSTEIN: Yeah.
 20 THE WITNESS: Eight.
 21 MR. RUBINSTEIN: You see where
 22 it says "Newkirk."
 23 Q. So I could just read it for the
 24 record. "As a result of this racial
 25 profiling, Tsachas would get angry if you

1 C. Tsachas
 2 tried to patrol subway stations in
 3 predominately White and Asian neighborhoods."
 4 A. We assigned train patrols
 5 everywhere. Every train was covered.
 6 Q. So it's in the Declaration of
 7 Christopher Laforce, he's saying that when he
 8 tried to patrol subway stations in
 9 predominately White and Asian neighborhoods,
 10 you would get angry and he would be sent to
 11 predominantly Black and Hispanic
 12 neighborhoods "as those were the types of
 13 people he would want me to target. More
 14 specifically, he would send me to Coney
 15 Island and the Newkirk Avenue station on the
 16 Q line to specifically target Black and
 17 Hispanic civilians."
 18 A. The Q line was our busiest station
 19 with the most crime. That's it and Coney
 20 Island, every train goes through Coney Island
 21 except the R.
 22 Q. So would you advise officers to stay
 23 out of the predominately White and Asian
 24 subway stations?
 25 A. No. We're assigned every train

1 C. Tsachas
 2 line.
 3 Q. But you're more likely to find
 4 someone who pops, as you say, at Coney Island
 5 or Newkirk Avenue, correct?
 6 A. I have no idea if more people popped
 7 there or not. On the Q line, I had most of
 8 my crime.
 9 Q. It just so happened that they went
 10 through the predominately Black and Hispanic
 11 neighborhoods?
 12 A. Q line was -- it was mixed except
 13 towards Brighton Beach basically. That's the
 14 only thing that's dominant probably.
 15 Q. But Brighton Beach was predominately
 16 Russian?
 17 A. Yeah, I would say so. Yeah. A lot
 18 of Russian stores.
 19 Q. And Russians would be considered
 20 soft targets?
 21 A. No.
 22 Q. Number 9, "When I challenged
 23 Tsachas, he would say who are the ones
 24 committing the crimes? When I would respond
 25 by saying I don't discriminate and just



1 C. Tsachas
 2 because some Black people commit crimes it
 3 doesn't mean we should target all Black
 4 males, Tsachas would get annoyed."
 5 A. I might have asked him who commits
 6 the crimes because I have the statistics.
 7 Q. So who commits the crimes based on
 8 your statistics?
 9 A. In 34, it was blacks and Hispanics.
 10 According to statistics, those were arrested
 11 the most.
 12 Q. So when you're asking a police
 13 officer who commits the crimes, what is the
 14 purpose of that?
 15 A. I'm asking general questions to know
 16 the general conditions of the command.
 17 Q. So the condition would be to stop
 18 Black people?
 19 A. Not condition. Condition is crime.
 20 And who we arrested in the past, they're just
 21 statistics to know.
 22 Q. So the condition would be to stop
 23 the people committing the crimes?
 24 A. Absolutely.
 25 Q. And the people committing the

1 C. Tsachas
 2 crimes, based on what you just said about
 3 statistics, would be black people so the
 4 Transit's condition is to stop Black people?
 5 A. Now you're making things up. The
 6 condition is to address crimes.
 7 Q. You just said that when you talk to
 8 police officers, you asked them who
 9 specifically is committing the crimes, how
 10 would you like a police officer to answer
 11 that? So if I ask you who specifically is
 12 committing the crime?
 13 A. Yeah, I've showed statistics, look,
 14 it says Black, Hispanics, okay, it's there.
 15 Q. In order to address the condition,
 16 you need to stop the people who are
 17 committing the crimes?
 18 A. Who commit crimes, yeah.
 19 Q. Who you just said were Black and
 20 Hispanic?
 21 A. I didn't stay stop people who are
 22 Black and Hispanic. I said stop people who
 23 are committing the crimes. If it turns out
 24 one way, it is what it is.
 25 Q. So if an officer didn't address the

1 C. Tsachas
 2 condition meaning stopping the people who are
 3 committing the crimes then he would be
 4 adversely evaluated?
 5 A. No because then he stops --
 6 everybody commits TOS.
 7 Q. But statistically though, you said
 8 that it's more Black and Hispanic, right?
 9 A. Yeah according to the statistic.
 10 It's on paper.
 11 Q. But everyone technically does at
 12 some point?
 13 A. Yeah, a mix. A variety.
 14 Q. So the condition is basically to
 15 stop the people committing the crimes,
 16 correct?
 17 A. Yes.
 18 Q. And the people committing the
 19 crimes, you just testified were Black and
 20 Hispanic civilians, correct?
 21 A. As a result.
 22 Q. So as a result, the condition would
 23 be to stop more Black and Hispanic civilians?
 24 A. No.
 25 Q. So help me with this.

1 C. Tsachas
 2 A. What is there to help? A guy
 3 commits a crime, misdemeanor, a violation,
 4 you stop that person. At the end result if
 5 you look at the statistics, it was more male
 6 blacks. That's it.
 7 Q. So you never ordered officers to
 8 target Black and Hispanics?
 9 A. No. We don't stop people for no
 10 reason.
 11 Q. So just your testimony, you never
 12 told anyone to racially profile?
 13 A. No.
 14 Q. Because that would be against the
 15 Constitution?
 16 A. Yeah. You need a reason to stop
 17 somebody.
 18 Q. Number ten, "After I challenged
 19 Tsachas based on his unlawful orders to
 20 discriminate through racial profiling, I was
 21 retaliated against. Shortly thereafter I was
 22 told by my lieutenant that I was having my
 23 paid detail and overtime cancelled. This was
 24 punishment for my refusal to apply the law
 25 the way it is written and my refusal to stop



1 C. Tsachas
 2 Black people unlawfully."
 3 Did you ever take away someone's
 4 overtime or paid detail for not meeting the
 5 conditions?
 6 A. Yes.
 7 Q. And the conditions would be to stop
 8 the people committing the crimes, correct?
 9 A. To address conditions, theft of
 10 services, crime, yes.
 11 Q. So we already established --
 12 A. Yeah. They're not entitled to paid
 13 detail either.
 14 Q. So we already established that
 15 people committing the crimes were Black and
 16 Hispanic?
 17 A. As a result.
 18 Q. So essentially, you are taking away
 19 people's paid detail and overtime for not
 20 stopping Black and Hispanic people?
 21 MR. RUBINSTEIN: Objection.
 22 You can answer.
 23 Q. Don't worry. There's like ten more.
 24 A. They're not stopping people who are
 25 committing crimes.

1 C. Tsachas
 2 Q. And those people committing crimes,
 3 as you already testified, are Black and
 4 Hispanic people?
 5 A. At the end result from the
 6 statistic, yeah.
 7 Q. "When I was stripped of my paid
 8 detail and overtime, I confronted my
 9 lieutenant. I asked why I was having my
 10 overtime and paid detail taken away. I asked
 11 specifically if it was because of my
 12 activity. My lieutenant worried that I was
 13 recording the conversation, said they
 14 "couldn't tell me if it was related to my
 15 activity. The CO is telling me to do that.
 16 You have to talk to Tsachas."
 17 Did you ever punish anyone based on
 18 their activity?
 19 A. Yeah, for not doing anything. Yeah.
 20 Q. But they have to not be doing
 21 anything?
 22 A. Yeah, close to nothing. Yeah.
 23 Because I see what's out there, I make my
 24 observations, I see what everybody else is
 25 doing and from their demeanor and attitudes

1 C. Tsachas
 2 and interview, I come to a conclusion.
 3 Q. But just to be clear, on the
 4 evaluation there is 28 different criteria
 5 you're judged on in the evaluation, none of
 6 those say enforcement or activity, correct?
 7 A. Not specifically but overall,
 8 judgement, observations.
 9 Q. So in practice, the way the
 10 performance applies to officers contains
 11 activity but not explicitly; is that correct?
 12 A. Yeah. I would say that.
 13 Q. So you would tie overtime and paid
 14 detail directly to the officer's activity?
 15 A. If that was an issue I had with the
 16 officer, you're not entitled to it.
 17 Q. So you're punished for not making
 18 arrests?
 19 A. You're punished for not doing your
 20 job.
 21 Q. But doing your job is making arrests
 22 and issuing summonses?
 23 A. It's a big part of it, yeah. To
 24 enforce a condition that's there.
 25 Q. The condition would be to stop the

1 C. Tsachas
 2 people committing the crimes?
 3 A. When they commit a crime, yeah.
 4 Q. So the condition is stopping Black
 5 and Hispanic people?
 6 A. Committing the crimes.
 7 Q. Which you already -- all right.
 8 "My lieutenant worried that I was
 9 recording the conversation, said they
 10 "couldn't tell me if it was related to
 11 activity. The CO is telling me to do that.
 12 You have to talk to Tsachas."
 13 So if we just established that
 14 activity is a basis for which police officers
 15 are judged, why would a lieutenant be worried
 16 about being recorded saying that?
 17 A. You have to ask him.
 18 Q. So would you be worried about being
 19 recorded?
 20 A. I don't like it but I expect it.
 21 Q. But you wouldn't be worried if
 22 you're judging a police officer based on his
 23 activity, right?
 24 A. No. It's part of his job.
 25 Q. Who tells you that an officer needs



1 C. Tsachas
 2 to have activity to be performing properly,
 3 is that from the inspector?
 4 A. No, me.
 5 Q. So you made that decision?
 6 A. It's how I wanted to run the
 7 command, yeah.
 8 Q. So you wanted to run the command --
 9 A. I wanted people to go out there and
 10 address my conditions, yes.
 11 Q. And your conditions were stopping
 12 the people that were committing the crimes?
 13 A. Yes.
 14 Q. Which were Black and Hispanic
 15 people?
 16 A. At the end result.
 17 Q. So basically your conditions were to
 18 stop Black and Hispanic people?
 19 MR. RUBINSTEIN: Objection.
 20 A. No.
 21 Q. Number 13, "Also, as punishment for
 22 refusing to stop Black people unlawfully and
 23 meeting the arrest quota I was given negative
 24 performance evaluations and was ultimately
 25 placed on performance monitoring."

1 C. Tsachas
 2 How would not having sufficient
 3 activity impact your evaluation?
 4 A. If he's not doing his job on patrol,
 5 he will get a negative evaluation.
 6 Q. And that's based purely on activity?
 7 A. It's a big part of it.
 8 Q. And what's performance monitoring?
 9 A. Performance monitoring, you're
 10 looked at more closely, it's documented and
 11 it goes beyond the command. It's a permanent
 12 record.
 13 Q. What are ways to get on performance
 14 monitoring?
 15 A. Performance, behavior, maybe
 16 something that happened outside of work
 17 that's very negative.
 18 Q. Like an arrest or something like
 19 that?
 20 A. Yeah.
 21 Q. So there is a couple of ways to get
 22 on performance monitoring, if I'm wrong
 23 please interrupt me, the first one would be,
 24 like, if you're chronic would be a way to get
 25 on performance monitoring, right?

1 C. Tsachas
 2 A. I never had somebody who's chronic.
 3 Q. I had clients.
 4 A. So it's possible. Okay.
 5 Q. So arrests outside the job or some
 6 type of malfeasance that happens on the job
 7 that's very severe?
 8 A. A lot of command disciplines, yeah,
 9 something severe happens on the job.
 10 Q. Low performance?
 11 A. Low performance, yeah.
 12 Q. How many negative performance
 13 evaluations would you have to have to get
 14 onto performance monitoring?
 15 A. The criteria --
 16 Q. Is it two?
 17 A. I would have to take a look. I
 18 don't remember if there was a number or my
 19 discretion.
 20 Q. So have you ever put an officer on
 21 performance monitoring under your discretion?
 22 A. Yeah. 34, we had quite a few.
 23 Yeah.
 24 Q. Were any of them white?
 25 A. I gave out negative evaluations to

1 C. Tsachas
 2 some, yeah.
 3 Q. Were any of the officers put into
 4 performance monitoring?
 5 A. I don't recall if they were put into
 6 performance monitoring but we can take look.
 7 Perez Roman is white and he was put on
 8 performance monitoring.
 9 Q. He's actually Hispanic.
 10 A. Okay.
 11 Q. He's next by the way.
 12 A. Okay.
 13 Q. Number 22, "When Tsachas learned
 14 that I was retiring he made sure I could not
 15 get overtime so I would lose money in my
 16 pension. Further I requested that I be
 17 transferred to the 4 by 12 tour so I could
 18 get a night differential (extra money giving
 19 to officers who work overnight) which results
 20 in approximately \$10,000 a year extra for a
 21 police officer. Tsachas refused and as a
 22 result of stripping my overtime and not
 23 giving me night differential, I lost
 24 approximately \$1,000 a month for the rest of
 25 my life. Tsachas never did this to white



1 C. Tsachas
 2 police officers."
 3 Do recall that happening?
 4 A. Laforce, I think he's the guy
 5 because it was mentioned for the paid detail
 6 for asking for the third platoon. I don't
 7 remember that happening. Could have
 8 happened, yes. I don't know.
 9 Q. Just to go back to Felix Benitez.
 10 MR. RUBINSTEIN: Which exhibit
 11 is that?
 12 Q. Number 41, "I personally witnessed
 13 the NYPD implement policies of arrest quotas
 14 and can attest to the disparate ways this
 15 policy was applied to minority officers,
 16 myself being one of them."
 17 Do you agree with that?
 18 A. No. That's how he feels, well, what
 19 can you do?
 20 Q. Now, Felix Benitez. Number 41, "I
 21 personally witnessed the NYPD implement
 22 policies of arrest quotas and can attest to
 23 the disparate ways this policy was applied to
 24 minority officers, myself being one of them."
 25 A. Is that what was just read?

1 C. Tsachas
 2 Q. Yeah, same paragraph. Different
 3 affidavit.
 4 MR. RUBINSTEIN: No, no, no.
 5 You're talking about a different
 6 officer?
 7 MR. SCOLA: No, I have the
 8 wrong one.
 9 MR. RUBINSTEIN: Are you
 10 talking about Laforce again?
 11 Q. No, I have the wrong one. Hold on
 12 one second. I have multiple copies. Let's
 13 see who's after him. So, Laforce. Sorry
 14 about that. It's similar but a little bit
 15 different.
 16 "I personally witnessed and was a
 17 victim of the NYPD policies of arrest quotas
 18 and can attest to the ways this policy was
 19 more harshly applied to minority officers,
 20 myself included."
 21 Do you agree with that?
 22 A. Nope.
 23 MR. SCOLA: I think we're good
 24 on Laforce.
 25 (Whereupon, Declaration of

1 C. Tsachas
 2 Chris Perez Roman was marked as
 3 Exhibit TC F for Identification.)
 4 Q. So this is the Declaration of Chris
 5 Perez Roman. Do you know who Chris Perez
 6 Roman is?
 7 A. Yes.
 8 Q. Who is he?
 9 A. An officer in District 34.
 10 Q. And what is his race? You said you
 11 thought he was white?
 12 A. I thought he was white but you told
 13 me he was Hispanic.
 14 Q. When did you first meet him?
 15 A. When I first got to 34.
 16 Q. So number 8 and 9, "When Captain
 17 Constantin Tsachas arrived at Transit
 18 District 34 the quota was taken to another
 19 level. He would threaten and punish minority
 20 officers for not meeting the quota in a way
 21 he would not White officers for not meeting
 22 the quota."
 23 Is it your testimony that you
 24 punished everyone the same?
 25 A. Everybody the same.

1 C. Tsachas
 2 Q. Regardless of their race?
 3 A. Regardless.
 4 Q. So number 10, "Under Tsachas
 5 command, I was advised not to use my
 6 discretion which gives me the ability to warn
 7 and admonish someone who commits a violation.
 8 I would often give warnings to teenagers who
 9 didn't have a record and made a stupid
 10 mistake which was my right as an officer to
 11 do." That's worded weird. Okay.
 12 How does discretion work?
 13 A. Officer stops somebody, other than a
 14 felony, if it's a misdemeanor or violation,
 15 it's your discretion to take action or not.
 16 Q. Is the discretion limited?
 17 A. No, it's not limited.
 18 Q. Can a commanding officer order a
 19 police officer not to use discretion?
 20 A. Yeah, unless you're in a high crime
 21 area. Why not?
 22 Q. But normally discretion is, for lack
 23 of a better word, discretion of the police
 24 officer?
 25 A. Yeah.



1 C. Tsachas
 2 Q. Number 11, "I would regularly be
 3 asked to write summonses for offenses that I
 4 did not see in order to meet the arrest
 5 quota. When I objected to committing
 6 perjury, which is what would happen if I
 7 signed a summons for an arrest I did not see,
 8 I was further punished."
 9 Have you ever ordered an officer to
 10 give a summons for an arrest he didn't see?
 11 A. I would never do that.
 12 Q. Because that would be against the --
 13 A. That's totally wrong. I would
 14 jeopardize the officer and myself.
 15 Q. Just to be clear for the record, a
 16 summons is what? What's a summons?
 17 A. In lieu of an arrest, you get a
 18 summons.
 19 Q. And in order to issue a summons, the
 20 officer has to observe that infraction,
 21 correct?
 22 A. Yes.
 23 Q. Arrests, they don't have to but for
 24 summonses they do?
 25 A. Arrests you get advised from officer

1 C. Tsachas
 2 A who states this person did X, Y, Z.
 3 Q. But for summonses you have to
 4 specifically witness it?
 5 A. Yeah.
 6 Q. So it's your testimony that you
 7 never ordered anyone to issue a summons for
 8 something they didn't see?
 9 A. No.
 10 Q. "Tsachas placed me on Level 2
 11 performance monitoring for not meeting the
 12 arrest quota." What's Level 2 performance
 13 monitoring?
 14 A. Level 2, he was probably Level 1 for
 15 a while and didn't change his ways and went
 16 to Level 2. He was more closely monitored.
 17 Q. When you say "change his ways" what
 18 do you mean by that?
 19 A. Officer Roman, if I remember, was
 20 problematic in District 34.
 21 Q. What makes you problematic?
 22 A. He never wants to do anything.
 23 Q. He's lazy?
 24 A. He doesn't want to perform his
 25 duties as a police officer and that went on

1 C. Tsachas
 2 for years.
 3 Q. Do you think he's lazy?
 4 A. Unwilling. Whether he's lazy, I
 5 don't know but it didn't happen.
 6 Q. And then Level 2 would be just
 7 increased scrutiny essentially?
 8 A. Yeah.
 9 Q. Number 13, "He would regularly
 10 threaten me with changing my tour in order to
 11 take away my night differential."
 12 So is changing an officer's tour a
 13 way a commanding officer punishes an officer?
 14 A. Yeah. If the commanding officer
 15 feels that he's in a certain platoon and he's
 16 not performing satisfactory, he'll change the
 17 platoon. It's not uncommon.
 18 Q. What's the rationale for that, like,
 19 why would you do that?
 20 A. Maybe he needed a new environment, a
 21 new time to work.
 22 Q. Would you ever do that in a punitive
 23 way, like as a punishment?
 24 A. If they do something wrong, why not?
 25 Absolutely.

1 C. Tsachas
 2 MR. SCOLA: Off the record.
 3 (Whereupon, an off-the-record
 4 discussion was held at this time.)
 5 Q. So if someone say -- if an officer
 6 wasn't performing say on the first platoon
 7 which is you get the night dif, would you
 8 ever change their tour to ensure they don't
 9 get the night dif?
 10 A. I would change their tour to give
 11 them a new environment, a new time to work,
 12 yeah. If it has a negative effect, it just
 13 comes with it.
 14 Q. So you would change the tour and it
 15 just so happens they would lose money as a
 16 result?
 17 A. Yeah.
 18 Q. That was yes?
 19 A. Yeah.
 20 Q. 14, "A night differential is an
 21 increase in salary given to officers who work
 22 overnight."
 23 Who determines what the night
 24 differential is?
 25 A. That's contracts.



1 C. Tsachas
 2 Q. So basically it's union negotiates
 3 that?
 4 A. Yeah.
 5 Q. Do you have any idea how much it is?
 6 A. It was mentioned.
 7 Q. Well, he says about \$10,000?
 8 A. I don't know the exact number. It's
 9 a good amount that people like.
 10 Q. It's just extra money?
 11 A. I'll even check my differential.
 12 Q. What tour do you work as the
 13 commanding officer?
 14 A. Back then, it was usually from 10 to
 15 6.
 16 Q. 10 in the morning until 6?
 17 A. Yeah. If I had to work a midnight,
 18 I work the midnight. It depends on what's
 19 going on, I'll work later. It's the needs of
 20 the command.
 21 Q. Now, would the higher ups in the
 22 district work mostly during the day whereas
 23 --
 24 A. Mostly 10 to 6 because those are
 25 business hours, that's One Police Plaza

1 C. Tsachas
 2 working, the bureau chiefs are working.
 3 Yeah.
 4 Q. Now, would certain lieutenants be
 5 assigned to certain tours?
 6 A. You have a first platoon, second,
 7 third.
 8 Q. And same with sergeants?
 9 A. Sergeants the same way.
 10 Q. So the people working the normal
 11 business hours would be what, the XO and the
 12 ICO?
 13 A. No, the XO would probably work a
 14 later one. Opposite of the commanding.
 15 Q. To make sure that someone was always
 16 there?
 17 A. It's always covered, yeah.
 18 Q. So what positions in the district
 19 would work the business hours, the ICO?
 20 A. The administrative staff. The ICO
 21 would change tours.
 22 Q. So mostly civilians?
 23 A. Civilians, yeah.
 24 Q. And then the CO, okay. "On one
 25 occasion where I was being threatened by

1 C. Tsachas
 2 Tsachas he said that maybe I need to
 3 reevaluate my thoughts and think about what
 4 is best for my family. This was a clear
 5 threat."
 6 A. What are you reeding.
 7 MR. RUBINSTEIN: 15 and 16.
 8 Q. 15 and 16. What did you mean by
 9 "what is best for my family?"
 10 A. I don't remember saying it so I
 11 don't know.
 12 Q. Were you threatening him?
 13 A. I don't threaten anybody. Whoever I
 14 spoke to, I speak professionally to.
 15 Q. This is number 20 -- actually, you
 16 know what, number 19.
 17 A. He wasn't vocal about anything.
 18 Q. He was or he wasn't?
 19 A. Nothing.
 20 Q. He suffered in silence.
 21 A. I suffered. Tell him.
 22 Q. How did you suffer?
 23 A. I have to deal with him.
 24 Q. Why?
 25 A. Because he just took up space,

1 C. Tsachas
 2 that's why.
 3 Q. He was the do-nothing essentially?
 4 A. Low performer. That's why he's --
 5 Q. Is that why number 19, he said "I
 6 repeatedly received negative performance
 7 evaluation."
 8 A. He received them because he deserved
 9 them.
 10 Q. Number 20, "From 2011-2014, I
 11 received negative performance evaluations
 12 which I always appealed. In these appeals I
 13 was told by Tsachas I don't get you. Tsachas
 14 would base your performance evaluation
 15 completely on the number of arrests and
 16 summonses you had for the year. This was
 17 illegal and not how the performance
 18 evaluations were supposed to be conducted. I
 19 would repeatedly ask what the number was that
 20 Tsachas wanted us to get which angered
 21 Tsachas and he would reply by saying you know
 22 the game."
 23 So how is it illegal to judge a
 24 performance based on your activity?
 25 A. What am I answering to this?



1 C. Tsachas
 2 Q. "Tsachas would base your performance
 3 evaluations completely on the number of
 4 arrests and summonses you had for the year."
 5 Is that proper within the
 6 department?
 7 A. No. It's overall performance and
 8 the supervisor does the evaluation and I
 9 review it so people are in agreement.
 10 Q. So who was in agreement?
 11 A. His sergeant has conducted an
 12 evaluation. If it's below 3.0, it comes to
 13 me.
 14 Q. So the sergeant is normally the one
 15 that does the evaluations?
 16 A. Yes.
 17 Q. Do you ever get involved? Does the
 18 commanding officer get involved with
 19 evaluations?
 20 A. We'll review them, yes.
 21 Q. But not initially?
 22 A. No. Initially it's the supervisor.
 23 Q. When you say that evaluations are
 24 based on activity, basically, the number of
 25 arrests and summons you have for the year, is

1 C. Tsachas
 2 that your own personal application of the
 3 rules or is that taught somewhere?
 4 A. It's part of the evaluation. It's a
 5 part of it. I expect you to go do your job.
 6 Q. As determined by you essentially,
 7 right?
 8 A. Yes.
 9 Q. As the supervisor?
 10 A. Yes.
 11 Q. When you say "you know the game,"
 12 what does that mean?
 13 A. I don't know what that means.
 14 Q. So again, in 23, "In that
 15 adjudication. Tsachas again told me that I
 16 wasn't making enough arrests. When I pushed
 17 him to try to tell me what the number was
 18 that he wanted and that sounds like a quota,
 19 which is illegal, Tsachas responded by saying
 20 we all know the game and how we have to play
 21 the game."
 22 Is a quota illegal?
 23 A. Quota's illegal.
 24 Q. Why is it illegal?
 25 A. Why?

1 C. Tsachas
 2 Q. What makes it illegal? Is it
 3 against the law?
 4 A. For me to dictate a number of
 5 arrests that I needed.
 6 Q. If you dictated a certain number,
 7 it's illegal?
 8 A. Yeah.
 9 Q. But if you judge an officer based on
 10 the amount of arrests that he has compared to
 11 his peers --
 12 A. I have expectations.
 13 Q. And what are these expectations?
 14 A. My expectations are based on my
 15 crime conditions and what the officers are
 16 doing and my observations on patrol.
 17 Q. The crime conditions are stopping
 18 the people committing the crimes?
 19 A. Yeah.
 20 Q. And the people committing the crimes
 21 you said earlier were Black and Hispanic
 22 people?
 23 A. At the end result, it happens to be
 24 that.
 25 Q. So essentially if an officer wasn't

1 C. Tsachas
 2 addressing the condition, they would be
 3 evaluated poorly?
 4 A. Yeah.
 5 Q. So did you base the evaluations
 6 based on their arrests and summonses compared
 7 to their peers?
 8 A. Yeah. That's how I do it. Yeah.
 9 Q. And that's proper? Is it your
 10 testimony that's the way it's taught in the
 11 department?
 12 A. It's fine. I don't know if it's
 13 taught, it's just how I do it.
 14 Q. Have you ever been spoken to or
 15 punished in anyway for doing it that way?
 16 A. No.
 17 Q. So basically you conducted a
 18 performance evaluations based on the police
 19 officers enforcement meaning their arrest
 20 summonses compared to their peers and by
 21 doing so, you were never warned or told not
 22 to do that by anyone higher up?
 23 A. No.
 24 Q. Are they aware that that's how you
 25 judged police officers, the people in the



1 C. Tsachas
 2 specter or people in --
 3 A. To have conversations, it's
 4 possible, yeah. It's my method.
 5 Q. Have you ever been evaluated before
 6 you were a CO -- did your evaluation ever not
 7 include activity?
 8 A. I been a supervisor for 21 years.
 9 Q. I'm asking before you were a
 10 supervisor, on every evaluation you ever had
 11 with the NYPD, was it based on your
 12 enforcement numbers?
 13 A. If you want to go back 20 plus
 14 years.
 15 Q. If you can recall.
 16 A. I never had a negative evaluation.
 17 Q. Because --
 18 A. According to my supervisor, he was
 19 satisfied with me with whatever I did.
 20 Q. Officers always been judged on the
 21 amount of arrests and summonses they get?
 22 A. It's part of it, yeah.
 23 Q. What are the other parts?
 24 A. The other parts are showing
 25 incentive.

1 C. Tsachas
 2 MR. RUBINSTEIN: Can we go off
 3 the record?
 4 (Whereupon, an off-the-record
 5 discussion was held at this time.)
 6 (Whereupon, the record was read by
 7 the reporter.)
 8 Q. So what are the other parts officers
 9 are judged on other than enforcement?
 10 A. Disciplines, behavior, respectful,
 11 they do what they're told, that they're
 12 conducting their patrols properly. That's
 13 for patrol people. If you're working inside,
 14 it's totally different.
 15 Q. So can you be performing your duties
 16 as an officer and not get arrests in your
 17 opinion?
 18 A. No. From what I see, from
 19 expectations, no, I don't think so.
 20 Q. So your expectations is the key word
 21 here?
 22 A. That the problem exists out there.
 23 Q. So as long as there is people out
 24 there committing crimes, if you're an officer
 25 not arresting people, you're a bad officer?

1 C. Tsachas
 2 A. I have to look into you.
 3 Q. And how do you look into that?
 4 A. I do it through interviews.
 5 Q. Interviews of who?
 6 A. Me and the officer.
 7 Q. So you sit down with the officer and
 8 talk?
 9 A. All these people I sat down with.
 10 Q. Do you first start with the
 11 lieutenant?
 12 A. It's possible supervisors there. I
 13 don't remember every interview.
 14 Q. In the normal course of --
 15 A. It's a team effort. I have
 16 lieutenants there, sergeants. There is
 17 always somebody there most of the time.
 18 Q. How does it start, so you get the
 19 statistics for the command and then you see
 20 Officer A is low compared to his peers, is
 21 that how it works?
 22 A. Yeah. Those are people that you
 23 might want to question and just look into it.
 24 Q. And you talk to that officer and --
 25 A. It depends. If I see the guy's been

1 C. Tsachas
 2 on vacation for quite a while or been out
 3 sick.
 4 Q. Or, like, on Omega booth?
 5 A. Omega booth is overtime usually.
 6 Q. All right. Number 24, "Throughout
 7 my time in Transit District 34 I witnessed
 8 numerous Black and Hispanic cops be placed on
 9 performance monitoring for not meeting the
 10 quota, myself included. I do not recall a
 11 White police officer being placed on
 12 performance monitoring."
 13 Do you recall what officers were put
 14 on performance monitoring in 34?
 15 A. I recall negative evaluations but
 16 performance monitoring, I have to look.
 17 Q. So you don't remember?
 18 A. No. I remember negative
 19 evaluations, yeah.
 20 Q. So if you get a negative evaluation,
 21 what's the next step after that? How does it
 22 work?
 23 A. See what happens.
 24 Q. So you give an officer a negative
 25 evaluation, if they improve --



1 C. Tsachas
 2 A. We might do a follow up to show the
 3 improvement. Absolutely.
 4 Q. Do you ever order any interim
 5 evaluations in Transit District 34?
 6 A. I most likely have done. Do I
 7 recall specific, no, but I assume so.
 8 Q. We'll touch more on all that stuff
 9 later. Number 25, "As a result of not
 10 meeting the arrest quota I was told that I
 11 would not be getting as much overtime as I
 12 had in the past. I was told specifically by
 13 Lieutenant Williams that if I wanted more
 14 overtime, I would need to get more activity."
 15 So did you tie overtime to activity
 16 as commanding officer?
 17 A. If the activity was part of the low
 18 performance, yeah, it's a package.
 19 Q. So you only give the overtime to the
 20 higher performing officers?
 21 A. I took care of my crime people, my
 22 specialized unit, yeah.
 23 Q. So the higher performing officers
 24 were the officers who had more activity?
 25 A. They usually did really great

1 C. Tsachas
 2 arrests.
 3 Q. So you talked about your
 4 expectations a second ago so in your
 5 expectations of an officer, if an officer was
 6 performing highly meaning having a high
 7 amount of arrests and summonses, you would be
 8 more likely to give them overtime?
 9 A. They received, yeah.
 10 Q. Would you give overtime to officers
 11 that were, as you put, Chris Perez Roman lazy
 12 or unwilling, will you give those officers
 13 overtime?
 14 A. No, that was probably limited.
 15 Q. And that's your discretion?
 16 A. Yeah.
 17 Q. Would you ever recommend an
 18 unwilling officer for either transfer or
 19 specialized detail?
 20 A. Not specialized detail, no.
 21 Q. Why's that?
 22 A. They don't deserve it.
 23 Q. Because they're not getting enough
 24 arrests and summonses?
 25 A. Part of their performance, yeah.

1 C. Tsachas
 2 Q. But that's the main part, correct?
 3 A. For these here, yeah.
 4 Q. I'm asking for you as the commanding
 5 officer, the main part for you is
 6 enforcement, correct?
 7 A. Enforcement is our primary job.
 8 That's what we do.
 9 Q. Just for the record, if you're not
 10 getting the enforcements you can't work the
 11 specialized detail, correct?
 12 A. Overall, yeah.
 13 Q. What's performance enhancement
 14 training?
 15 A. Performance enhancement training?
 16 Q. I'll just read this one. Maybe this
 17 will refresh your memory. "Every year I was
 18 on performance monitoring I was sent to
 19 performance enhancement training. I went to
 20 this training three years. In the training,
 21 nearly every officer who was there was there
 22 because of the quota. In the training the
 23 instructor tip toed around the word arrest
 24 quota but would say that the officers needed
 25 to get their activity up. This was coded

1 C. Tsachas
 2 language for the quota. This happened every
 3 year I attended."
 4 So what is performance enhancement
 5 training?
 6 A. I never attended it but apparently
 7 they went somewhere. I never attended this
 8 thing. They were assigned to that for the
 9 day and whatever was discussed there was
 10 discussed.
 11 Q. I wasn't sure if you knew.
 12 Number 29, "On one occasion
 13 sergeants would yell at me for refusing to
 14 hide in a subway room to catch jumpers of
 15 turnstiles."
 16 What do they mean by "hide in a
 17 subway room?"
 18 A. Some officers would use cover.
 19 That's one of the covers I guess.
 20 Q. What does that mean for the record?
 21 A. They would try to stay out of view.
 22 Q. So in every subway station, what are
 23 these rooms people are talking about?
 24 A. There is Transit Authority rooms,
 25 they have closets with cleaning supplies



1 C. Tsachas
 2 lunch areas, bathrooms.
 3 Q. Now, an officer would stay in those
 4 rooms in order to what, to view the
 5 turnstiles?
 6 A. Some would do that, yeah.
 7 Q. Now, if inspections came around
 8 while an officer was in the transit room,
 9 would they be given a CD for being off post?
 10 A. If they walked in there and they saw
 11 the gun belt off, sitting down, relaxing,
 12 it's not in the book they're on a personal,
 13 they would look into it.
 14 Q. You would get a CD for going into
 15 the rooms?
 16 A. If you're not doing a patrol
 17 function.
 18 Q. Wouldn't an officer always say
 19 they're doing a patrol function?
 20 A. Not if their gun belt is off.
 21 Q. Have you ever seen an officer with
 22 his gun belt off?
 23 A. No but some have gotten caught I
 24 believe.
 25 Q. Some have gotten caught in the

1 C. Tsachas
 2 rooms?
 3 A. Yeah, and nothing in their memo
 4 books. It just has to match up or tell their
 5 supervisor.
 6 Q. In the same way that the federal
 7 overtime Omega code has to match up with the
 8 officer's overtime, this needs to match up as
 9 well?
 10 A. Yeah. What you're doing is in your
 11 memo book. Yeah.
 12 Q. So it's your testimony that an
 13 officer can go into these rooms?
 14 A. Yeah, sure.
 15 Q. If inspections came around, scratch
 16 their book, they wouldn't be given a CD if
 17 they're in the room?
 18 A. No. Why would they?
 19 Q. Because they're off their post,
 20 that's what the CD's for?
 21 A. That's part of the post. They're
 22 doing an observation. I have no problem with
 23 it.
 24 Q. I know you don't.
 25 A. Yeah.

1 C. Tsachas
 2 Q. But I'm saying --
 3 A. Like I said, it depends on the
 4 circumstances I guess. If you're doing
 5 inspections and you walk into there and you
 6 see what you see and you make a
 7 determination.
 8 Q. So it's your testimony that if
 9 you're in one of these rooms hiding, trying
 10 to catch theft of service, inspections could
 11 theoretically give you a CD if they
 12 determined that you were committing some type
 13 of wrong?
 14 A. Yeah, if the supervisor sees that
 15 and makes a determination, he could.
 16 Q. For being in the room?
 17 A. Yeah but I can't see him doing it
 18 just for -- you know.
 19 Q. You can't see it in your opinion but
 20 they could?
 21 A. Yeah, anything's possible.
 22 Q. This is number 30, "I told my
 23 sergeants that couldn't do that because if a
 24 supervisor would come to scratch my book
 25 while I was in the room, I would be issued

1 C. Tsachas
 2 discipline."
 3 Is that true?
 4 A. What he told him? I don't know what
 5 he told him.
 6 Q. No, like, you could be issued a
 7 command discipline for hiding in the rooms if
 8 you're --
 9 A. If the observation shows that you
 10 were sleeping maybe gun belt's off, yeah.
 11 Absolutely.
 12 Q. So it's at the discretion of the
 13 inspections?
 14 A. Yes.
 15 Q. So you could theoretically get a
 16 command discipline meaning an adverse
 17 employment action for being in the room?
 18 A. You could, yeah. Depends on the
 19 meeting and what they observe.
 20 Q. What's a scratch? Number 31, "A
 21 scratch is when a supervising officer comes
 22 to check on an officer during his tour and
 23 signs the officer's memo book to show that he
 24 was there."
 25 A. He documents the visit.



1 C. Tsachas
 2 Q. Does commanding officers scratch?
 3 A. Yeah, I been out there. I could it,
 4 yeah.
 5 Q. How often does a police officer have
 6 his book scratched?
 7 A. Usually on a daily basis.
 8 Q. On a daily basis?
 9 A. Uh-huh.
 10 Q. How many times during a tour?
 11 A. One to two usually.
 12 Q. Has it ever been more than that?
 13 A. Yeah, could be more than that.
 14 Q. What would be a reason to have more
 15 than one scratch on a memo book?
 16 A. Priority post. Depending on the
 17 officer, if the officer is on monitoring,
 18 we'll visit him more than once.
 19 Q. If it's more of a problematic
 20 officer, you would visit him more than once?
 21 A. Yeah, absolutely.
 22 Q. What's the most you ever scratched
 23 someone's book on one tour?
 24 A. I don't remember going back to
 25 anybody. Maybe I did. I don't know but I

1 C. Tsachas
 2 don't recall. It could have happened, yeah,
 3 why not.
 4 Q. Have you ever asked subordinate
 5 officers to scratch someone's book?
 6 A. Yeah, I could say make sure he's on
 7 post or go check on him twice.
 8 Q. And you would primarily do that for
 9 problematic officers?
 10 A. Yeah, mostly.
 11 Q. How about five in one tour, would
 12 that be high?
 13 A. Nothing wrong with it. It's high
 14 but nothing wrong with it.
 15 Q. But you don't do that for someone
 16 you consider to be a problem?
 17 A. Yeah. If a supervisor wants to do
 18 it on his own, let him do it on his own.
 19 Q. But primarily, officers you deem a
 20 problem, you would scratch their book more
 21 frequently?
 22 A. Yeah. They would get visited more,
 23 yeah. Nothing wrong with that.
 24 Q. No, I don't think there's anything
 25 wrong with it. Number 35 to 37. 35,

1 C. Tsachas
 2 "Tsachas eventually tried to place me in
 3 Level 3 performance monitoring in an effort
 4 to get me transferred solely due to the
 5 arrest quota."
 6 What's Level 3 monitoring, is that
 7 dismissal probation?
 8 A. Yeah, I believe so, that's what they
 9 called it.
 10 Q. How do you transfer an officer out
 11 of your tour?
 12 A. Out of a tour?
 13 Q. Out of the command, how does that
 14 work?
 15 A. Through negative ways, through
 16 negative evaluations.
 17 Q. So basically, if you want to get rid
 18 of an officer, you have to give him negative
 19 evaluations in order to transfer him out?
 20 A. Quite a few of them, not just one.
 21 Q. So, like, multiple?
 22 A. Yeah.
 23 Q. And would you wait for the year or
 24 would you give him interims?
 25 A. Either or. There's no guidelines.

1 C. Tsachas
 2 Q. But in order to give an officer
 3 negative valuations --
 4 A. To be fair, you have to give a nice
 5 time span.
 6 Q. So if you were trying to get rid of
 7 an officer more quickly say, the fastest way
 8 would be annual, interim and annual again, is
 9 that how it works?
 10 A. A years time is not bad to be
 11 considered for transfer. An entire year,
 12 yeah, sure.
 13 Q. If you wanted to get an officer out,
 14 the fastest way to give him a negative
 15 evaluation would be to order an interim?
 16 A. You can do an interim to document
 17 what's going on throughout the year. Nothing
 18 wrong with that. It's a good strategy.
 19 Q. So it's good strategy for getting
 20 rid of an officer?
 21 A. No, for documenting his performance.
 22 Q. Right, in order to transfer them
 23 out? Okay. If you have a problem officer in
 24 your command and say he just had his annual
 25 and he did okay and you want to get rid of



1 C. Tsachas
2 him.
3 A. If he did okay in the annual, that's
4 it, he's staying. Doesn't matter if I like
5 him, I don't like him or whatever I think of
6 him.
7 Q. But if you didn't like him, the
8 fastest way to get rid of him --
9 A. Can't get rid of him.
10 Q. Why's that?
11 A. His evaluation was you say good.
12 Q. Yeah. In my hypothetical, that's
13 correct.
14 A. He's not going anywhere.
15 Q. All right, that's fair. So just to
16 read 35 again, "Tsachas eventually tried to
17 place me on Level 3 performance monitoring in
18 an effort to get me transferred due solely to
19 the arrest quota. When I found out that
20 Tsachas was trying to place me on Level 3
21 monitoring, I had a long conversation with my
22 wife and she told me you needed to get out.
23 I put in my papers to retire from the NYPD in
24 2014."
25 Do you recall him putting his papers

1 C. Tsachas
2 in to retire?
3 A. He retired. Yeah, when I was there
4 probably. Yeah.
5 Q. Number 40, "When Tsachas learned
6 that I was retiring, he approached me and
7 said "are you sure you want to do this, can
8 you afford this?"
9 What did you mean by that?
10 A. I don't know exactly what I told him
11 but every officer who retires, I'm pretty
12 sure I spoke to them are you making the right
13 decision, is this good for you and they all
14 said yes. I said okay.
15 Q. Number 42, "As a result of Tsachas,
16 I lost money on my pension for the rest of my
17 life."
18 Do you agree with that?
19 A. As a result of him.
20 Q. As a result of?
21 A. His negative evaluations, his
22 performance.
23 Q. Number 43, "As a result of Tsachas,
24 myself and several other minority officers
25 were forced to endure a hostile work

1 C. Tsachas
2 environment and I personally lost thousands
3 of dollars in lost overtime as a result of
4 mistreatment. If I were a White officer, I
5 would not have been treated in the same
6 manner."
7 Do you agree with that?
8 A. False.
9 Q. Number 44, "I personally witnessed
10 the NYPD implement policies of arrest quotas
11 and can attest to the disparate ways this
12 policy was applied to minority officers,
13 myself being one of them."
14 Do you agree with that?
15 A. No quotas. No.
16 MR. SCOLA: Here's the next
17 one.
18 (Whereupon, Declaration of
19 Aaron Diaz was marked as Exhibit TC G
20 for Identification.)
21 Q. This is Exhibit G. This is the
22 Declaration of Police Officer Aaron Diaz.
23 Who is Aaron Diaz?
24 A. He's a police officer. Was a police
25 officer in District 34.

1 C. Tsachas
2 Q. What's his race?
3 A. Male, Hispanic.
4 Q. And when did you first meet him?
5 A. When I got to 34.
6 Q. Number 6, "Prior to 2010, the arrest
7 quota was one per quarter which equals four
8 per year." Number 7, "Following Hall's
9 promotion in 2010, Sergeant Jawad attended a
10 meeting with the chief as was the protocol
11 for newly appointed sergeants in Transit."
12 A. Where are you reading?
13 Q. We're in the front, right there.
14 A. Number seven?
15 Q. Yep. "In that meeting, Chief Hall
16 states that he never said that police
17 officers only needed one collar per quarter.
18 Chief Hall then stated, I want one collar a
19 month. Chief Hall went on to say, older guys
20 are not going to listen but that's the number
21 for the new guys."
22 Do you recall when the quota was
23 changed?
24 MR. RUBINSTEIN: Objection.
25 A. What quota?



1 C. Tsachas
 2 Q. So there's no quota?
 3 A. No.
 4 Q. Was there greater emphasis on
 5 activity in 2010?
 6 A. Yeah. When I was there in 2010, we
 7 were, yeah.
 8 Q. Who implemented this increase in
 9 enforcement?
 10 A. I don't remember. I saw my
 11 conditions and I was ready to address them.
 12 Q. What were the conditions?
 13 A. Theft of services, robberies, grand
 14 larcenies.
 15 Q. So the same as before?
 16 A. Yeah, same as before.
 17 Q. And how would you implement policies
 18 to address those conditions?
 19 A. Deploy people where the crime is
 20 happening.
 21 Q. In the predominantly -- you stated
 22 Newkirk Avenue?
 23 A. Wherever crime is happening.
 24 Q. Where's the crime most likely to
 25 happen in District 34?

1 C. Tsachas
 2 A. Stillwell Avenue.
 3 Q. And where's Stillwell Avenue?
 4 A. In Coney Island.
 5 Q. And that neighborhood is
 6 predominantly Black and Hispanic?
 7 A. Well, that's mixed because it's a
 8 hub where all the trains go.
 9 Q. So all different races of people go
 10 to Coney Island, I don't object to that, but
 11 the people that live in Coney Island, what
 12 is their race primarily?
 13 A. Well, you have the amusement park
 14 across the street.
 15 Q. Right but the people that live
 16 there? Is it pre dominantly Black and
 17 Hispanic?
 18 A. No, because -- no, I would say
 19 mixed.
 20 Q. So when did Chief Hall take over,
 21 this was 2010?
 22 A. Chief Hall was there before I got
 23 there. I don't know when.
 24 Q. How long was he there for? Do you
 25 recall?

1 C. Tsachas
 2 A. No, I don't recall.
 3 Q. Who took over after him, Fox?
 4 A. No, Chief Diaz I believe.
 5 Q. Diaz and then Fox?
 6 A. I think so.
 7 Q. Who's there now?
 8 A. Right now it's Delatorre.
 9 Q. "While the arrest quota was always
 10 pressured, the penalty for not meeting the
 11 quota got significantly worse when Tsachas
 12 became the commanding officer in Transit
 13 District 34."
 14 So did you increase the punishment
 15 for not having activity when you arrived at
 16 34?
 17 A. Well, I don't know what the
 18 punishment was before.
 19 Q. So what is your punishment for not
 20 meeting activity?
 21 MR. RUBINSTEIN: Objection.
 22 Q. For instance, in Diaz, if Diaz
 23 didn't have -- actually, no.
 24 What's the punishment for not having
 25 enough activity?

1 C. Tsachas
 2 A. No, there's not enough. There's
 3 doing the comparisons and observations.
 4 Q. So that would be enough compared to
 5 --
 6 A. I have expectations and I love what
 7 the command's doing. I don't look for you
 8 have to do exactly what he did, no. I want
 9 to see that you're out there and you're
 10 enforcing the laws.
 11 Q. As determined by you, right?
 12 A. By me, their immediate supervisors.
 13 We're all in agreement.
 14 Q. What's the NYPD band?
 15 A. The NYPD what?
 16 Q. Band.
 17 MR. RUBINSTEIN: In number 9.
 18 A. They go to ceremonies.
 19 Q. Is that a favorable position within
 20 the department?
 21 A. Yeah.
 22 Q. Number 9, "When Tsachas arrived, I
 23 was a drummer in the NYPD Police Band. As a
 24 result of being in the band, I was only on
 25 patrol approximately three or four times per



1 C. Tsachas
 2 month which obviously caused my activity to
 3 be lower than officers who were on patrol
 4 twenty times a month."
 5 Is that true? If you're in the
 6 band, would you have less opportunity to make
 7 your numbers?
 8 A. Well, first you have to verify --
 9 he's there for how long? Three to four times
 10 per month.
 11 Q. He's saying he's only on patrol --
 12 A. Yeah, I can't prove that. I know he
 13 was in the band but if I saw his monthly
 14 report and I saw he was always in the band
 15 then yeah, it will be taken into
 16 consideration.
 17 Q. Okay. Who's Janice Williams, she's
 18 the lieutenant?
 19 A. Lieutenant on the second platoon,
 20 yeah.
 21 Q. So the second platoon is the 4 by
 22 12?
 23 A. Second platoon is day tour.
 24 Q. "Lieutenant Janice Williams, Tsachas
 25 immediate subordinate, hated that I was in

1 C. Tsachas
 2 the police band and sought to punish me for
 3 low arrest numbers."
 4 Do you recall Lieutenant Williams
 5 not liking that Diaz was in the band?
 6 A. No. I don't recall her not liking
 7 he was in the band. I do recall us
 8 discussing he is.
 9 Q. What was that? You do recall what?
 10 A. We discussed Diaz.
 11 Q. That he was in the band?
 12 A. No, his performance. They probably
 13 told me or whatever.
 14 Q. So was his performance lower because
 15 he was in the band?
 16 A. No. If that was my determination,
 17 we wouldn't be having this conversation.
 18 Q. Was that your determination?
 19 A. No, the band had nothing to do with
 20 it.
 21 Q. Number 11, "It should be noted that
 22 my summons activity was on par with the rest
 23 of the command but my supervisors harped on
 24 my arrest numbers as a means to punish me."
 25 So if someone has a ton of summonses

1 C. Tsachas
 2 and not very many arrests, would that be poor
 3 performance?
 4 A. It kind of shows that they're out
 5 there working.
 6 Q. So is there more of an emphasis on
 7 arrests meaning more or summonses, how does
 8 it work?
 9 A. The whole overall picture. The
 10 ability to want to go out there and enforce
 11 the laws and you might get a summonses, you
 12 might get an arrest.
 13 Q. Number 12, Lieutenant Williams would
 14 tell me that I don't want to be a cop and
 15 that's the news -- all right. We're going to
 16 start all over again.
 17 "Lieutenant Williams would tell me I
 18 "don't want to be a cop and the new CO is
 19 pissed at you about your arrest activity."
 20 Do you recall being angry at Diaz
 21 over his arrest activity?
 22 A. I don't get angry at anybody.
 23 Q. Do you recall being disappointed?
 24 A. Disappointed.
 25 Q. "In 2012 I had a conversation with

1 C. Tsachas
 2 Tsachas. In that meeting he pulled my
 3 activity numbers and went through the months
 4 one by one. He said I see January, February
 5 and March are good, April and May you having
 6 nothing. I responded by stating I had five
 7 summonses I made so far. Tsachas shouted by
 8 saying no collars, no dollars. I asked
 9 Tsachas what he meant by that and whether or
 10 not he was saying I needed to get one arrest
 11 for the month and Tsachas responded by saying
 12 I'm not saying that. Tsachas went on to say
 13 "why did you write three or four Asians?" I
 14 explained to Tsachas that since I was
 15 assigned to the N line in Brooklyn, the route
 16 consists of heavily Asian-populated areas.
 17 In these areas it's common for Asian
 18 civilians to double up through the
 19 turnstiles. Tsachas then said you should
 20 write more Black and Hispanic people and not
 21 Asians. Tsachas went on to say "You get on
 22 the train and you see a black guy sitting
 23 there with tattoos, what do you do?" I said
 24 I wouldn't do anything because he had done
 25 nothing wrong. Angered Tsachas then said



1 C. Tsachas
 2 "What if he was drinking a coffee?" I
 3 responded by saying I would still not do
 4 anything, and Tsachas shouted "No, you stop
 5 him for an open container and run him to see
 6 if he has a warrant in the system."
 7 Is someone drinking a coffee on the
 8 train technically committing a violation?
 9 A. For alcohol, yes. That one, I got
 10 to take a look, for coffee. Open containers
 11 is associated with alcohol.
 12 Q. If an officer had five summonses
 13 from May but no arrests, would that be not
 14 satisfactory to you?
 15 A. No, that's -- it proves he's out
 16 there. It's okay.
 17 Q. Why did you -- rephrase that.
 18 Why would you ask him why he stopped
 19 three or four Asian people?
 20 A. Well, I don't remember asking him.
 21 Did I ask him? If it's recorded then I can
 22 hear the whole conversation.
 23 Q. So basically if it's recorded then
 24 you did but if it's not recorded then you
 25 didn't?

1 C. Tsachas
 2 A. I have no idea. This is so long
 3 ago.
 4 Q. "Tsachas then said you should write
 5 more Black and Hispanic people and not
 6 Asians."
 7 Why would you advise him to stop?
 8 MR. RUBINSTEIN: Objection.
 9 A. I don't recall.
 10 Q. So it's your testimony that you
 11 didn't say this?
 12 A. I don't recall saying it.
 13 Q. So you may have said it but you
 14 don't recall?
 15 A. I have no idea.
 16 Q. Is this something that you would
 17 say?
 18 A. No, why would I say this? It
 19 doesn't sound like me.
 20 Q. "In a subsequent meeting with
 21 Tsachas, he threatened to transfer me to a
 22 precinct out of Transit if I didn't increase
 23 my arrest numbers."
 24 A. Where are you reading?
 25 Q. Number 14. So if someone didn't

1 C. Tsachas
 2 have enough arrest numbers, would you
 3 transfer them out of the command?
 4 A. If he has repetitive negative
 5 evaluations, there is a step that can be
 6 taken. Yeah.
 7 Q. So the negative evaluations based on
 8 your activity -- because I asked you about
 9 the arrest numbers but you said it's based on
 10 the evaluations.
 11 A. Evaluations, a big part of it was
 12 the enforcement, yeah.
 13 Q. And enforcement means arrests and
 14 summonses?
 15 A. Arrests and summonses, yeah.
 16 Q. So if an officer didn't have arrests
 17 and summonses then he would get negative
 18 evaluations?
 19 A. I would question why and look into
 20 it first.
 21 Q. "Prior to Tsachas commanding Transit
 22 District 34 I had for years had Sundays off
 23 so I could go to church. I am religious and
 24 earned the endearing nickname bible boy
 25 within the precinct. Due to my tenure in the

1 C. Tsachas
 2 command I never had to make a formal request
 3 for a religious accomodation within the
 4 precinct. I spoke with my supervisors long
 5 before Tsachas and they were happy to
 6 accommodate my religious observations. They
 7 would schedule me like they would every other
 8 officer but I would switch one of my regular
 9 scheduled days off with a Sunday so I could
 10 attend church."
 11 16, "After Tsachas arrived at
 12 Transit District 34 called me into the office
 13 with Lieutenant Williams. They both asked me
 14 how I was able to get Sundays off. I told him
 15 I had Sundays off because I go to church.
 16 Tsachas told me I didn't deserve to have
 17 something like that due to my low arrests.
 18 He said it was a great honor to have Sundays
 19 off and that I was not deserving of that
 20 honor due to my arrests. As a result,
 21 Tsachas forced me to miss church and work on
 22 Sundays."
 23 Did you do that?
 24 A. I took him out of that and put him
 25 in a patrol squad like everybody else. He's



1 C. Tsachas
 2 working patrol.
 3 Q. Because of his arrest numbers?
 4 A. Because his low performance, yeah.
 5 Q. Low performance meaning he didn't
 6 have enough arrests?
 7 A. Which included the arrest, yes.
 8 Arrests and summonses. He's not entitled to
 9 get off on Sundays. I told him what to do
 10 and he put an application in and he was
 11 denied. He doesn't deserve it.
 12 Q. Application for what?
 13 A. For a religious exemption.
 14 Q. Accomodation?
 15 A. Yeah. Accomodation, yeah.
 16 Q. So the religious accomodation was
 17 denied?
 18 A. It was denied by EEO. That's where
 19 it went.
 20 Q. So EEO denied his religious
 21 accommodation because of his activity?
 22 A. No because he's not entitled to it.
 23 Q. Because he wasn't performing?
 24 A. No. He's not entitled to it. When
 25 he puts in for that, if they said yes, it is

1 C. Tsachas
 2 what it is.
 3 Q. So it was unwritten before you took
 4 over the command that he would get these
 5 Sundays off?
 6 A. Yes.
 7 Q. Then when you came there, since he
 8 had low activity, you're like, you need to
 9 work on patrol like everybody else, when you
 10 did that he put in a request for the OEO and
 11 it was denied?
 12 A. It was denied by OEO, yeah.
 13 Q. So that's correct?
 14 A. It was denied. Everybody wants to
 15 go to church on Sundays.
 16 Q. Number 17, "As a result of not
 17 meeting the arrest quota, I began receiving
 18 negative performance evaluations as a way to
 19 punish me. I was rated a 2.5 and placed on
 20 performance monitoring."
 21 We already established that you
 22 receive negative evaluations because he
 23 didn't have enough activity compared to his
 24 peers, correct?
 25 A. His peers, conditions, yeah.

1 C. Tsachas
 2 Q. Conditions meaning stopping the
 3 people committing the crimes?
 4 A. Yes.
 5 Q. And the people committing the crimes
 6 are Black and Hispanic?
 7 A. At the end result.
 8 Q. "In September 2012 I was told by
 9 Lieutenant Williams that she understood that
 10 I was in the band but if I could give her 6
 11 collars before the end of the year she would
 12 give me a 4.0 on my 2012 annual evaluation."
 13 Is it common to have such a quid pro
 14 quo like if you have more arrests then you
 15 get a higher performance evaluation?
 16 MR. RUBINSTEIN: Objection.
 17 You can answer.
 18 A. I don't know what Lieutenant
 19 Williams told him.
 20 Q. You don't recall that?
 21 A. No.
 22 Q. Number 20, "I was able to achieve
 23 the amount of arrests that she wanted. In
 24 January 2013, Lieutenant Williams told me
 25 that despite getting the number she wanted I

1 C. Tsachas
 2 would still be getting a 2.5 evaluation thus
 3 putting me on performance monitoring. To
 4 this day I am unsure why she would have
 5 spoken with an inspector regarding my
 6 evaluation."
 7 I'm not sure what the last part
 8 means. Have you ever given someone a
 9 negative performance evaluation for any other
 10 reason other than activity?
 11 A. I didn't behavioral issues, I didn't
 12 have many CDs, no. Well, in that command it
 13 was basically this.
 14 Q. It was all based on activity?
 15 A. Negative evaluations on their
 16 performance, yeah.
 17 Q. And performance was activity,
 18 correct?
 19 A. Yeah, enforcement overall.
 20 Q. Enforcement overall though means
 21 activity and summonses?
 22 A. Yeah. Summonses, arrests.
 23 Q. Number 21, "In 2013, Tsachas changed
 24 my tour in retaliation for not meeting the
 25 arrest quota. He specifically stated "maybe



1 C. Tsachas
 2 you can find some arrests on this tour" while
 3 changing me."
 4 Would it be common to change
 5 someone's tour for not having enough
 6 activity?
 7 A. Yeah. I've done it before, yeah.
 8 Q. Activity means arrests and
 9 summonses?
 10 A. Yeah.
 11 Q. Did do it here?
 12 A. If he says he did, I might have done
 13 it. I'm trying to remember. I can't
 14 remember the tours they changed but he'll be
 15 a candidate for it.
 16 Q. He will be a candidate because he
 17 wasn't getting enough activity?
 18 A. Because his enforcement was not on
 19 par with anybody else. Enough is not a
 20 proper word. He wasn't on par with anybody
 21 else. Working the same tours, lines.
 22 Q. "Tsachas changed my tour despite me
 23 having worked on the day tours for fourteen
 24 years prior to the change. There was no
 25 legitimate basis for the change, and I was

1 C. Tsachas
 2 specifically told that it was due to my
 3 arrests."
 4 Is it proper to change someone's
 5 tours based on their arrests?
 6 A. He had a negative evaluation and we
 7 changed his tours. Nothing wrong with it.
 8 Q. But we already established that the
 9 evaluations are based on the arrests that you
 10 have?
 11 A. Yeah, part of the evaluation is,
 12 Yeah.
 13 Q. But the main part?
 14 A. And he received a negative on it.
 15 Yeah.
 16 Q. You also testified you never
 17 transferred anyone or gave anyone a negative
 18 performance evaluation for behavioral or
 19 other reasons, correct?
 20 A. I didn't have that condition in the
 21 command to do so.
 22 Q. The condition that you were dealing
 23 with was basically the amount of arrests and
 24 summonses?
 25 A. Low enforcement performance, yeah.

1 C. Tsachas
 2 Q. Low enforcement performance?
 3 A. Way below everybody else, yeah.
 4 Q. "Following the tour change I was
 5 told I should resign from the NYPD band by
 6 Tsachas. He told me "this band is a big
 7 problem for you" as I did not have the days
 8 on patrol to meet the arrest quota that
 9 Tsachas wanted."
 10 So was the band a problem for him
 11 reaching the enforcement goals.
 12 A. Just being in the band is a
 13 privilege.
 14 Q. Right.
 15 A. And that ended. I don't know if I
 16 called or a supervisor, I don't know. Or if
 17 you get a negative evaluation, they throw you
 18 off the band. So that you have to look into.
 19 Q. So the band was a privilege?
 20 A. A privilege, absolutely.
 21 Q. And he shouldn't be entitled to that
 22 privilege because his enforcement is low?
 23 A. If you get a negative evaluation, no
 24 matter what it is, no, you're shouldn't be
 25 entitled to it and I don't think the band

1 C. Tsachas
 2 accepts that.
 3 Q. But we already established that the
 4 evaluations are based on arrests?
 5 A. For him, yeah.
 6 Q. So he wasn't entitled to this
 7 privilege because he had low arrests?
 8 A. Low arrests resulting in bad
 9 evaluation, yeah.
 10 Q. Number 24, "On every occasion that I
 11 met with Tsachas he would state explicitly
 12 that officers need to target Black males
 13 while on their tours. He would specifically
 14 state that we should stop giving summonses to
 15 Asian civilians and female civilians in
 16 general."
 17 Did you ever order him to stop more
 18 Black people?
 19 A. We probably went through statistics
 20 I guess with him like I did everybody else.
 21 Q. And the same with the conditions?
 22 A. Yeah. The conditions, the crimes
 23 and overall statistics.
 24 Q. So you're basically ordering him to
 25 stop Black people?



1 C. Tsachas
 2 A. I didn't order that.
 3 Q. You're ordering to stop the people
 4 that are committing the crimes?
 5 A. Yeah.
 6 Q. And we already established the
 7 people committing the crimes statically were
 8 Black and Hispanic?
 9 A. On the major crimes, yeah.
 10 Q. So are you ordering him to stop
 11 Black and Hispanics?
 12 A. No.
 13 MR. RUBINSTEIN: Objection.
 14 Q. Number 25, "Tsachas would tell me
 15 that the majority of people committing crimes
 16 in Transit District 34 were Black males 16 to
 17 21 and that's who we needed to stop."
 18 Is that statistically who was
 19 committing the crimes?
 20 A. Statistically, that could be it.
 21 Yeah.
 22 Q. So that would be the condition in
 23 the command?
 24 A. No, the condition is the crime.
 25 Q. The condition is the underlying

1 C. Tsachas
 2 crime?
 3 A. Yeah.
 4 Q. So in order to stop the right
 5 people, you have to stop people committing
 6 the condition?
 7 A. Committing the crimes, yeah.
 8 Q. Which were the black males?
 9 A. As a result.
 10 Q. Did there come a time where you
 11 transferred Diaz?
 12 A. He was transferred eventually, yeah.
 13 Q. Why did you transfer him?
 14 A. Continuous low performance and I made
 15 a determination that he has no incentive to
 16 change ways.
 17 Q. This is number 26, "In 2013 between
 18 January and June I had seven or eight
 19 arrests. I was told that because of these
 20 arrest numbers that I wouldn't be transferred
 21 but Tsachas had already submitted the
 22 transfer papers so I was transferred to
 23 Transit District 11 in June 2013."
 24 A. He was put in for transfer and then
 25 time went on.

1 C. Tsachas
 2 Q. So he put in for his own transfer?
 3 A. No. I put in for transfer to
 4 recommend transfer. It was in already. It
 5 was going through the offices, wherever it
 6 has to go. It was done deal.
 7 Q. Have you ever transferred a White
 8 officer out of your command for having low
 9 enforcement numbers?
 10 A. There was never a reason to.
 11 Q. Because White officers usually get
 12 the numbers?
 13 A. No. I did give some negative
 14 evaluations. Not true.
 15 Q. Right but there has never been a
 16 reason to transfer a White officer out?
 17 A. It didn't get to that level.
 18 Q. Because they always pulled the
 19 numbers up?
 20 MR. RUBINSTEIN: Objection.
 21 Q. So it never got to that level where
 22 the White officer --
 23 A. It never got to the level, let's say
 24 Diaz.
 25 Q. So when White officers were given

1 C. Tsachas
 2 negative performance evaluations based on
 3 their activity, it never got to that level
 4 because why?
 5 A. The ones that I recall, all of
 6 sudden they changed their ways and became in
 7 par with everybody else.
 8 Q. In your experience, White officers
 9 who were given negative performance
 10 evaluations for low activity never got to
 11 performance monitoring because they then
 12 increased their activity?
 13 A. They performed much better, yeah.
 14 They did it on their own.
 15 Q. So there never was a need to further
 16 punish the White officers?
 17 A. Call them whatever you want. These
 18 people who received negative evaluations,
 19 they performed much better afterwards.
 20 Q. The White officers?
 21 A. And one of them even thanked me for
 22 it.
 23 Q. One of the White officers did?
 24 A. Yes.
 25 Q. Who is this?



1 C. Tsachas
 2 A. Perisi.
 3 Q. And what happened with that?
 4 A. He received a negative evaluation.
 5 I seen him a while later, listen for what you
 6 did -- something like I woke him up, he
 7 changed ways.
 8 Q. Changed his ways meaning that he got
 9 more enforcement?
 10 A. He fulfilled the responsibilities of
 11 an NYPD officer.
 12 Q. Which is to arrest and summons
 13 people?
 14 A. A big part of it, yeah, arrests and
 15 summons.
 16 Q. Basically it's addressing a
 17 condition?
 18 A. Yeah, and I'm proud of him too.
 19 Q. Diaz, number 33, "I personally
 20 witnessed the NYPD implement policies of
 21 arrest quotas and can attest to the disparate
 22 ways this policy was applied to minority
 23 officers, myself being one of them."
 24 Do you disagree with this?
 25 A. Yes.

1 C. Tsachas
 2 MR. RUBINSTEIN: Doing okay?
 3 THE WITNESS: Yeah. Keep them
 4 coming.
 5 MR. SCOLA: This is H.
 6 (Whereupon, Declaration of
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 Q. This is 7 and 8 combined. "I first
 5 met Constantin Tsachas when he became the
 6 commanding officer of Transit District 34.
 7 Almost immediately it became clear that his
 8 only focus was on officers meeting the arrest
 9 quota. I witnessed this the entire time
 10 Tsachas was the commanding officer of Transit
 11 District 34."
 12 When you're running a command, is
 13 the main focus on enforcement?
 14 A. Crime conditions first and then
 15 enforcement.
 16 Q. And crime conditions, as we spoke
 17 about, was what, theft of services, robbery?
 18 A. Theft of services, robbery, yes.
 19 All crimes, misdemeanors.
 20 Q. "Tsachas would always talk to
 21 officers about going after hard targets when
 22 on patrol. To Tsachas hard targets meant
 23 Black and Hispanic civilians. He classified
 24 White and Asian civilians as soft targets."
 25 Is it your testimony that Black and



1 C. Tsachas
 2 Hispanics are not hard targets?
 3 MR. RUBINSTEIN: Objection.
 4 Ask and answered. You can answer
 5 again.
 6 A. No --
 7 Q. I'll rephrase it.
 8 A. If they commit a crime, arrest them.
 9 Take action.
 10 Q. So do you talk to officers about
 11 going after Black and Hispanics?
 12 A. We spoke about crime statistics.
 13 That's probably what I did with everybody.
 14 Q. So because of crime statistics,
 15 would you advise your police officers to
 16 focus on Black and Hispanic civilians?
 17 A. That's just the end result.
 18 Q. The end result is that they focus on
 19 Black and Hispanics?
 20 A. It happens to be these people
 21 arrested for robberies and grand larcenies,
 22 if you look at the statistics --
 23 Q. They were black and Hispanic?
 24 A. They were black and Hispanic.
 25 Q. So walk me through this a little

1 C. Tsachas
 2 bit. So if the statistically Black and
 3 Hispanics are more likely to commit the
 4 crimes or are the ones actually committing
 5 the crimes, when you spoke with an officer
 6 about addressing their conditions, how would
 7 the people -- let me see how I can rephrase
 8 this.
 9 We just established that the hard
 10 targeting -- not hard targets. Strike all of
 11 this.
 12 When you talked with the police
 13 officer and you're speaking to them about
 14 conditions and the statistical analysis of
 15 the conditions, how would you advise them to
 16 patrol to properly handle the condition?
 17 A. If it's theft of service, you got to
 18 be in the vicinity of the turnstile to make
 19 observations. If it's robberies it depends
 20 on which stations. If it's grand larceny and
 21 sleeping passengers, you have to keep an eye
 22 on the train, that's mostly on the midnight
 23 where you can see. Crimes on the platform,
 24 school conditions, you want to be on
 25 mezzanine and platform. It all depends.

1 C. Tsachas
 2 Q. So how was the people committing the
 3 crimes, how is that related to an officer's
 4 patrol?
 5 A. It's where they're committing the
 6 crime and how.
 7 Q. So if statistically speaking, Black
 8 and Hispanics are more likely to be
 9 committing the crimes, that wouldn't impact a
 10 way an officer patrols or addressing their
 11 condition?
 12 A. When I look at the statistics, I see
 13 the line and the station and that's where we
 14 go.
 15 Q. But you said before that Black and
 16 Hispanics are more likely to commit the
 17 crime?
 18 A. At the end result.
 19 Q. And that wouldn't impact in anyway
 20 an officer would patrol?
 21 A. No. We deploy by where crime is
 22 happening.
 23 Q. So would you deploy these officers
 24 in stations where it's more likely to have
 25 Black and Hispanic people because they are

1 C. Tsachas
 2 the ones committing -- what was that?
 3 A. If there is no crime there, I'm not
 4 going to deploy.
 5 Q. So is there less crime in
 6 predominately White and Asian neighborhoods?
 7 A. No, I had crime everywhere.
 8 Q. Less crime though?
 9 A. Some lines had more than the other,
 10 yeah.
 11 Q. But specifically though, the White
 12 and Asian predominantly subway stations, did
 13 they have less crime or more crime or the
 14 same?
 15 A. I can tell you from me there for
 16 years, the Q line was the busiest and it's
 17 mixed.
 18 Q. So when you ask an officer who is he
 19 stopping, what is the insinuation from asking
 20 him that question?
 21 MR. RUBINSTEIN: Objection.
 22 A. Who is he stopping, meaning?
 23 Q. For instance, one of the ones
 24 earlier. So the Declaration of Christopher
 25 Laforce, paragraph eight, "He would send m



1 C. Tsachas
 2 to predominantly Black and Hispanic
 3 neighborhoods as those were the type of
 4 people he would want me to target."
 5 So would you tell your officers to
 6 target the people who are committing the
 7 crimes?
 8 A. Who committed.
 9 Q. Yes, or the ones that
 10 statistically --
 11 A. Yeah, if they committed the crime.
 12 Q. No, no, no. Would you tell your
 13 officers to target statistically the people
 14 committing the crimes?
 15 A. No, I told people to address the
 16 conditions and if there's a line that had
 17 more crime than the other, that's where I
 18 would put them. The population whatever way
 19 it is, it is what it is.
 20 Q. Can you address the condition
 21 without specifically targeting the people
 22 that are committing the crimes?
 23 A. Without?
 24 Q. Yeah.
 25 A. No. It will be unlawful. I don't

1 C. Tsachas
 2 know how they would do that.
 3 Q. You already testified that
 4 statistically Black and Hispanic people were
 5 the ones committing the crimes?
 6 A. Yeah, after the crimes was
 7 committed.
 8 Q. Right. So if you're addressing your
 9 condition, you only address the condition if
 10 you're waiting for a crime to happen and then
 11 arrest him or do you address the condition
 12 preemptively?
 13 A. You can't.
 14 Q. You can't do it preemptively?
 15 A. Something has to happen.
 16 Q. Something has to happen in order to
 17 get an arrest?
 18 A. Yes.
 19 Q. And if nothing happens then you
 20 don't?
 21 A. You can't make an arrest.
 22 Q. But it doesn't mean you're not doing
 23 your job, correct? If nothing happens and
 24 you don't see anything then technically
 25 you're still performing as a police officer?

1 C. Tsachas
 2 A. If you don't see anything and it's
 3 not intentional.
 4 Q. "Intentional" meaning you willfully
 5 don't give it?
 6 A. You willfully avoid it.
 7 Q. So, like, turn a blind eye, in other
 8 words?
 9 MR. RUBINSTEIN: Objection.
 10 A. Yes.
 11 MR. RUBINSTEIN: Back to
 12 [REDACTED]
 13 [REDACTED]
 14 Q. The second sentence in 11, "He would
 15 get his lieutenants to execute his orders and
 16 get his message across to the rest of the
 17 command." Number 12, "That message was if
 18 you do not meet my arrest quota then you will
 19 be placed on performance monitoring and
 20 stripped of all overtime."
 21 So is that accurate?
 22 A. No quota.
 23 Q. Right. Okay. But if you didn't
 24 have enough activity then you would be placed
 25 on performance monitoring because you were

1 C. Tsachas
 2 getting negative evaluations, correct?
 3 A. Yeah. Compared to everybody else,
 4 yeah.
 5 Q. And then if you had negative
 6 evaluations, you wouldn't give them overtime?
 7 A. I would limit it, yep.
 8 Q. The second sentence in 13,
 9 "Commanding officers are incentivized to
 10 increase their arrest numbers in order to be
 11 promoted within the department."
 12 Is that true?
 13 A. No.
 14 Q. But you get promoted based on
 15 whether or not your crime is down?
 16 A. I say more crime conditions,
 17 absolutely.
 18 Q. So if you have less crime in your
 19 command from year to year is how you get
 20 promoted?
 21 A. It helps.
 22 Q. What are the other factors in
 23 promotion?
 24 A. That, you have to go talk to the
 25 chiefs but for me, I know that running the



1 C. Tsachas
 2 command well to make sure that crime goes
 3 down is a big plus.
 4 Q. Does that result in manipulation of
 5 statistics within the commands?
 6 A. I hope not.
 7 Q. But it's been known to happen?
 8 A. Have I read about it? Yeah.
 9 Q. Number 15, "Tsachas would have
 10 Lieutenant Williams in particular do his
 11 bidding. Lieutenant Williams was Tsachas'
 12 major enforcer in Transit District 34."
 13 How long did you work with
 14 Lieutenant Williams?
 15 A. My whole time I was there.
 16 Q. What does she do now?
 17 A. She recently retired.
 18 Q. What is your opinion of her?
 19 MR. RUBINSTEIN: Objection.
 20 Q. Does she work for you?
 21 A. Lieutenant Williams, we spoke, gave
 22 her instructions, I listened to her, we came
 23 to conclusions.
 24 Q. She performed well under your
 25 supervision?

1 C. Tsachas
 2 A. No problem, yeah.
 3 Q. 17, "As a result of the arrest
 4 quota, in numerous years, I was given a 3.0
 5 performance evaluation based solely on my
 6 activity. When these evaluations were
 7 discussed with my supervisors, all they would
 8 talk about was my activity. Contrary to the
 9 rules that govern how performance evaluations
 10 are supposed to be conducted, none of the
 11 other factors that actually determine what
 12 makes an officer effective were considered
 13 except for the arrest quota."
 14 What are the rules that govern
 15 performance evaluations?
 16 A. What are the rules?
 17 Q. Yeah.
 18 A. There is different categories and
 19 you rate the person on it.
 20 Q. Now, in any of those criteria, are
 21 any of those criterion specifically activity?
 22 A. No but you can write in the comments
 23 section. It's available.
 24 Q. Is the comments section important?
 25 A. Yeah, of course.

1 C. Tsachas
 2 Q. How is it important?
 3 A. Because you're evaluating certain
 4 criteria already and you have a comments
 5 section that let's you expand upon
 6 everything.
 7 Q. How are the comments used within the
 8 department, for instance, if you're trying to
 9 get a specialized detail or specialized unit?
 10 A. Yeah, you can put a recommendation
 11 in the comments.
 12 Q. But I'm saying, like, would the
 13 people, determining whether or not you're
 14 accepted into these more plus positions --
 15 A. Yeah. Comments are part of the
 16 evaluations.
 17 Q. So they would look at the comments?
 18 A. Of course.
 19 Q. We'll get to this later but they'll
 20 look at the comments and also the overall
 21 score?
 22 A. Yeah.
 23 Q. "Tsachas along with higher level
 24 supervisors would lower officers' evaluations
 25 to 3.0 as a warning shot to officers

1 C. Tsachas
 2 regarding the arrest quota. Basically, he
 3 would put you on the edge of performance
 4 monitoring and then dangle the carrot of
 5 overtime in front of the officers. Those
 6 officers who needed the overtime to live
 7 would have no choice but to go out and
 8 manufacture as many arrests and summons as
 9 possible in order to maintain their income."
 10 So --
 11 A. Well, this person should be arrested
 12 then.
 13 Q. Who's that?
 14 A. What is this, Diaz?
 15 [REDACTED]
 16 [REDACTED]
 17 Q. Arrested why?
 18 A. If he's manufacturing arrests and
 19 summonses, absolutely.
 20 Q. If someone wasn't performing meaning
 21 they didn't have enough arrests and summonses
 22 compared to their peers, would a 3.0
 23 evaluation be like a warning?
 24 A. 3.0 is like an average.
 25 Q. Isn't the average 3.5?



1 C. Tsachas
 2 A. 3.5 is a little better than 3.0.
 3 Q. I know it's the NYPD's official
 4 position that 3.0 is average but in practice
 5 --
 6 A. In my eyes, a 3.0 is you just come
 7 to work. You do your job. You don't stand
 8 out.
 9 Q. Just to be clear, the 3.0 within the
 10 department --
 11 A. This is tough to tell exactly 3.0 to
 12 3.5.
 13 Q. But in practice, a 3.5 is actually
 14 taught in the academy that it's average?
 15 A. It's okay.
 16 Q. Is that correct?
 17 A. I don't remember being taught that.
 18 MR. RUBINSTEIN: Just go off
 19 the record.
 20 (Whereupon, an off-the-record
 21 discussion was held at this time.)
 22 Q. So number 19, "The NYPD uses
 23 overtime as a way to control its officers.
 24 Officers do not want to lose their overtime,
 25 so they have no choice but to follow the

1 C. Tsachas
 2 commanding officer's unlawful order or risk
 3 not being able to pay their bills."
 4 How is overtime used as a way to
 5 effectuate changes in behavior in the
 6 department?
 7 A. Overtime's a privilege. If you get
 8 arrest overtime, it is what it is. If you
 9 get overtime from a late job, it doesn't get
 10 taken away.
 11 Q. "Tsachas would also use performance
 12 monitoring as a way to make officers act out
 13 of fear of having their careers derailed."
 14 How would performance monitoring
 15 derail your career?
 16 A. Performance monitoring is a
 17 reflection on their performance and, of
 18 course, if you have a negative evaluation and
 19 you want to apply for something then a good
 20 chance you wouldn't be considered but it's
 21 something they did.
 22 Q. Something they did?
 23 A. That's it.
 24 Q. "While Tsachas claimed to only care
 25 about stopping crime, he actually simply

1 C. Tsachas
 2 interested in the manipulation of statistics
 3 for his own benefit. It was common report
 4 practice for Tsachas and the higher-level
 5 supervisors of the command to discourage
 6 civilians from making criminal complaints in
 7 order to classify crimes and misdemeanors
 8 rather than felonies and/or not taking
 9 complaints for actual crimes at all in order
 10 to keep the crime statistics down in the
 11 district."
 12 Did you ever do that?
 13 A. No.
 14 Q. "A simple look at Tsachas
 15 statistical record for his last two years in
 16 Transit District 34 would show that his crime
 17 number percentage year to date was nearly
 18 zero. This was a direct result of Tsachas
 19 manipulating the statistics. While Tsachas
 20 would claim that the NYPD had a legitimate
 21 business reason for his racist application of
 22 the arrest quota, namely targeting Black and
 23 Hispanics, in practice he only cared about
 24 that to promote his own agenda. When it came
 25 to actual crimes, he was more concerned with

1 C. Tsachas
 2 the crime statistics than actually helping
 3 people."
 4 Is that true?
 5 A. No. I don't know what that means.
 6 Q. Number 25, "I personally witnessed
 7 this application of the arrest quota
 8 overwhelmingly effect Black and Hispanic
 9 officers much more frequently than White
 10 officers."
 11 Do you apply the enforcement to
 12 everyone equally?
 13 A. Yeah. If you see something, enforce
 14 it.
 15 Q. 26, "Tsachas singular focus on an
 16 officer's activity. Whether you were issued
 17 a command discipline or trying to appeal a
 18 fraudulent evaluation, the only thing Tsachas
 19 would talk about was your activity."
 20 Now, how could activity impact your
 21 command discipline?
 22 A. Command discipline is discretional
 23 again. I want to warn and admonish or take
 24 time.
 25 Q. So if an officer had more activity,



1 C. Tsachas
 2 you'd be less likely to give him a command
 3 discipline?
 4 A. If he's a well performer, I might
 5 warn and admonish. It depends on what
 6 happened.
 7 Q. So you might cut him a break?
 8 A. Yeah, I might cut him a break.
 9 Absolutely.
 10 Q. If they weren't performing as well
 11 then you'll be less likely?
 12 A. Less likely, yep.
 13 Q. 27, "In an appeal one of my annual
 14 performance evaluations, I was brought into
 15 Tsachas' office where he proceeded to only
 16 talk about my activity. Tsachas told me I
 17 was stopping too many soft targets and that I
 18 wasn't targeting the right people. Tsachas
 19 then told me I needed to target hard targets
 20 which meant Black and Hispanic civilians."
 21 Did you order him to target Black and
 22 Hispanics?
 23 A. No. I don't remember doing that.
 24 Q. "To make it worse he would
 25 specifically tell me not to go to certain

1 C. Tsachas
 2 stations in predominately White neighborhoods
 3 but rather would direct me towards what he
 4 called the right stations. These right
 5 stations just happened to be in predominately
 6 Black and Hispanic neighborhoods."
 7 These "right stations" happen to be
 8 where the crime was being committed, correct?
 9 MR. RUBINSTEIN: To not to go.
 10 A. If I put people there, it's where
 11 the crime was committed. Yeah.
 12 Q. "In the right stations officers were
 13 told to hide in the rooms in order to try to
 14 catch Black and Hispanic people jumping the
 15 turnstile."
 16 Is that correct?
 17 A. If they wanted to hide in the rooms,
 18 feel free to hide in the rooms. I have no
 19 objections to that.
 20 Q. Even though, theoretically,
 21 inspections can give you a command discipline
 22 for being in the room?
 23 A. It could happen but every time I
 24 see it, it was quite obvious.
 25 Q. This is number 31, "Tsachas believed

1 C. Tsachas
 2 that if you stopped Black and Hispanic
 3 targets, these races were more likely to have
 4 an outstanding warrant which would generate
 5 an arrest for the district and increase
 6 Tsachas' likelihood of being promoted."
 7 So if you stop a target -- if you
 8 stop somebody and they have an outstanding
 9 warrant, that turns into an arrest?
 10 A. Yes, that on top of summons.
 11 Q. So if you stop people that are more
 12 likely to have pop -- pop means they have a
 13 warrant, correct?
 14 A. Okay.
 15 Q. So if you stop someone who is more
 16 likely to have --
 17 A. After a crime is committed.
 18 Q. So you stop them for a initial
 19 reason?
 20 A. Yeah.
 21 Q. There is no more 250s and stop and
 22 frisk.
 23 A. No, you seen it.
 24 Q. So if you saw something, you stop
 25 them?

1 C. Tsachas
 2 A. Uh-huh.
 3 Q. Then if they pop, it turns into a
 4 arrest?
 5 A. An arrest, yeah.
 6 Q. 32, "Black and Hispanic police
 7 officers would always have more problems with
 8 Tsachas. Minority officers had a harder time
 9 being told to target people who look like
 10 them simply because of their race."
 11 Did you always have more problems
 12 with more minority officers than White
 13 officers? Not always, did you have more
 14 problems?
 15 A. With this group but throughout my
 16 careers I had great officers of all races.
 17 Q. Did you have bad officers of all
 18 races?
 19 A. In 32, 34, yeah.
 20 Q. But none of the White officers were
 21 on performance monitoring?
 22 A. No. The level did not come to
 23 performance monitoring.
 24 MR. SCOLA: This is I.
 25 (Whereupon, Declaration of



1 C. Tsachas
 2 Pierre Maximilien was marked as
 3 Exhibit TC I for Identification.)
 4 Q. So Exhibit I is the Declaration of
 5 Pierre Maximilien. Who is Pierre Maximilien?
 6 A. An officer in District 34.
 7 Q. And what is his race?
 8 A. He's a male, black.
 9 Q. When did you first meet him?
 10 A. When I arrived at 34.
 11 Q. Did you ever have any issues with
 12 Pierre Maximilien?
 13 A. Without looking at this, I don't
 14 recall if he was in performance monitoring.
 15 I believe I had a good relationship with him
 16 as I did with Perez, the tall one. Yeah.
 17 Q. This is number 9, "The NYPD calls
 18 this arrest" -- basically it's talking about
 19 the internal lingo within the police
 20 department.
 21 What does productivity mean?
 22 A. Productivity is address your
 23 conditions.
 24 Q. So productivity means arrest and
 25 summonses?

1 C. Tsachas
 2 A. Arrests and summonses, yeah.
 3 Q. What about goals, performance goals,
 4 does that also adjust your conditions?
 5 A. Performance goals, quarter. What's
 6 the difference? I don't know.
 7 Q. So your goals would be --
 8 A. I compared them to other officers
 9 and take it from there.
 10 Q. Now, expectations if you're not
 11 performing as expected compared to your
 12 peers, that's also related to --
 13 A. Yeah, I would question it.
 14 Absolutely.
 15 Q. We also established that conditions
 16 were crimes which is basically arrests and
 17 summonses and I guess you just testified
 18 performance goals.
 19 Number 10, "While the quota may have
 20 been the same number for all officers, the
 21 punishment for not meeting the quota varied
 22 significantly depending on the police
 23 officer's race."
 24 Did your application of punishment
 25 for not meeting the quota change depending on

1 C. Tsachas
 2 the race?
 3 MR. RUBINSTEIN: Objection.
 4 A. Absolutely not.
 5 Q. So 17, "Under the Tsachas' command
 6 in Transit District 34 I was given poor
 7 performance reviews and place on performance
 8 monitoring as a result of not meeting the
 9 arrest quota."
 10 Did you place him on performance
 11 monitoring if you recall?
 12 A. I don't recall but it's sure
 13 possible.
 14 Q. "Also put on performance monitoring
 15 for not meeting the arrest quota by
 16 Constantin Tsachas were Police Officers Pete
 17 Young, Howard Brunace, Angel Rosa, Aaron
 18 Diaz, Donald Alexander, Michael Birch, Chris
 19 Perez Roman and myself."
 20 Are any of these officers White?
 21 A. Nope.
 22 Q. 19, "All of the officers placed on
 23 performance monitoring for not meeting the
 24 arrest quota listed above are either Black or
 25 Hispanic. I never witnessed a White officer

1 C. Tsachas
 2 be placed on performance monitoring by
 3 Constantin Tsachas for not meeting the arrest
 4 quota."
 5 A. I went to Alexander's retirement
 6 party. He invited me personally.
 7 Q. That's nice.
 8 A. Yep.
 9 Q. Number 20, "In 2014, Tsachas
 10 implemented a new policy where he would
 11 reward officers with overtime if they made an
 12 arrest. It was well known throughout the
 13 district as collars for dollars. This policy
 14 consisted of rewarding officers who
 15 manufactured arrests with more overtime."
 16 When did you start implementing
 17 collars for dollars?
 18 A. Never. People who performed well
 19 got more overtime. Specialized units, I
 20 rewarded them more overtime.
 21 Q. "Performed well" meaning they had
 22 greater activity?
 23 A. Great arrest, nice grand larceny
 24 collar, if I saw that, yeah.
 25 Q. Just to be clear, if you had greater



1 C. Tsachas
 2 activity then you had more opportunity to
 3 make money within the department?
 4 A. There's always opportunity.
 5 Q. But as far as you recall --
 6 A. It's all part of it.
 7 Q. As far as you were concerned though,
 8 the officers that had the greatest amount of
 9 arrests and summonses had the great amount of
 10 --
 11 A. I think my specialized units had the
 12 most.
 13 Q. Had the most what?
 14 A. Most overtime.
 15 Q. The specialized units?
 16 A. Yeah.
 17 Q. And you rewarded the people that had
 18 the highest numbers of arrests and summonses
 19 with the specialized units?
 20 A. I don't recall if I went by the
 21 numbers but they were good performing
 22 officers.
 23 Q. "Good performing" meaning --
 24 A. So there was a mix probably. Yeah.
 25 Q. Did anyone with low enforcement make

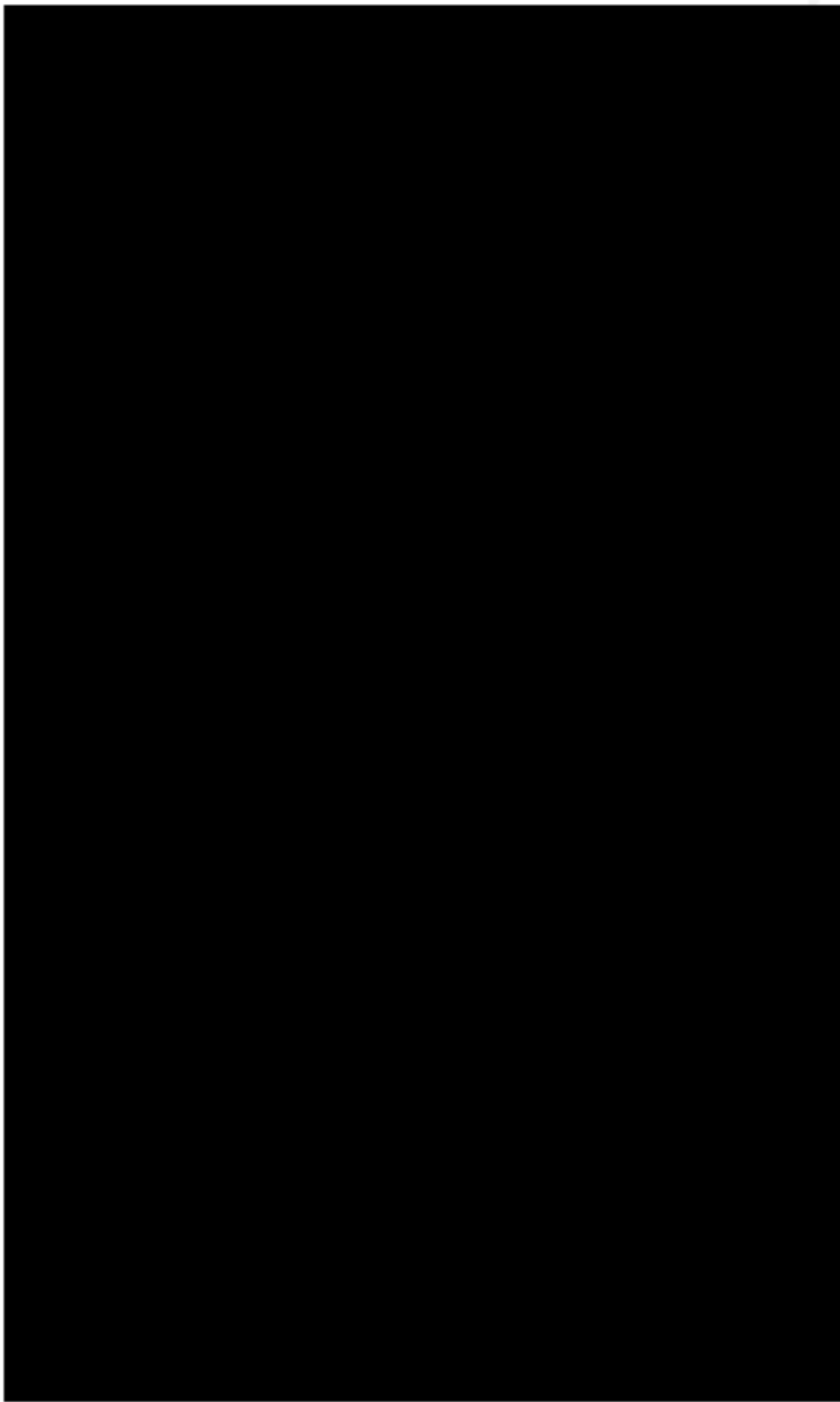
1 C. Tsachas
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 C. Tsachas
 2 it into these specialized units?
 3 A. No, absolutely not. Everybody in
 4 the command, I don't think you will find
 5 somebody will no overtime. Everybody had
 6 overtime.
 7 Q. 21, "In 2014, after enduring years
 8 of abuse at the hands of Tsachas I began
 9 writing letters of concern regarding the
 10 quota, the targeting of minorities and how
 11 specifically Tsachas was targeting minority
 12 officers as a result of the illegal arrest
 13 quota."
 14 Did you ever learn about these
 15 anonymous letters?
 16 A. Yeah. One came back to me.
 17 Q. Which one, do you recall?
 18 A. They sent something to Department of
 19 Investigations.
 20 MR. SCOLA: This is the next
 21 exhibit.
 22 (Whereupon, a letter was marked
 23 as Exhibit TC J for Identification.)
 24 (Whereupon, a letter was marked
 25 as Exhibit TC K for Identification.)

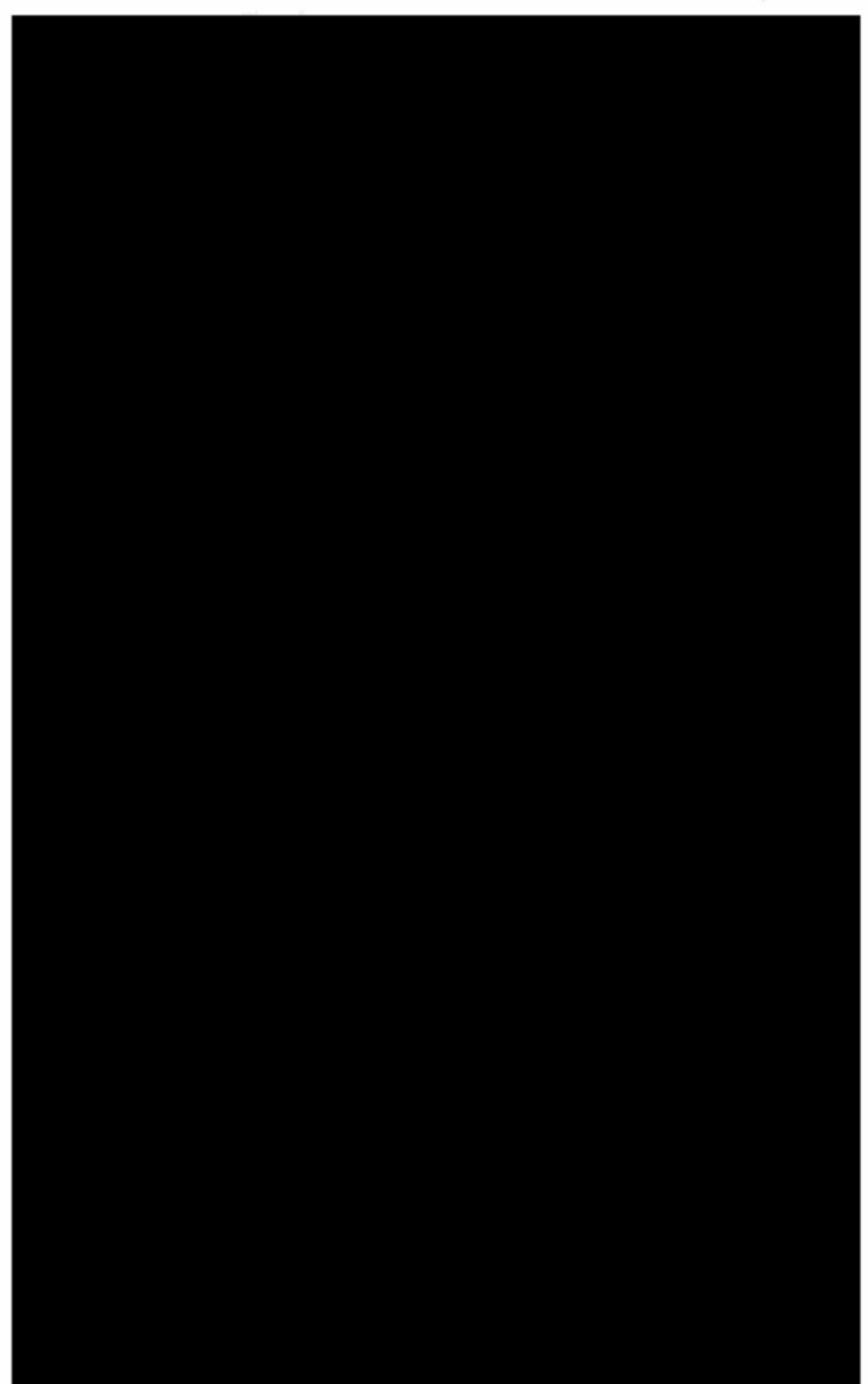
1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25



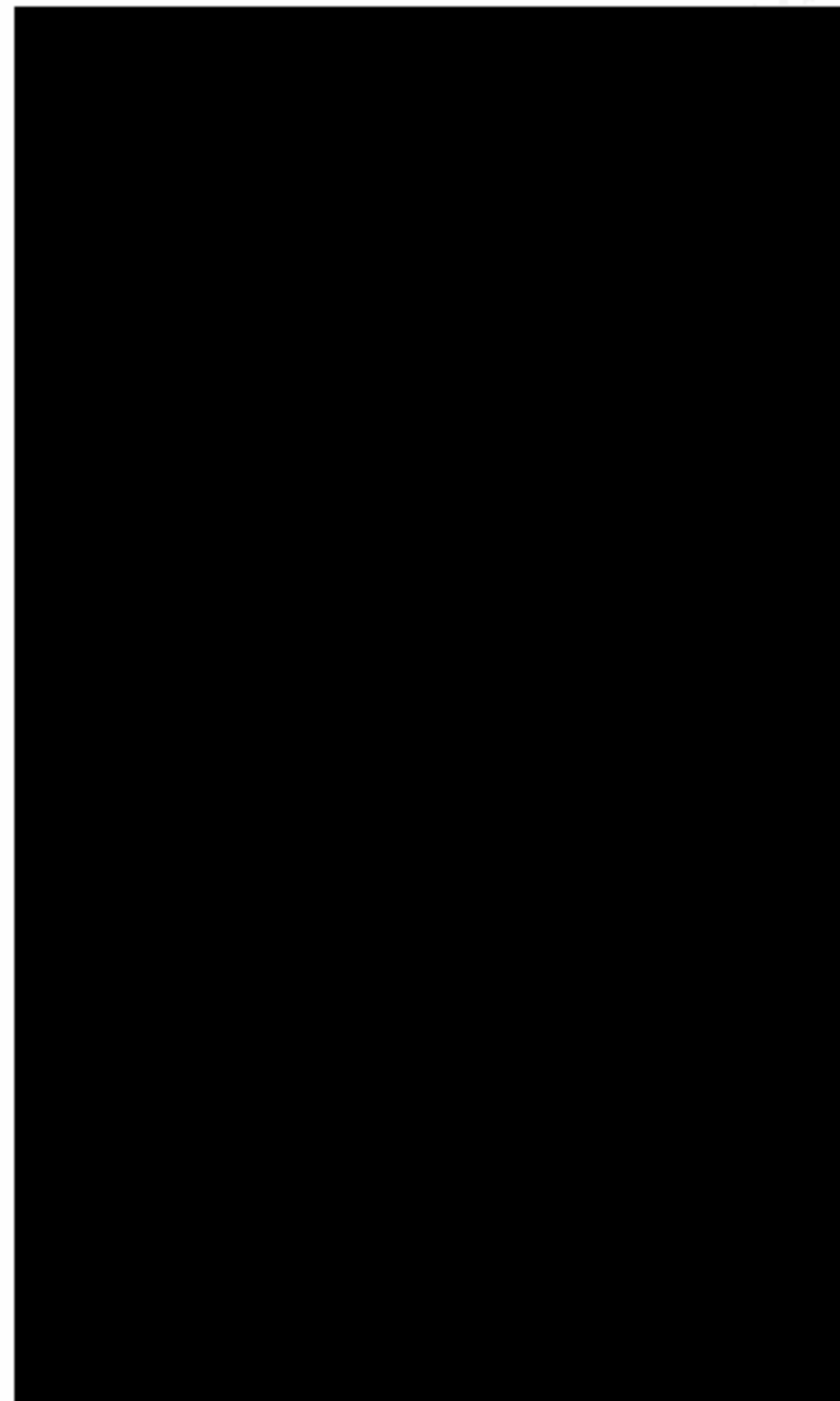
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



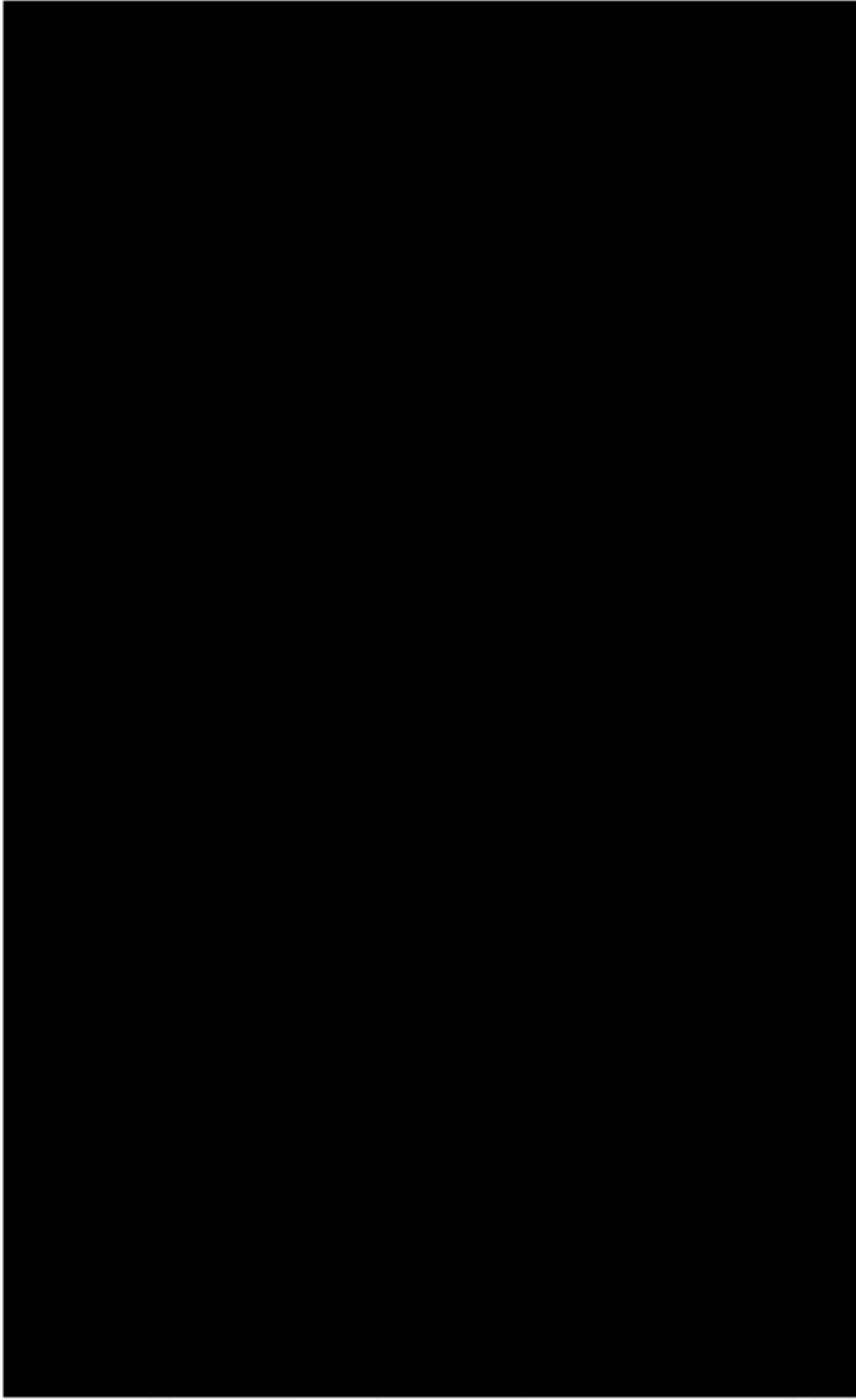
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



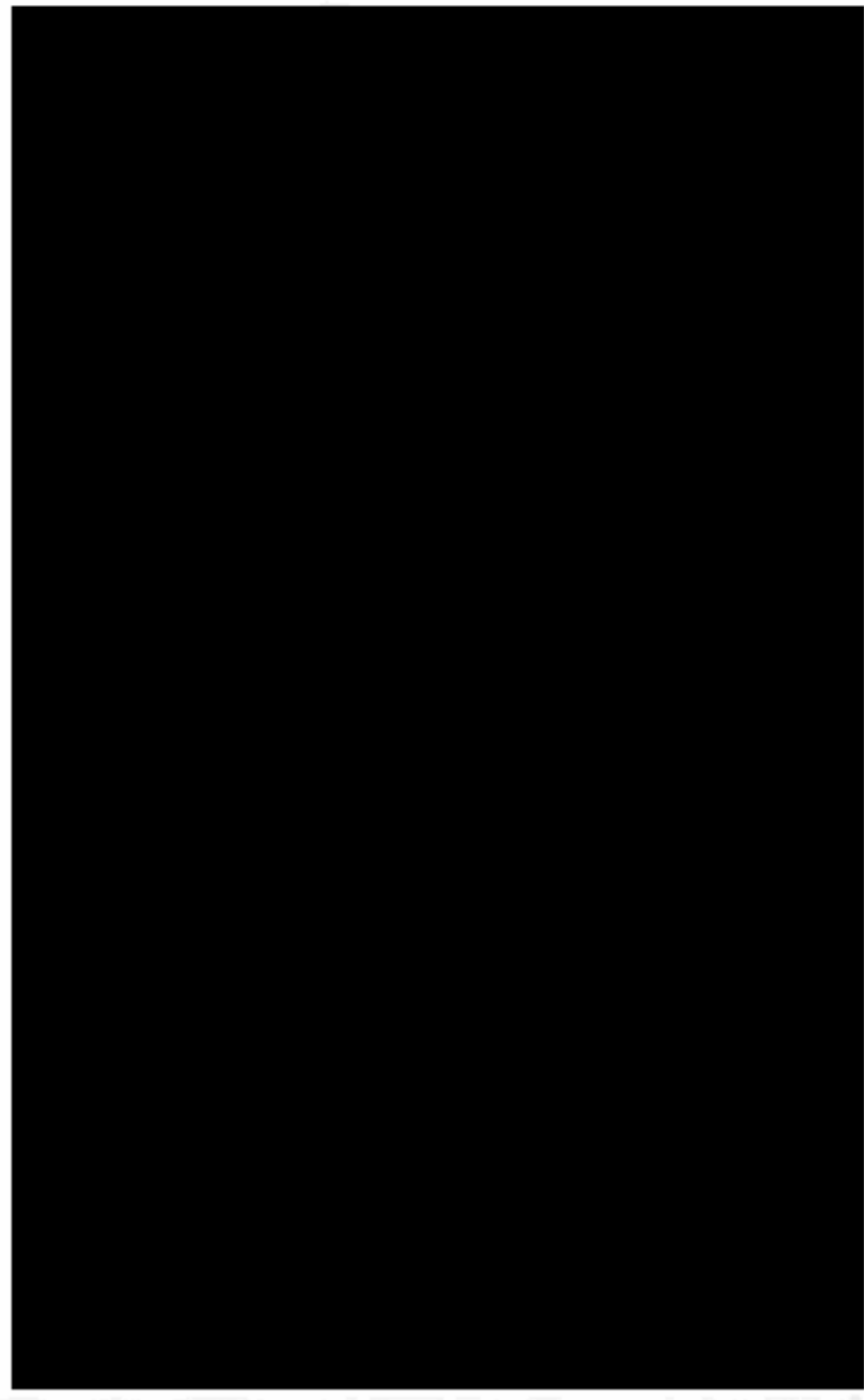
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



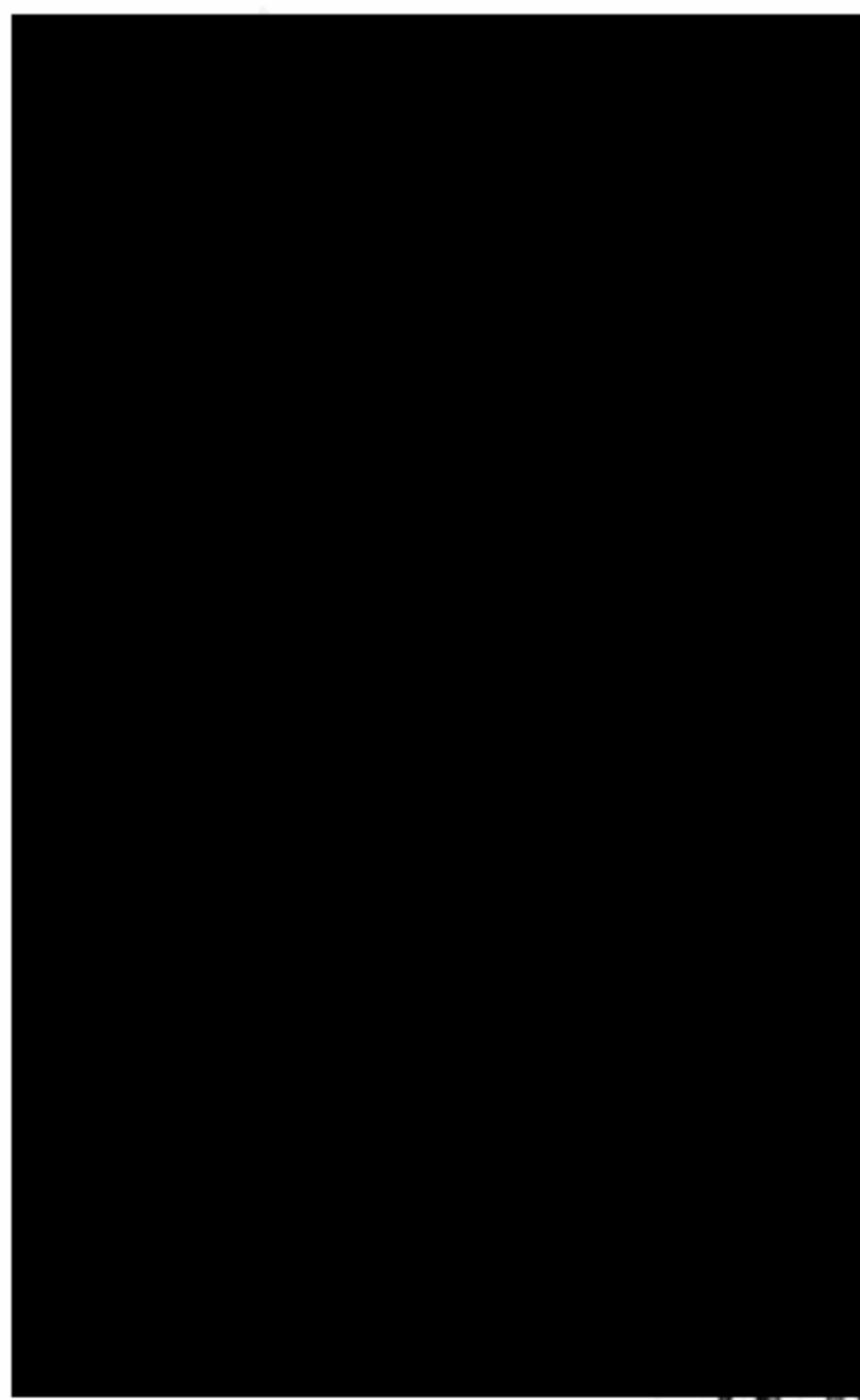
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



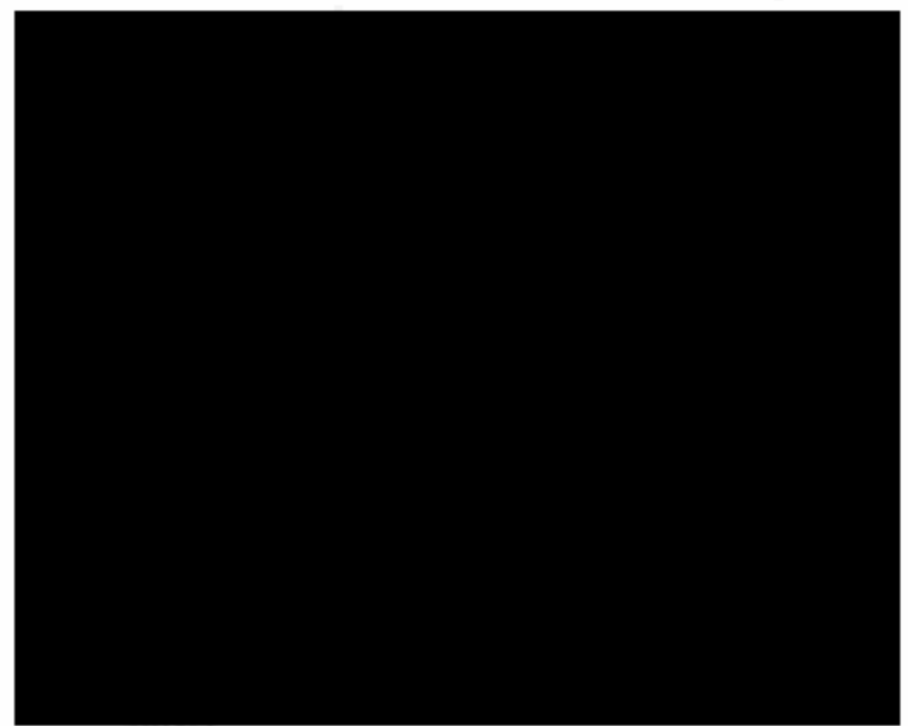
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

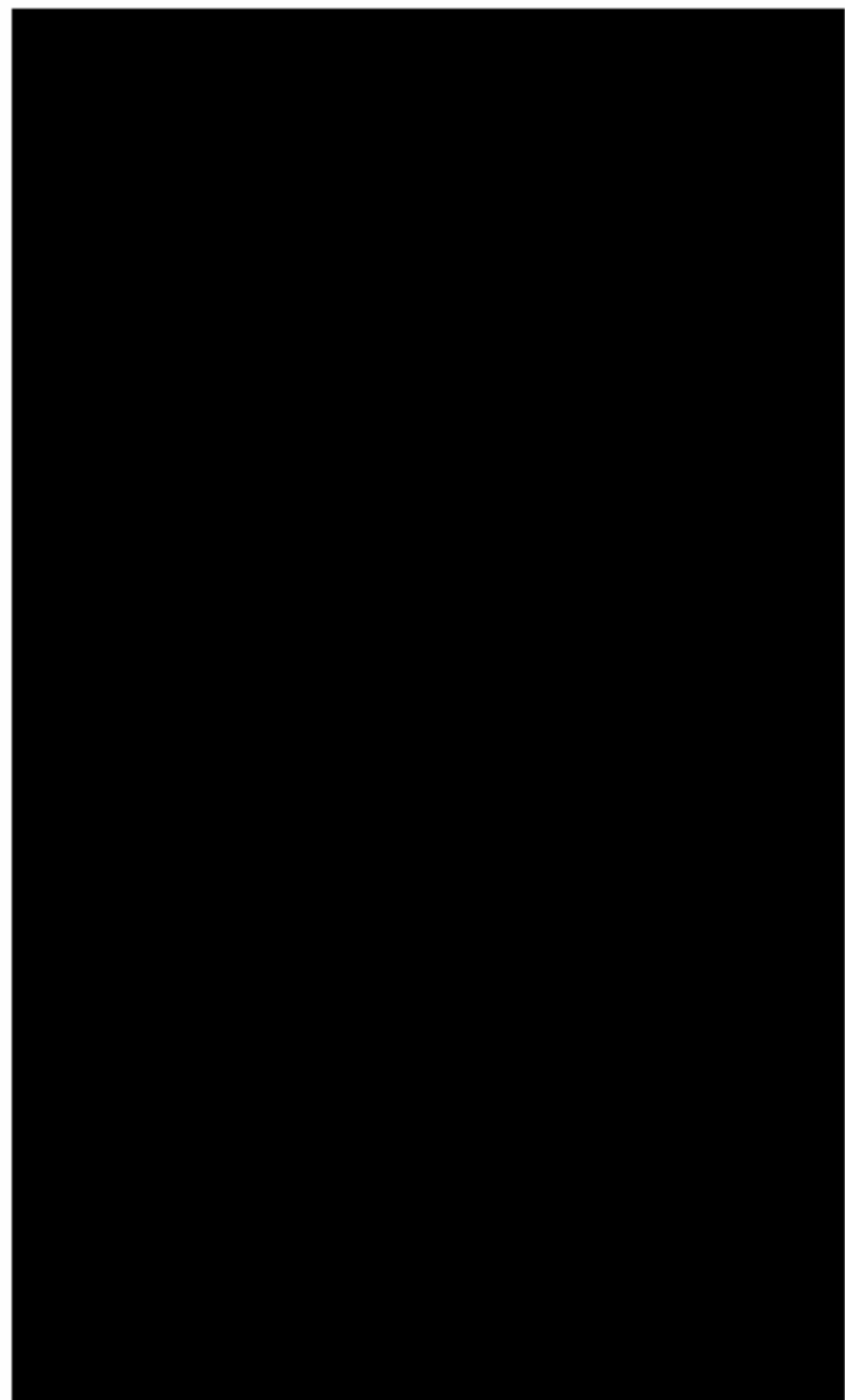


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



MR. SCOLA: Number 22.
MR. RUBINSTEIN: Which exhibit are you on?
MR. SCOLA: This is Pierre's Affidavit, Pierre Maximilien's.
MR. RUBINSTEIN: Exhibit I.
MR. SCOLA: Yeah.
Q. "Following the sending of anonymous letters --
A. Who sent this?
Q. Pierre did. "Following the sending of anonymous letters, I was called into

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C. Tsachas
Tsachas' office where he accused me of writing letters. Fearful of retaliation, I denied that I was the one sending the letters."
Did you ever do that?
A. I don't remember.
Q. Would you have called him in?
A. Him personally?
Q. If you found out he was writing the letters, would you call him in?
A. Would I? I don't know. Would I have done something back then, I don't know.
Q. If you found out that someone sent an anonymous letter about you to IAB, what's the proper recourse for a CO to take when they find that out?
A. I don't think there's any kind of rules of what to do.
Q. What would you have done?
A. What would I have done? I don't know.
Q. Would you have talked to him?
A. Pierre, maybe. We get along. He was unhappy, if there was any problems.



1 C. Tsachas
 2 guess I first have to be clear with whoever
 3 had the letter if there is an investigation
 4 going on, I don't want to bother.
 5 Q. So back to the Felix Benitez
 6 Affidavit, I think it's C or D.
 7 Number 29, "After sending several
 8 letter anonymously, Tsachas called Pierre
 9 Maximilien into his office and told him to
 10 stop writing letters to headquarters."
 11 Did you ever do that?
 12 A. I don't remember.
 13 Q. But you may have?
 14 A. It's not impossible. I just don't
 15 remember doing it.
 16 Q. But you don't recall that he's the
 17 one that wrote it, Pierre?
 18 A. To this day, I don't know.
 19 Q. Well, I'm telling you Pierre did
 20 because he said that he did.
 21 A. Okay.
 22 Q. So number 23, "Immediately following
 23 this conversation, Tsachas stripped me of all
 24 my overtime and forced me to do prisoner
 25 transport almost everyday in retaliation for

1 C. Tsachas
 2 me complaining about the quota."
 3 You did those because he had poor
 4 performance, not because of the quota?
 5 A. Assigning somebody to transport
 6 prisoners, I don't recall ever doing that.
 7 Q. What about the stripping of
 8 overtime?
 9 A. Yeah. That, fine.
 10 Q. It'll be because of the performance
 11 evaluations, not because of --
 12 A. Negative evaluations, yeah. That
 13 could happen.
 14 Q. 24, "through my punish transport
 15 assignment, I noticed police officers
 16 targeted Black and Hispanic homeless
 17 civilians as a result of the arrest quota."
 18 In the first platoon, is the
 19 condition homeless people?
 20 A. Outstretch is the condition on the
 21 first platoon.
 22 Q. What does "outstretch" mean?
 23 A. People sleeping across the benches.
 24 Taking up more than one seat.
 25 Q. "Further, some officers will target

1 C. Tsachas
 2 immigrants through the language barrier to
 3 manufacture an arrest."
 4 How would stopping someone that
 5 doesn't speak English lead to an arrest?
 6 A. I have no idea.
 7 Q. It wouldn't be because you couldn't
 8 identify who they are?
 9 A. If they don't have any kind of ID on
 10 them, they're not entitled to a summons.
 11 Q. 25, "Meanwhile, we were told by
 12 Tsachas' closest lieutenants that we could
 13 not give summons to what they call soft
 14 targets. The soft targets they were
 15 referring to were White, Asian and Jewish
 16 people. Instead, it was emphasized we needed
 17 to stop male, Blacks. Those are the ones
 18 that Tsachas wanted to go to jail."
 19 Did you advise your lieutenants
 20 about soft targets and hard targets?
 21 A. We probably discussed crime
 22 statistics again.
 23 Q. And statistically, White, Asian and
 24 Jewish people are less likely to commit
 25 crimes?

1 C. Tsachas
 2 A. According to my statistics in
 3 District 34.
 4 Q. So to address the conditions, you
 5 have to stop more --
 6 A. People committing crimes.
 7 Q. Which were Black and Hispanic
 8 primarily?
 9 A. If that's the result, it is what it
 10 is.
 11 Q. So the application of the policy was
 12 discriminatory?
 13 A. How did you get that?
 14 Q. Well, you're stopping more Black and
 15 Hispanic people.
 16 A. I said stop the people who commit
 17 the crime. At the end result, if they're
 18 certain races, what am I going to do?
 19 Q. It just so happens they're Black and
 20 Hispanic?
 21 A. Yeah.
 22 Q. Number 26, "When I refused these
 23 unlawful orders meaning the targeting of
 24 Blacks and Hispanics, I was pulled aside and
 25 reprimanded. My overtime was then



1 C. Tsachas
 2 drastically cut."
 3 Did that happen, do you recall?
 4 A. It might have been cut depending on
 5 the circumstances. Drastically, a little
 6 bit, I don't know, stayed the same. I don't
 7 know.
 8 Q. They were cut but you don't recall
 9 exactly how much?
 10 A. I don't know.
 11 MR. SCOLA: Almost done with
 12 these affidavits.
 13 THE WITNESS: Can we put these
 14 to the side?
 15 MR. SCOLA: Yeah.
 16 (Whereupon, Declaration of
 17 Michael Birch was marked as Exhibit
 18 TC N for Identification.)
 19 Q. So this is Exhibit N. This is the
 20 Declaration of Michael Birch.
 21 First of all, who is Michael Birch?
 22 A. Officer in District 34.
 23 Q. And what is his race?
 24 A. I didn't know exactly what he was
 25 but I found out he identifies as Hispanic.

1 C. Tsachas
 2 He speaks Spanish. I don't know.
 3 Q. So he's half Hispanic. When did you
 4 first meet him?
 5 A. When I arrived at 34.
 6 Q. Paragraph 12.
 7 A. 12?
 8 Q. Yeah. "Also in January 2012, I was
 9 approached by a sergeant and told I needed to
 10 get my arrests and summonses up. He stated
 11 that Captain Tsachas was unhappy with my
 12 arrests and summonses. The sergeants went on
 13 to list several other officers who Tsachas
 14 was unhappy with. Each of the officers
 15 listed were minority Black and Hispanic
 16 officers."
 17 Did you have a problem with
 18 performance for Birch?
 19 A. Yes.
 20 Q. And it was because he didn't have
 21 enough arrests and summonses?
 22 A. Lower enforcement compared to
 23 everybody else, yeah.
 24 Q. "Activity or numbers refer to the
 25 amount of arrests and summonses an officer

1 C. Tsachas
 2 has with the NYPD internally refers to as an
 3 arrest quota."
 4 So activity does equal to arrests
 5 and summonses, correct?
 6 A. Yeah.
 7 Q. "Then following this conversation
 8 with the sergeant, my overtime was
 9 dramatically cut."
 10 A. Okay.
 11 Q. Would you cut their overtime if he
 12 didn't have enough activity?
 13 A. Yeah. It's not uncommon.
 14 Q. "I was told that my overtime was cut
 15 as punishment due to having less arrests and
 16 summonses."
 17 Would that be the reason why you
 18 gave him?
 19 A. Yeah, less activity than the
 20 average. Yeah.
 21 Q. Sure. 16, "White officers did not
 22 have their overtime cut for not meeting the
 23 quota. Only minority officers were treated
 24 this way."
 25 Is that correct?

1 C. Tsachas
 2 A. That, I have to verify because I had
 3 two guys and they were temporary. It was
 4 just a temporary issue with them and on their
 5 own.
 6 Q. It was temporary for the White
 7 officers?
 8 A. For those two White officers, yeah.
 9 Q. Now, did you ever tell Birch to
 10 target a certain minority group?
 11 A. As I remember with Birch, one month
 12 he gave all summonses to females and that's
 13 when we sat down and we spoke and I was
 14 curious so we went through the statistics.
 15 Q. So number 20, "Following the rumors
 16 that Tsachas was unhappy with a failure to
 17 meet the quota," meaning your activity, "I
 18 started receiving lower performance
 19 evaluations.
 20 In 2012, my annual evaluation
 21 dropped from a 3.5 to a 2.5. Prior to this
 22 evaluation I never received lower than a 3.5
 23 on any evaluation throughout the twelve
 24 previous years on the job."
 25 You remember him getting worse

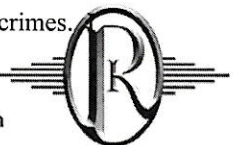


1 C. Tsachas
 2 performance?
 3 A. He's a 2.5 guy, yeah.
 4 Q. 25 and 26, "Minority officers were
 5 given lower performance evaluations than
 6 their White counterparts for not meeting the
 7 quota. This method of giving poor and
 8 fraudulent performance evaluations is a
 9 well-known technique used by supervisors
 10 within the NYPD to punish officers they do
 11 not like in an effort to place them on
 12 performance monitoring and get them
 13 transferred out of their command."
 14 Now, you testified earlier that you
 15 would give negative performance evaluations
 16 for people with low enforcement numbers,
 17 correct?
 18 A. Compared to everybody else, yeah.
 19 Q. And the best way to get rid of
 20 someone or transfer them out of the command
 21 is to give them low performance evaluations,
 22 correct?
 23 A. If it's consecutive.
 24 Q. Did you ever tell Birch that you
 25 should stop Black males from age 14 to 21?

1 C. Tsachas
 2 A. I remember Birch, again, we went
 3 through the statistics and it was uncommon
 4 that all the summonses were women and I
 5 questioned it.
 6 Q. Okay. So this is --
 7 A. And he recorded the conversation.
 8 Q. Yep. Yes, he did. So we're just
 9 going to go through this. I guess this is
 10 the Birch recording that's been exchanged
 11 previously. This recording is a little bit
 12 harder for me to pinpoint down so give me a
 13 second.
 14 MR. RUBINSTEIN: Are you
 15 introducing the recording as an
 16 exhibit?
 17 MR. SCOLA: Sure.
 18 MR. RUBINSTEIN: We're marking
 19 this as O.
 20 MR. SCOLA: This is the Michael
 21 Birch, Tsachas, second CO meeting.
 22 MR. RUBINSTEIN: I think that's
 23 what we did for the other
 24 depositions.
 25 MR. SCOLA: There's going to be

1 C. Tsachas
 2 a bunch of recordings.
 3 Q. We're playing here from 13:18 which
 4 is what I have listed.
 5 (Whereupon, an audio recording
 6 was marked as Exhibit TC O for
 7 Identification.)
 8 (Whereupon, an audio recording
 9 was played.)
 10 Q. So initially, you say to Birch on
 11 the recording "who commits the crimes?"
 12 A. Uh-huh.
 13 Q. What do you mean by that?
 14 A. People arrested.
 15 Q. So what do you mean by the "people
 16 arrested?" "Who commits the crimes," what
 17 are you asking?
 18 A. According to the statistics, who
 19 commits the crime.
 20 Q. Based on their race, is that what
 21 you're saying?
 22 A. Overall thing; age, race. Yeah,
 23 that's how --
 24 Q. Then you ask him "who the bad guys
 25 are," what do you mean by that? Is it the

1 C. Tsachas
 2 same, who commits the crimes?
 3 A. Yeah. I would say the same thing.
 4 Q. So, statistically, male, Blacks 14
 5 to 21 are more likely to commit the crimes?
 6 A. In District 34 that's what the
 7 statistics reveal.
 8 Q. So the bad guys are more likely to
 9 be male, Blacks, 14 to 21?
 10 A. Of those arrested.
 11 (Whereupon, an audio recording
 12 was played.)
 13 Q. When you say "you're not targeting
 14 the perps," what do you mean by that?
 15 A. I think the whole thing was because
 16 he gave summonses to all females and that's
 17 questionable. He was targeting females.
 18 Q. No, he had 48 percent of the
 19 summonses that he gave were to females.
 20 MR. RUBINSTEIN: Objection.
 21 Q. I listened to the recording but you
 22 say this in a second but essentially, "you're
 23 not targeting the perps," how are you
 24 supposed to target the perps?
 25 A. By those who committed crimes.



1 C. Tsachas
 2 just have to question him. He's probably
 3 avoiding and only taking action when a female
 4 jumps a turnstile.
 5 Q. So specifically though, how does a
 6 police officer target a perp?
 7 A. They commit a crime.
 8 Q. No, no, no. When you're on patrol,
 9 you have a condition, you target the perps is
 10 what you're saying, "you're not targeting the
 11 perps," how would you advise a low level
 12 police officer how to target a perp?
 13 A. You could just observe by looking
 14 around and if you're doing certain things
 15 that's suspicious but you can't do anything
 16 until they commit the crime and then you can
 17 arrest them.
 18 Q. So you should have increased
 19 surveillance on people more likely to commit
 20 the crimes?
 21 A. If you feel somebody is acting
 22 strange, yeah, you just take a look.
 23 (Whereupon, an audio recording
 24 was played.)
 25 Q. Sorry, one more question. When you

1 C. Tsachas
 2 say "more likely to pop," you mean they're
 3 more likely to have a warrant?
 4 A. Because we're talking about females
 5 and I'm very confident females have low
 6 level.
 7 Q. Okay. So Black males 14 to 21 are
 8 more likely to pop because they're more
 9 likely to have outstanding warrants?
 10 A. From statistics where I work.
 11 (Whereupon, an audio recording
 12 was played.)
 13 Q. So he described who was committing
 14 the crimes Black males, 14 to 21 and "you're
 15 not targeting these people," is what you're
 16 saying on this recording?
 17 A. Because he was targeting females so
 18 questioned it.
 19 Q. Your definition of "targeting" is
 20 meaning the people who ended up getting
 21 summonses?
 22 A. Yeah.
 23 Q. So he needs to target more Black and
 24 Hispanics because these arrest numbers don't
 25 show enough?

1 C. Tsachas
 2 A. This whole thing is why are these
 3 all females.
 4 Q. So in order to target the right
 5 people -- strike that.
 6 As a commanding officer, you would
 7 know that a police officer is targeting the
 8 right people based on the demographics of who
 9 he writes a summons to?
 10 A. It's hard to believe that he had all
 11 these females and I questioned it.
 12 Q. Right but he should be focusing on
 13 the people committing the crimes, correct?
 14 A. No. He was targeting these people
 15 and I was questioning it.
 16 Q. Why were you questioning it?
 17 A. It's way out of the ordinary.
 18 Q. So he should have had --
 19 A. Way out of the ordinary, that's why.
 20 Q. Based on the demographics, he should
 21 have had more Black and Hispanic summonses
 22 issued because those are the ones committing
 23 the crimes?
 24 A. If they're committing the crimes and
 25 he sees them, he stops them but my concern

1 C. Tsachas
 2 here was why all these females.
 3 Q. So is it your testimony if he sees a
 4 female committing a crime, he shouldn't
 5 arrest them or summons them?
 6 A. No. I feel like he was avoiding
 7 others.
 8 Q. Because he had so many summonses of
 9 females, he wasn't stopping enough Blacks and
 10 Hispanics?
 11 A. I think he was letting others go and
 12 only stopping females.
 13 Q. And you determined that because he
 14 didn't issue --
 15 A. I was inquiring. That's why I have
 16 the meeting with him.
 17 Q. So if he would have had the same
 18 amount of statistics but he had issued Black
 19 and Hispanic males more summonses then you
 20 wouldn't have questioned it?
 21 A. It wouldn't have stood out.
 22 Q. It wouldn't have been noticeable?
 23 A. If it was White, Blacks, no, it
 24 wouldn't have stood out but females stood
 25 out. Yeah.



1 C. Tsachas
 2 (Whereupon, an audio recording
 3 was played.)
 4 Q. So what are you advising him here?
 5 A. I'm questioning it.
 6 Q. You're questioning who he's
 7 stopping?
 8 A. Absolutely because compared to
 9 everybody else, this is not common at all.
 10 Q. So it was abnormal for him to not
 11 stop enough Black and Hispanic males?
 12 A. No. Abnormal for stopping all these
 13 females.
 14 Q. So next clip of this is 26:16.
 15 (Whereupon, an audio recording
 16 was played.)
 17 Q. So he says in there, "you know where
 18 to hunt," what do you mean by that? What did
 19 he mean by that?
 20 A. Well, there is certain stations that
 21 there is more theft of service occurring.
 22 Like I said, the conditions change from --
 23 Q. Police officers on patrol refer to
 24 that patrol as hunting?
 25 A. Well, he did or whoever said it.

1 C. Tsachas
 2 Q. Is that common?
 3 A. No, not common.
 4 Q. What's "proactive" mean?
 5 A. Proactive is you take the initiative
 6 to go out there and enforce the laws.
 7 Q. So "proactive" means you get arrests
 8 and summonses?
 9 A. You get creative, you go out there
 10 and you get results.
 11 Q. Is proactive related to your arrests
 12 and summons numbers?
 13 A. Well, it's a result. You're
 14 proactive, you do get results.
 15 Q. So if you're proactive, it's
 16 basically referring to the results you get as
 17 a police officer?
 18 A. Yes because the conditions exist. I
 19 know they exist.
 20 Q. The crimes being committed?
 21 A. Yeah, they're there.
 22 Q. So if you're proactive, you get
 23 arrests and summonses?
 24 A. Yeah.
 25 Q. Can you be proactive and not have

1 C. Tsachas
 2 arrests and summonses?
 3 A. Is it possible for theft of service?
 4 I can't see that happening.
 5 Q. So proactive just means enforcement
 6 essentially?
 7 A. Yeah, you're creative, you're out
 8 there, you're looking, you're being a police
 9 officer.
 10 (Whereupon, an audio recording
 11 was played.)
 12 Q. So basically you're asking him if he
 13 wants to go to specialized units or if he
 14 wants to move on from Transit District 34,
 15 how is your activity related to your desire
 16 to move on?
 17 A. He'll get a better performance
 18 evaluation.
 19 Q. And the performance evaluations --
 20 A. I'm trying to help these people and
 21 he's aware of it and he had knowledge of it.
 22 He knows he can do better because he knows
 23 it's out there.
 24 Q. So basically if he wants to move on
 25 or get promoted within the department or

1 C. Tsachas
 2 reach some level that he desires, he needs to
 3 improve his enforcement to get better
 4 performance evaluations?
 5 A. Yes.
 6 Q. I think we're good on that and we're
 7 back to this affidavit. "While Tsachas --
 8 A. Where are you reading?
 9 Q. This is number 41. Sorry about
 10 that.
 11 A. It's okay.
 12 Q. "While Tsachas put an emphasis on
 13 the quota, he would not count arrests or
 14 summonses given to Asian or White civilians
 15 as part of the quota. He want the quota met
 16 on his terms which meant stopping Black and
 17 Hispanic civilians."
 18 Is that true?
 19 A. Nope. Impossible for me to check
 20 everybody's arrests, an average. Just
 21 overall numbers.
 22 Q. But you were able to prove the
 23 demographic and arrests he effectuated?
 24 A. It was questionable. It was out of
 25 the ordinary.



1 C. Tsachas
 2 Q. So ordinarily, he should have
 3 stopped more males?
 4 A. Ordinarily, I see a mix.
 5 Ordinarily. And this stood out.
 6 Q. Number 60 and 61, "Minority officers
 7 who did not meet the quota were given
 8 punitive posts such as the Omega booth
 9 located at the York Street subway station."
 10 Now, you did testify that that was a
 11 punitive post given to some officers,
 12 correct?
 13 A. Was it on straight time or overtime?
 14 Q. If it was on straight time, would it
 15 be a punitive post?
 16 A. It could be.
 17 Q. And the same with Clark Street in
 18 32?
 19 A. Yeah.
 20 Q. 61, "This booth is supposed to be
 21 used as post given to officers who are
 22 working overtime. This is due to the
 23 terrorist threat that the tunnel to Manhattan
 24 poses. Further the assignment was never
 25 supposed to be for more than three or four

1 C. Tsachas
 2 hours."
 3 Is that correct?
 4 A. No. We ran on days off. Eight hour
 5 tours.
 6 Q. So the overtime is correct, not the
 7 three to four hours?
 8 A. That's the reason it was created,
 9 yeah.
 10 Q. 62, "Tsachas decided to give
 11 overtime assignments to officers who made
 12 their arrests and use the Omega booth as a
 13 punishment."
 14 Did you give that federal overtime
 15 to officers getting arrests in 34?
 16 A. If I punished somebody and put them
 17 in the booth on straight time, I would
 18 utilize the overtime. My job was to cover
 19 that booth and the reason you get overtime so
 20 patrol is not depleted so it was at the booth
 21 and overtime on patrol, it wasn't depleted
 22 and the mission was met.
 23 Q. So the booth on straight time would
 24 be considered a punishment?
 25 A. No, not necessarily. It depends on

1 C. Tsachas
 2 situations. Like now we have one officer on
 3 straight time and one on overtime. It
 4 depends on what's going on. It's on overtime
 5 overall.
 6 Q. If you use it as a punitive post,
 7 why would it be considered as a punitive
 8 post, because you sit there the whole time?
 9 A. You sit there in the same
 10 environment for a while.
 11 Q. So they can think it over
 12 essentially?
 13 A. You have to utilize the personnel
 14 the best they can if that's the fit.
 15 Q. So after you left 34, where did you
 16 go next?
 17 A. District 32.
 18 MR. SCOLA: Off the record.
 19 (Whereupon, an off-the-record
 20 discussion was held at this time.)
 21 Q. We just got back from a break. I
 22 think it was ten minutes. Basically, we're
 23 done with 34.
 24 So after 34, where did you go after
 25 that?

1 C. Tsachas
 2 A. District 32.
 3 Q. And when was that?
 4 A. It was September of 2015, is it?
 5 Just verify it.
 6 Q. It might have been a little bit
 7 earlier than that.
 8 A. Maybe July or June?
 9 Q. I'm not sure.
 10 A. I have it somewhere.
 11 Q. But it was in 2015?
 12 A. 2015.
 13 Q. For some reason I thought it was
 14 January 2015? I don't know.
 15 A. I think it was later on.
 16 Q. It was later on?
 17 A. We can look that up easy.
 18 Q. Yeah, for sure. Why did you get
 19 transferred from 34 to 32?
 20 A. I was given an assignment that it's
 21 a more busier command with more crime.
 22 Q. So what areas does 32 cover?
 23 A. I don't know the names now. We have
 24 a lot of precincts. I can go through the
 25 precincts first.



1 C. Tsachas
 2 Q. Sure.
 3 A. The 70, 71, 72, 73, 75, 77, 78 and
 4 84.
 5 Q. So that covers the north and south
 6 boroughs?
 7 A. Both, yeah.
 8 Q. And is the set up of the command the
 9 same as 34?
 10 A. 34 was within the MTA, the property
 11 of MTA and District 32's like three blocks
 12 from the nearest station or two blocks.
 13 Q. So the actual command of 34 was
 14 within the MTA building?
 15 A. Within.
 16 Q. And in 32 you have your own building
 17 which is --
 18 A. It's an MTA building that we're
 19 there now but we're not near the train
 20 stations. We're not within the station.
 21 Q. Now, I know you said that 32 is
 22 busier and they have an XO there, normally
 23 with 34, they don't?
 24 A. Yes.
 25 Q. Is there any other changes in regard

1 C. Tsachas
 2 to the command of 32 versus 34?
 3 A. No. Same thing just different
 4 areas, different train lines.
 5 Q. Now, did your responsibilities
 6 change at all?
 7 A. Same responsibilities.
 8 Q. And who did you replace at 32, do
 9 you recall?
 10 A. Fernandez, was it? No, Maldonado.
 11 Q. Now, did you talk to Maldonado
 12 before you became the CO of 32?
 13 A. I don't recall if I spoke to her.
 14 Q. Is it common for commanding officers
 15 to speak with --
 16 A. Yeah, it's common to speak. I can't
 17 remember.
 18 Q. So, for instance, in 34 when you
 19 left, there was a new CO coming in, did you
 20 talk to that new CO?
 21 A. This was Juan Duran. We spoke with
 22 Juan so many times. We spoke about
 23 everything.
 24 Q. What did these conversations usually
 25 entail?

1 C. Tsachas
 2 A. Let me close this. What did we
 3 speak about all these years ago? I had so
 4 many conversations with Juan.
 5 Q. How many conversations did you have
 6 with Maldonado?
 7 A. I can't remember having one, that's
 8 the issue. Did I have one? I don't know.
 9 Q. Before we get into the specifics,
 10 just a couple of questions about evaluations.
 11 You said earlier -- the question, what goes
 12 into evaluations and you testified earlier
 13 it's basically based on activity and other
 14 factors.
 15 MR. RUBINSTEIN: Objection.
 16 You can answer.
 17 A. There is a lot of categories
 18 activities but enforcement is part of doing
 19 police work.
 20 Q. How often do you get performance
 21 evaluations?
 22 A. Once a year.
 23 Q. And they're out of five?
 24 A. Yeah, they recently did. They
 25 changed that but when I was there, I stick

1 C. Tsachas
 2 with out of five, yeah.
 3 Q. What did they change it to recently?
 4 I'm just asking for my own reference.
 5 A. They have a point system.
 6 Q. You testified earlier normally the
 7 sergeant is the one who evaluates the officer
 8 initially?
 9 A. The sergeant first, yeah.
 10 Q. And then what happens after the
 11 sergeant evaluates the officer?
 12 A. If it's a 3.0 and above, it goes to
 13 the lieutenant.
 14 Q. If it's below a 3.0, then what
 15 happens?
 16 A. Then it goes to the commanding
 17 officer or executive officer.
 18 Q. And what do you have to do with
 19 that? When an evaluation is below a 2.5 and
 20 it comes to you, what happens?
 21 A. I look at the evaluation, I review
 22 it and what I usually do is I speak with the
 23 officer and the supervisor.
 24 Q. Do you speak with them as part of an
 25 appeal or in normal course of your duties?



1 C. Tsachas
 2 A. Normal course because I want to get
 3 down to the bottom of what happened and
 4 hopefully we can change this.
 5 Q. When does someone other than a
 6 sergeant -- when does someone other than the
 7 supervising officer evaluate an officer --
 8 let me rephrase that.
 9 When does someone other than a
 10 sergeant evaluate an officer?
 11 A. When a lieutenant evaluates a
 12 sergeant.
 13 Q. Who evaluates the lieutenants, the
 14 CO?
 15 A. The CO, XO, yeah.
 16 Q. And the CO evaluates the XO?
 17 A. Yes.
 18 Q. And then these evaluations are used
 19 for obviously career advancement within the
 20 department, correct?
 21 A. It's a record of performance, yeah.
 22 Q. Now, can an officer appeal this
 23 decision?
 24 A. Yes, they can appeal.
 25 Q. And how does the appeals work?

1 C. Tsachas
 2 A. The appeals for Transit went to -- I
 3 had one appeal that went to the personnel
 4 lieutenant of the Transit Bureau and then I
 5 did some too.
 6 Q. So initially a police officer gets
 7 their evaluation --
 8 A. It comes to me and if he's not
 9 satisfied then it goes up one.
 10 Q. What are the procedures for
 11 investigating an appeal of an evaluation?
 12 A. We sit down, we have a conversation
 13 with the supervisor and the officer and we
 14 discuss and discuss why he gave it.
 15 Q. How long does it normally take to
 16 have an appeal or an evaluation? Is there a
 17 normal time?
 18 A. As long as it lasts.
 19 Q. I'm given a 2019 evaluation and I
 20 appeal it, how long does it take to
 21 adjudicate that appeal?
 22 A. To do it itself?
 23 Q. Yeah.
 24 A. It's something I like to do within a
 25 reasonable time.

1 C. Tsachas
 2 Q. That's about, like, a month?
 3 A. Yeah, a month would be all right.
 4 Nothing wrong with that.
 5 Q. So what would be a reason that you
 6 can appeal an evaluation, do you know what
 7 the reasons are?
 8 A. There are reasons but my apology, I
 9 don't recall them. They're in the patrol
 10 guide.
 11 Q. We can go through it. Is a mistake
 12 one of them?
 13 A. If there is an error, I'm trying to
 14 remember.
 15 Q. This is what I have here. I can
 16 just read them to you. So I have factual
 17 error, misinterpretation, bias and prejudice
 18 or other performance factors.
 19 A. Could be.
 20 Q. So what would be an example of a
 21 factual error?
 22 A. Factual error, if I look the
 23 evaluation, based on fact -- you got to --
 24 what will be a fact? There can be so many
 25 things. An officer was on patrol for

1 C. Tsachas
 2 21 days; no, I wasn't, I was on patrol
 3 18 days.
 4 Q. So some mistaken fact in the
 5 evaluation?
 6 A. Yes.
 7 Q. What about misinterpretation, if you
 8 know?
 9 A. I never counted.
 10 Q. What about bias and prejudice,
 11 that's another factor?
 12 A. Well, if the supervisor doesn't like
 13 the officer and just based on that, yeah.
 14 Q. And the other one was "other
 15 performance factors," so that would be just
 16 something it looks like a catchall?
 17 A. For some reason in my head, there's
 18 -- what you read to me could be correct or
 19 slightly different.
 20 Q. That's based on what I saw. It's
 21 not from the patrol guide. It's from reading
 22 other things.
 23 So what is the commanding officer's
 24 role in the evaluations then?
 25 A. To appeal it, he sits down with the



1 C. Tsachas
 2 supervisor and the officer and they go
 3 through it. Now, the reasons to appeal are
 4 very specific but I always allowed doors to
 5 go beyond that because a lot of these I could
 6 have just said no but I give it courtesy.
 7 Q. And what are interim evaluations?
 8 A. There's yearly evaluations and maybe
 9 you want to document something in between the
 10 year. That's how you do it.
 11 Q. Now, who orders an interim
 12 evaluation?
 13 A. Anybody can do it.
 14 Q. Any supervisor?
 15 A. Yes.
 16 Q. So a sergeant can do it on his own?
 17 A. Yeah.
 18 Q. And then a lieutenant and an officer
 19 alike?
 20 A. Yeah, anybody can do it.
 21 Q. Are they usually positive or
 22 negative?
 23 A. They're supposed to be used for
 24 both.
 25 Q. Are they, in practice, used for

1 C. Tsachas
 2 both?
 3 A. They're usually negative
 4 unfortunately but they're good for both.
 5 Q. Why are they usually negative?
 6 A. You want to document something.
 7 Usually negative. It just happens.
 8 Q. When did you first meet Edreweene
 9 Raymond?
 10 A. When I got to 32.
 11 Q. The first time?
 12 A. No, not the first time. I was in
 13 34.
 14 Q. You met him while he was in 34?
 15 A. He was at a summer detail when I was
 16 there but I don't remember any interactions.
 17 He said he was there. We spoke.
 18 Q. Coney Island is part of Transit
 19 District 34 or 32?
 20 A. 34.
 21 Q. But sometimes you get officers from
 22 other districts?
 23 A. During the summer time we get people
 24 from other districts because it gets very
 25 busy.

1 C. Tsachas
 2 Q. Is that a desired post?
 3 A. Some people like Coney Island and
 4 some don't.
 5 Q. Did you speak with Maldonado about
 6 Raymond before taking charge of 32?
 7 A. I don't recall if I did.
 8 Q. What is reengineering in 2014?
 9 A. I went to one meeting to try
 10 different ways to improve the department and
 11 people assigned to it. Just ideas.
 12 Q. Did you know that Officer Raymond
 13 was part of that?
 14 A. Who?
 15 Q. Police Officer Raymond?
 16 A. He told me he was. He kept
 17 mentioning it.
 18 MR. SCOLA: This is an exhibit.
 19 (Whereupon, a letter was marked
 20 as Exhibit TC P for Identification.)
 21 Q. So this is basically just a letter
 22 from former Commissioner Bratton to Police
 23 Officer Edreweene Raymond thanking him for
 24 his work with Reengineering 2014.
 25 Do you know who ran Reengineering?

1 C. Tsachas
 2 A. Who?
 3 Q. Do you know who was in charge of it
 4 or what it was?
 5 A. The commissioner is in charge of
 6 everything and this is what he wanted and he
 7 appoints people to do the work.
 8 Q. But do you remember what the
 9 substance of it was at all?
 10 A. Trying to improve the department.
 11 Q. Do you know who Deputy Inspector
 12 Oliver Pu-Folkes is?
 13 A. Pu-Folkes?
 14 (Whereupon, a letter was marked
 15 as Exhibit TC Q for Identification.)
 16 Q. So this is Exhibit Q. This is a
 17 letter written from Edreweene Raymond to
 18 Deputy Inspector Pu-Folkes who actually was
 19 in charge of Reengineering in 2014 dated
 20 July 23rd, 2014.
 21 Now, did you ever become aware that
 22 Raymond had made complaints about enforcement
 23 within Transit?
 24 A. This is before me, right?
 25 Q. Yes.



1 C. Tsachas
 2 A. No, I learn about him then.
 3 Q. You never heard of Raymond before?
 4 A. I never knew that they wrote letters
 5 or how bad it was or anything negative.
 6 Nothing positive about him. He was described
 7 as a problematic officer.
 8 Q. When was he described as a
 9 problematic officer?
 10 A. When you speak to supervisors.
 11 Q. When you first got there?
 12 A. When you first got there, yeah.
 13 Q. You were told he was problematic?
 14 A. Yeah.
 15 Q. Were you told why?
 16 A. Low performance, doesn't do
 17 anything.
 18 Q. So he was problematic because he
 19 didn't have activity?
 20 A. He wouldn't fulfill his duties to
 21 enforce laws.
 22 Q. He was described as problematic to
 23 you because of his enforcement, not
 24 necessarily because he wrote this letter?
 25 A. First time I seen this letter. I

1 C. Tsachas
 2 don't know. I never heard of it.
 3 Q. This is paragraph one. "As a member
 4 of your Reengineering team and at your
 5 invitation, I am writing to you to clarify
 6 issues and concerns I have regarding pressure
 7 for arrests that appear out of alignment with
 8 the new direction of this administration.
 9 From my discussions, it is clear that Police
 10 Commissioner Bratton seeks to reduce transit
 11 arrest for certain low level offenses. That
 12 targeted vulnerable justice system involved
 13 folks such as those who are homeless in favor
 14 of alternative resolutions such as increase
 15 services at the pre-arrest stage."
 16 Were you ever aware of Police
 17 Commissioner Bratton's desire to reduce
 18 transit arrests for certain low level
 19 offenses?
 20 A. No.
 21 Q. Did he ever communicate that to you?
 22 A. No orders came down.
 23 Q. So no official orders came down?
 24 A. No.
 25 Q. So it says this is true then, the

1 C. Tsachas
 2 bottom, "However this topdown message is not
 3 being disseminated nor enforced at the
 4 Transit District command level."
 5 So if this message was a public
 6 message, it wasn't being disseminated to you?
 7 A. I never seen it in writing.
 8 Q. Did you hear it?
 9 A. No.
 10 Q. 2, "Recently the platoon commander
 11 of the third platoon of my Transit District
 12 conducted a role call and since that the
 13 third platoon arrested more people due solely
 14 to the fact that the arrests from year to
 15 date are 20 percent lower than this time last
 16 year."
 17 Would it be common for platoon
 18 commanders or sergeants to compare activity
 19 from the year before to this year's activity?
 20 A. You're asking individual supervisors
 21 of what they do.
 22 Q. Would you advise them to do that?
 23 A. You're asking me if and whens.
 24 Q. So for you, as the commanding
 25 officer?

1 C. Tsachas
 2 A. I did my things as a commanding
 3 officer. I looked at the overall.
 4 Q. Compared to the year before?
 5 A. No, just current.
 6 Q. So you already testified that you
 7 were judged based on the amount of crime
 8 compared to the year before?
 9 A. Crime reviewed this.
 10 Q. So if your year-to-date crime was
 11 higher than the year before, would you
 12 pressure or basically advise lower level
 13 supervisors to get more enforcement?
 14 A. If it's more crime, we have to look
 15 at the employment, we have put more officers
 16 in certain locations.
 17 Q. So it's based on whether the crime
 18 was up?
 19 A. Hopefully the uniform deters it or
 20 the uniform makes an arrest so it doesn't
 21 happen again.
 22 Q. So if a uniform deters it, what do
 23 you mean by that?
 24 A. If I see a lot of officers in one
 25 location, I'm expecting no crime to happen



1 C. Tsachas
 2 Q. Because them being there is a
 3 deterrent to crime?
 4 A. Yes, I hope so. I want these guys
 5 to be visible because I don't want this to
 6 happen.
 7 Q. You want them to be visible?
 8 A. It depends. It depends on what I
 9 have.
 10 Q. What do you have meaning what?
 11 A. School conditions, be visible,
 12 direct the kids up and down into the train,
 13 stop hanging around, move.
 14 Q. This is the next sentence, "He
 15 mentioned that it makes it easier to approve
 16 requests for lost time and other leave if the
 17 platoon gets more activity."
 18 A. Now you're asking me for stuff I
 19 wasn't there, not authorized.
 20 Q. I'm asking in your experience as a
 21 commanding officer and for you in particular,
 22 does it make it easier to approve request for
 23 lost time?
 24 A. You're telling me what Raymond
 25 thinks and feels. This is not right.

1 C. Tsachas
 2 Q. I'm asking you a question.
 3 A. What's the question then.
 4 Q. So as the commanding officer, is it
 5 easier to approve requests for lost time and
 6 other leave if the platoon gets more
 7 activity?
 8 A. Overall platoon, no, that sounds too
 9 much.
 10 Q. It will be based more
 11 specifically --
 12 A. Even a command.
 13 Q. So you would look at it as a
 14 specific officer, not a platoon as a whole in
 15 other words?
 16 A. Yeah, the platoon. It's a command,
 17 officers, you know.
 18 Q. So this is in the middle of 5.
 19 "I have been spoken to many times
 20 about my arrest activity and told that in
 21 comparison to my peers that the amount of
 22 people that I arrest on a regular basis is
 23 subpar and if I don't step it up, I'll be put
 24 on performance monitoring which would hurt my
 25 career and prevent me from being promoted as

1 C. Tsachas
 2 I am high in the list of recently released
 3 sergeant examination."
 4 So how does this comparison work
 5 with the peers for their activity?
 6 A. You take a look of the personnel in
 7 a command, where they're working, uniformed,
 8 plain clothes and you look for an average,
 9 you see approximately what goes on. It's all
 10 approximations.
 11 Q. It's your testimony that it's proper
 12 to evaluate police officers on activity?
 13 A. It's one of the ways, yes.
 14 Q. And this is taught to you or this is
 15 your interpretation?
 16 A. Is it taught?
 17 Q. In the patrol guide, does it say
 18 that officers can be judged on activity?
 19 A. I don't think it just says that.
 20 Q. What about enforcement, they're the
 21 same?
 22 A. No. Patrol guides doesn't have
 23 rules. It has, you know, what to do when you
 24 make an arrest, arrest processing.
 25 Q. It doesn't have anything regarding

1 C. Tsachas
 2 evaluations?
 3 A. Evaluations aren't on the patrol
 4 guide. Things over, who knows how many
 5 pages.
 6 Q. Now, in one of your supervisory
 7 meetings, was this letter ever brought up?
 8 A. I never seen this before. This was
 9 just before I got there.
 10 (Whereupon, an Evaluation was marked
 11 as Exhibit TC R for Identification.)
 12 Q. So I'm going to play the recording
 13 D222.M4A.
 14 A. So he gave me this before I got
 15 there.
 16 MR. RUBINSTEIN: I guess we'll
 17 make objections going forward to any
 18 documents from before Inspector
 19 Tsachas was there.
 20 MR. SCOLA: Sure.
 21 Q. So this is a part of a recording
 22 D22.M4A. Duration is 14 minutes and 22
 23 second. I guess that's an exhibit.
 24 A. 14 minutes for this?
 25 Q. We're not listening to all of this.



1 C. Tsachas
 2 So it's a little bit tricky, this is the
 3 transcript of it so we're going to have to
 4 mark this too. This is the transcript of
 5 this recording which we'll mark as an exhibit
 6 and then it's related to this performance
 7 evaluation but it might not be in the exact
 8 order.
 9 MR. RUBINSTEIN: Again, note my
 10 objection. This document is from
 11 before Captain Tsachas was at Transit
 12 District 32.
 13 (Whereupon, a transcript was
 14 marked as Exhibit TC S for
 15 Identification.)
 16 (Whereupon, an audio recording
 17 was marked as Exhibit TC T for
 18 Identification.)
 19 Q. So before we get into this so
 20 basically you've testified earlier that a
 21 performance evaluation is how an officer is
 22 judged essentially within the department on
 23 paper.
 24 A. Yeah, it's documented evaluations.
 25 Q. As a commanding officer, would you

1 C. Tsachas
 2 look passed evaluations of an officer when
 3 forming an opinion about that officer?
 4 A. I've taken a look. It's available.
 5 Q. So did you take a look at this when
 6 you came to --
 7 A. I got there in '15. I never seen
 8 this one. As far as I was told, there was no
 9 2014 evaluation.
 10 Q. Right. This is the interim. I
 11 believe this is an interim evaluation and I
 12 believe you.
 13 A. Yeah, that's an interim, yeah.
 14 Q. I believe you ordered Sergeant
 15 Campbell to make the annual 2014 evaluation
 16 like the interim?
 17 A. No, I told them where's the 2014, he
 18 said he did it. I said what did you give him
 19 and he would say 2.5, 2.0. I said listen,
 20 it's not there so do another one.
 21 Q. So you told him he had to mirror the
 22 interim?
 23 A. He said he did it so I said to
 24 reproduce it. This one year, I don't know.
 25 Q. So you never seen this one before?

1 C. Tsachas
 2 A. No.
 3 Q. So you never looked at this when you
 4 got to --
 5 A. As far as I knew, there was nothing
 6 for 2014. That's how I understood it.
 7 Q. So I have a couple of questions
 8 about the evaluation process and we're going
 9 to play this recording so I can get your
 10 comment on that. Just for the record, this
 11 interim was given on -- covers the period
 12 from March 1st, 2014 to October 31, 2014.
 13 The letter sent to Pu-Folkes was
 14 dated July 23rd, 2014, and in this recording,
 15 Campbell is about to say he was ordered to do
 16 this a couple of months before. So that
 17 would put that at about August.
 18 A. Ordered to do?
 19 Q. To do this, this one.
 20 MR. RUBINSTEIN: Referring to
 21 Exhibit R?
 22 Q. About 30 days after he filed that
 23 letter. All right.
 24 (Whereupon, an audio recording
 25 was played.)

1 C. Tsachas
 2 A. Who was speaking?
 3 Q. That's Sergeant Campbell to
 4 Edreweene Raymond. Is it common for a
 5 commanding officer to order an interim?
 6 A. Yeah. There's nothing wrong with
 7 that.
 8 Q. That's the normal way the interim is
 9 given, it's ordered by the commanding
 10 officer?
 11 A. It is common but the CO has a part
 12 of it and if the CO wants one, they'll get
 13 one.
 14 Q. So in this instance, Campbell is
 15 saying that he's ordered by Maldonado to give
 16 an interim.
 17 A. Okay, it's possible.
 18 Q. So can a sergeant give an interim by
 19 himself?
 20 A. He can do it on his own, yeah.
 21 Q. Does he need approval from a
 22 lieutenant or --
 23 A. No need.
 24 Q. Have you ever experienced a sergeant
 25 give an interim on his own?



1 C. Tsachas
 2 A. On his own?
 3 Q. Or her own I guess?
 4 A. Mostly with the lieutenant and the
 5 sergeant. They do it together. I believe
 6 that's what happened. Again, a long time
 7 ago.
 8 Q. I mean in the normal course of
 9 practice, is the CO always of an interim?
 10 A. I've been in two commands so I can
 11 only answer to that. We have 75 precincts,
 12 12 districts, PSAs.
 13 Q. In your limited Transit District
 14 experience, has an interim ever been given
 15 where you weren't aware of it as the
 16 commanding officer?
 17 A. I'm told about it, that it's going
 18 to be done or recommendation for it. It's
 19 always discussed. It's a team effort.
 20 Q. So as we talked about earlier,
 21 interims are normally negative so negative
 22 would be 2.5 and below?
 23 A. Yeah.
 24 Q. So what additional work would a
 25 commanding officer have to do if an interim

1 C. Tsachas
 2 is issued if it's negative?
 3 A. To sign off on it.
 4 Q. So you have to sign off on it?
 5 A. Yeah.
 6 Q. So Campbell just said on here that
 7 he believe Raymond is a 4 but this evaluation
 8 is a 2.5, is it common for a sergeant's
 9 evaluation to be superseded by a commanding
 10 officer?
 11 A. Commanding officer can do their own
 12 evaluation.
 13 Q. Would a commanding officer supervise
 14 that police officer though on a daily basis?
 15 A. You mean the police officer --
 16 Q. So, for instance, in this interim,
 17 Campbell believes Raymond is a 4 but he's
 18 given a 2.5, in what instances would a
 19 commanding officer order a sergeant to lower
 20 a police officer's evaluation?
 21 A. Only to sit down and discuss it and
 22 there's an agreement.
 23 Q. Agreement between?
 24 A. The sergeant and whoever the
 25 supervisor is. It could be the lieutenant,

1 C. Tsachas
 2 it could be the captain.
 3 Q. The sergeant has to sign off on it
 4 though?
 5 A. Sergeant has to put his name on it
 6 and if it's negative, it goes to the
 7 executive officer, the CO or XO. If it's 3
 8 or whatever, it goes to lieutenant. The
 9 lieutenant has to prove it again.
 10 Q. Right, right.
 11 (Whereupon, an audio recording
 12 was played.)
 13 Q. So he's talking about the point
 14 system and evaluations.
 15 A. Go ahead.
 16 Q. How does the point system work? If
 17 you need this to refresh your memory, you can
 18 look at the exhibit.
 19 A. I'm out of District 34 for three
 20 years and things have changed. This is the
 21 old system.
 22 Q. This was in 2014?
 23 A. I wasn't even there. On your
 24 monthly report, you're given points and at
 25 the end of the quarter, you're given a

1 C. Tsachas
 2 quarterly, that's all. Quarterly points and
 3 the whole idea is your quarterly points have
 4 to reflect your evaluation and if they don't,
 5 there is an issue somewhere.
 6 Q. And these are the 28 categories
 7 you're judged upon which is the recording of
 8 Exhibit R I believe. Okay. We'll keep
 9 playing it.
 10 (Whereupon, an audio recording
 11 was played.)
 12 Q. Is it common to give an interim
 13 evaluation to someone underperforming?
 14 A. Yeah.
 15 Q. And underperforming means low
 16 activity?
 17 A. Yeah, depending on what the
 18 commanding officer feels. For this one, you
 19 have to ask Maldonado why she felt it had to
 20 be done.
 21 Q. So if you're advising a sergeant who
 22 believes that a police officer is a 4 who is
 23 ordered to give an evaluation, what would you
 24 advise him to do?
 25 A. If tells me he's a 4?



1 C. Tsachas
 2 Q. Yeah, but you want an interim done,
 3 how would that work?
 4 A. I'll tell him to do one but if I
 5 tell him, it means that I see something.
 6 Q. So the CO has discretion in terms of
 7 what the actual score is?
 8 A. No, the sergeant puts his name on
 9 it. If I want to do it on my own, I can
 10 disagree with it but the way it works is I
 11 have to do a separate one.
 12 Q. Have you ever done that?
 13 A. Not a separate one, no. But there's
 14 a comments section too.
 15 (Whereupon, an audio recording
 16 was played.)
 17 Q. So on this performance evaluation,
 18 which of these criteria include activity?
 19 A. You can use your judgment,
 20 innovativeness, your adaptability, your
 21 drive, problem recognition.
 22 Q. So these are all ways that --
 23 A. These are very general but you can
 24 relate them. It relates to it. Not just
 25 enforcement, it's other things. These are

1 C. Tsachas
 2 very general.
 3 Q. These are all ways that supervisors
 4 incorporate activity into performance
 5 evaluations?
 6 A. Not everything here.
 7 Q. No, no, but the ones you just
 8 listed, "problem recognition?"
 9 A. It could be, yeah. Depends on your
 10 assignments.
 11 Q. So for instance, number seven, and I
 12 know -- well, arguably you haven't seen this
 13 before but it's fine.
 14 Number 7, "Police
 15 Interaction/Notification" is a "1."
 16 "Police officer Raymond does not
 17 take appropriate action when he encounters
 18 crimes and violations. He does not take
 19 initiative when it comes to taking the course
 20 of an action. He believes that his presence
 21 is all that's needed when addressing crimes
 22 or violations."
 23 So that's related to activity,
 24 right?
 25 A. In this one, yeah.

1 C. Tsachas
 2 Q. Number 7?
 3 A. Yeah.
 4 Q. So initiative would be arrests and
 5 summonses essentially?
 6 A. If you're on patrol, sure.
 7 Q. Initiative and proactiveness is kind
 8 of interchangeable?
 9 A. Yeah. Proactive, initiative, yeah.
 10 Q. What about handling specific
 11 offenses, number 6. He got a 2 for this.
 12 "So Police Officer Raymond believes
 13 in handling specific offenses he should talk
 14 to offenders and suspects and provide
 15 guidance. He refuses to use enforcement to
 16 correct or address crime."
 17 So that's related to activity as
 18 well, right?
 19 A. Yeah, he doesn't --
 20 Q. He doesn't make arrests?
 21 A. He doesn't enforce the laws. So
 22 it's been an ongoing issue apparently.
 23 Q. Yeah but you already knew that
 24 because you said he was problematic when you
 25 got there?

1 C. Tsachas
 2 A. Because they told me. I didn't see
 3 this before.
 4 Q. 24, adaptability, "Police officer is
 5 unwilling to adapt or adjust the new
 6 department policies and programs such as
 7 addressing crime conditions."
 8 So this means he's not enforcing --
 9 he doesn't have enough enforcement, correct?
 10 A. He doesn't want to. Unwilling.
 11 Q. Unwilling, meaning that he refuses
 12 it?
 13 A. That's how I interpret this.
 14 Q. When you read this as say CARB, you
 15 say he's unwilling to do it so he refuses?
 16 A. Yeah. He doesn't want to.
 17 Q. Here's another one. Did we just do
 18 adaptability? Yeah, we did.
 19 Drive and initiative is also 1. 25,
 20 "Police Officer Raymond does not show any
 21 drive or initiative in addressing his
 22 assigned monthly conditions nor is he
 23 motivated when it comes to taking enforcement
 24 action when it comes to violations deserved."
 25 So this means he's not getting



1 C. Tsachas
 2 enough activity too, correct?
 3 A. Yeah, he's not doing anything.
 4 Q. So he' lazy?
 5 A. I don't know if he's lazy or doing
 6 it on purpose. There's a difference.
 7 Q. What's the difference?
 8 A. Lazy, you don't feel like it; on
 9 purpose means you try to create something
 10 like you have a plan in mind.
 11 (Whereupon, an audio recording
 12 was played.)
 13 Q. So in that recording Campbell just
 14 says that she said make it a 2.5 as opposed
 15 to a 2, have you ever ordered a supervisor to
 16 give a specific score on an evaluation?
 17 A. After we discuss it and we come to
 18 an agreement. Yeah, we come to an agreement
 19 because his name is on this.
 20 Q. But in this instance, it was a 2 and
 21 she goes make it a 2.5?
 22 A. I don't know.
 23 Q. That's her prerogative as a
 24 commanding officer, she can do that?
 25 A. Campbell has to put his name on it.

1 C. Tsachas
 2 Q. So basically since Campbell's name
 3 is on it, it's looked as if he's the one
 4 giving the evaluation?
 5 A. He's giving it, yes. I don't know
 6 what happened between them but he put his
 7 name on it.
 8 Q. Have you ever overwritten the
 9 comments of an evaluation?
 10 A. Overwritten?
 11 Q. Overwritten essentially, like a
 12 sergeant puts comments initially and then you
 13 change them?
 14 A. Personally change it, no. If there
 15 is any kind of disagreements, we sit down
 16 together and discuss it and come to a
 17 conclusion. We have to sign on them as him.
 18 Q. So in your interpretation of this
 19 evaluation as a commanding officer for many
 20 years was that Raymond does not have enough
 21 enforcement and that's why you have an
 22 interim evaluation?
 23 A. Yeah, he was doing it on purpose.
 24 That is my conclusion.
 25 Q. That he's willful?

1 C. Tsachas
 2 A. Yes.
 3 Q. So when you found out that -- when
 4 you came into the command, who were the
 5 problematic officers that you were warned
 6 about other than Raymond?
 7 A. He just stands out now. Again, many
 8 years ago and because of all the incidents
 9 and everything, he just stands out. Anybody
 10 else, I have to take a look.
 11 Q. So you don't recall who told you
 12 that he was problematic?
 13 A. Well, it was probably my
 14 administrative staff.
 15 Q. Who would be on that staff?
 16 A. I had Lieutenant Reid, he retired.
 17 Mostly him, we spoke.
 18 Q. And you don't remember talking to
 19 Maldonado?
 20 A. That, I don't know. I just can't.
 21 Q. Did Reid ever mention that Raymond
 22 was on the Obama Task Force for policing?
 23 A. Obama Task Force?
 24 Q. Yeah, Obama's Presidential Policing
 25 Task Force?

1 C. Tsachas
 2 A. No, doesn't ring a bell.
 3 Q. You just knew that he was
 4 problematic?
 5 A. Yeah.
 6 Q. Did that change the way you looked
 7 at him? So normally you come into a new
 8 command, you find out an officer is
 9 problematic, how does that change your
 10 approach?
 11 A. Took a look. No, I try to take a
 12 look to see if it's true because people have
 13 clash of personalities, opinions.
 14 (Whereupon, Summons Statistics
 15 was marked as Exhibit TC U for
 16 Identification.)
 17 Q. So for 2014 which was when this
 18 interim was done --
 19 A. This says 2012 on it.
 20 Q. Sorry, it's the third page.
 21 First of all, what's a tab summons?
 22 A. It's a summons that you get for
 23 transit violations.
 24 Q. So for 2014, Raymond had 152 tabs
 25 and you can see --



1 C. Tsachas
 2 A. For 2014?
 3 Q. You can see the total.
 4 A. Batch transmittal is 9. Distributed
 5 summonses to MOS, he got 58.
 6 Q. Do I have the right number, 152.
 7 A. Records issued summons is 9. Unused
 8 59. So they received 9 from him.
 9 Q. What's this number?
 10 A. Was he given 152 and he got back --
 11 he received 58. Record issued summons, 9.
 12 He wrote 9 and he returned 9. That's what it
 13 looks like.
 14 Q. What's that number based on?
 15 A. When you give out a summons, it's
 16 accounted for, it gets scanned. I gave
 17 officer X 20 summonses, I'm expecting back,
 18 eventually, 20 summons. Every now and then
 19 you have to check how many are left.
 20 Q. What do you mean? Can you explain
 21 this because we're lay people.
 22 A. Sorry. Here's a book of summonses,
 23 it gets scanned. So now the computer knows
 24 Officer X received a packet of summonses.
 25 Now it's in the computer. So now I think

1 C. Tsachas
 2 it's 90 days, whatever's not returned, it
 3 popped up in the computer to check to make
 4 sure these summonses still exist. So if when
 5 an officer writes a summons, it gets handed
 6 in at the end of the tour, it gets scanned
 7 back into the computer. It gets accounted
 8 for.
 9 Q. So For 2014 which is the last three
 10 pages, I calculate eight arrests for 2014.
 11 A. 2014. Arrests?
 12 Q. Yes.
 13 MR. RUBINSTEIN: If you flip
 14 ahead.
 15 Q. I counted eight.
 16 A. Those are summonses that he only did
 17 9 probably.
 18 Q. What happened?
 19 A. Do we understand what happened here?
 20 He didn't issue 152.
 21 Q. He had 152 total?
 22 A. He looks like 9. He returned 9.
 23 Returned unused, 59 unused.
 24 Q. Out of 152?
 25 A. No. Distribute to MOS 58. Issued

1 C. Tsachas
 2 nine. This is for the whole year, right?
 3 Unused 59, he scanned back 9. To me it's 9.
 4 You have to verify maybe with somebody else
 5 but it looks like he did 9 for the year.
 6 Q. And then eight arrests?
 7 A. 8 arrest. Arrest precinct index
 8 from 2012 -- looking at which page?
 9 Q. They're all jumbled.
 10 MR. RUBINSTEIN: You see there
 11 is a date number.
 12 THE WITNESS: This date goes
 13 from 2012 to 2015. It's three years
 14 worth.
 15 Q. So back to this though, the first
 16 part, so basically he did eight arrests for
 17 2014?
 18 MR. RUBINSTEIN: Objection.
 19 A. Did you count eight?
 20 Q. Yeah.
 21 A. 2014?
 22 Q. Last page.
 23 A. 2014, 1, 2, 3, 4.
 24 Q. Right, and then there is --
 25 A. It's jumbled.

1 C. Tsachas
 2 Q. It's everywhere. And on the page
 3 before there's two. And then on the first
 4 page there is two as well towards the end.
 5 A. 7, 8.
 6 Q. So if he was refusing to enforce
 7 then he wouldn't have any numbers at all,
 8 right?
 9 A. Well, were these arrests given to
 10 him?
 11 MR. RUBINSTEIN: Objection.
 12 Q. What does that mean?
 13 A. Assigned. I don't know from looking
 14 at this. Because he has had assigned
 15 arrests.
 16 Q. I think there was one in 2014.
 17 Okay. Back to the first part because I need
 18 some clarification here.
 19 What's the "batch transmittal" mean?
 20 The one on top.
 21 A. I never scanned summonses because
 22 I'm far from it but I know that there's a
 23 procedure to do this and that's what this is.
 24 Q. Okay. So "batch transmittal 3?"
 25 A. I don't know what it is.



1 C. Tsachas
 2 Q. So what about distributed summonses
 3 to members of service?
 4 A. From what I'm reading, supposedly he
 5 received --
 6 Q. This is for 2012?
 7 A. He received 69 of them according to
 8 this. Odd number.
 9 Q. So he's distributing summonses to
 10 members of service meaning he was given 69
 11 summonses?
 12 A. That's strange.
 13 Q. And then other was two and then
 14 record --
 15 A. Maybe they were C summonses because
 16 that's separate. Tabs, these are tabs.
 17 Q. So record issued summonses was 29
 18 and then record unused summonses was 19, scan
 19 received 23, transmit to court confirmed
 20 seven.
 21 So the total activity for
 22 summonses --
 23 A. I can't verify that. I don't
 24 understand.
 25 Q. It's unclear what that means?

1 C. Tsachas
 2 A. No, I'm not familiar.
 3 Q. So why did you get 9 before?
 4 A. I'm trying to read this and over
 5 here it seemed clearer but now here we
 6 introduced other items, transmit to court.
 7 Q. I'm just going based on the total.
 8 A. Yeah, I can't help you much with
 9 this.
 10 Q. So this is the annual -- there is a
 11 bunch of marks bought that's going to be the
 12 next exhibit.
 13 (Whereupon, an Evaluation was
 14 marked as Exhibit TC V for
 15 Identification.)
 16 Q. So just to be clear about the
 17 Exhibit V, though or the one about the
 18 summons statistics, it seems like you can't
 19 really decipher what each of these mean?
 20 A. No, sorry.
 21 Q. I was hoping you would help me out.
 22 A. Sorry. I told you the process to
 23 account for them.
 24 Q. I got you. So this is an annual
 25 evaluation from 2014, the rater is Martin

1 C. Tsachas
 2 Campbell, the reviewer is Constantin Tsachas,
 3 that's you, correct?
 4 A. Yes. This was '14 but it was done
 5 -- does it date when it was done?
 6 Q. No, probably not. They don't date
 7 it.
 8 A. Okay, if my name was on it. Yeah.
 9 And this is the one -- yeah, he did.
 10 Q. So just to go through these a little
 11 bit. So how did the -- so basically Campbell
 12 brings you an evaluation and you review it
 13 and then it's issued to Raymond?
 14 A. I asked him where's his 2014
 15 evaluation, he said he did it, we can't find
 16 it in the system, what did you give him, I
 17 think he told me 2.5. I said well, we don't
 18 have it so redo it.
 19 Q. So let's go through some of these
 20 comments here. First one is 25, drive and
 21 initiative. "Police Officer Raymond needs
 22 constant supervision. Police officer Raymond
 23 does not take any initiative or show any
 24 drive unless specifically directed by a
 25 supervisor." Do you agree with that?

1 C. Tsachas
 2 A. Yes.
 3 Q. And this is related to his
 4 enforcement activity?
 5 A. Enforcement, yeah.
 6 Q. Now, did you write this or --
 7 A. Campbell wrote it. If we discussed
 8 it, yeah, it's possible. He logs on and
 9 types it all in and does it.
 10 Q. Reasoning ability, 16, "Police
 11 Officer Raymond cannot apply rules or
 12 procedures to situations or cannot see how
 13 events or information relate to the solution
 14 of a problem. He does not see how a series
 15 of events are related or connected to one
 16 another nor can he form logical conclusions
 17 from the events."
 18 Is this Campbell's words or yours?
 19 A. Campbell's.
 20 Q. Do you agree with this?
 21 A. Yeah. If he sees conditions,
 22 doesn't know what to do with them, ignores
 23 them.
 24 Q. This is also related to his
 25 enforcement?



1 C. Tsachas
 2 A. Yeah.
 3 Q. Did you ever have any White officers
 4 on performance monitoring at 32?
 5 A. I don't think so, to tell you the
 6 truth. I think just Raymond.
 7 Q. So no White officers were on
 8 performance monitoring in 34 or 32?
 9 A. No Hispanics.
 10 Q. Just Black?
 11 A. Just him.
 12 MR. RUBINSTEIN: You're talking
 13 about 32?
 14 THE WITNESS: 32, yeah.
 15 Q. In 34 you had Black and Hispanics?
 16 A. Yeah.
 17 Q. But no White?
 18 A. No White in 34.
 19 Q. 18, problem recognition, "Police
 20 Officer Raymond fails to recognize existence
 21 of a problem even when given additional
 22 information. He requires clarification of
 23 all or most issues relating to a problem. He
 24 cannot identify elements of a problem."
 25 Was this Campbell that wrote this?

1 C. Tsachas
 2 A. Campbell.
 3 Q. And do you agree with this?
 4 A. Yep.
 5 Q. And this is also related to
 6 conditions?
 7 A. Conditions and addressing the
 8 conditions, yep.
 9 Q. So basically this negative
 10 performance evaluation is based on his
 11 performance and activity?
 12 A. Primarily and other performance
 13 areas obviously.
 14 Q. But the only ones he received
 15 negative ones were the ones related to
 16 activity?
 17 A. Enforcement, yeah. His ability to
 18 address conditions.
 19 Q. To address conditions which means to
 20 arrest people?
 21 A. Yeah. To be out there, arrest
 22 people, summonses. It's what police officers
 23 do. Nothing uncommon.
 24 Q. So 19, visualization, "Police
 25 Officer Raymond is unable to identify

1 C. Tsachas
 2 suspects. Cannot recognize past
 3 arrestees/suspects when there is any
 4 appearance issues."
 5 What does this mean?
 6 A. Well, according to Campbell, if you
 7 have wanted posters, he can't identify them.
 8 Q. So Campbell is the one that gave
 9 this one?
 10 A. Campbell, yeah.
 11 Q. And you agree with it?
 12 A. Well, Campbell wrote it so he
 13 experienced this apparently.
 14 Q. You didn't order Campbell to write
 15 it?
 16 A. I didn't experience this with
 17 Raymond because we had conversations and we
 18 spoke. This is something that Campbell --
 19 Q. But you didn't order Campbell to do
 20 this?
 21 A. No.
 22 Q. What about 22, judgement, "Police
 23 Officer Raymond does not demonstrate any
 24 ability to make sound conclusions, draws
 25 conclusions that are based on little or no

1 C. Tsachas
 2 information which is available. He fails to
 3 obtain readily available additional
 4 information ready to arrive at a proper
 5 conclusion."
 6 Do you agree with this one?
 7 A. Yeah.
 8 Q. And you didn't order Campbell to
 9 write this?
 10 A. No, I ordered him to do the
 11 evaluation again.
 12 Q. "And make sounds conclusions and -
 13 A. What are you reading? Sorry.
 14 Q. This is 22. "He fails to obtain
 15 readily available additional information
 16 necessary to arrive at a proper conclusion."
 17 This is also related to enforcement
 18 activity?
 19 A. This one's kind of general. Yeah,
 20 overall behavior, his demeanor, his
 21 willingness. Everything is accounted for.
 22 Q. We already established in 2014 that
 23 he had eight arrests. How could an officer
 24 on one hand have eight arrests for the year
 25 and be unwilling to enforce --



1 C. Tsachas
 2 A. Were they given to him, assigned, I
 3 don't know. It's possible.
 4 Q. If they weren't assigned, would he
 5 be unwilling to address the condition?
 6 MR. RUBINSTEIN: Objection.
 7 A. Would be unwilling if they weren't
 8 assigned?
 9 Q. Yes.
 10 A. Depends. Maybe some people walked
 11 up to him and says he hit me and now he has
 12 to do something, I want that person arrested.
 13 There is many ways to get it and if you're
 14 proactive, it's going to show.
 15 Q. Proactive meaning?
 16 A. If you're out there and have
 17 initiative.
 18 Q. So all coded language for arrests
 19 and summonses?
 20 MR. RUBINSTEIN: Objection.
 21 A. All coded except for your own
 22 strategies to enforce the law.
 23 Q. To get arrests and summonses?
 24 A. To enforce the law and that's part
 25 of it.

1 C. Tsachas
 2 Q. That's how you judge, based on
 3 arrests and summonses, right?
 4 A. Yeah. It's one key component, like
 5 I said. Not everything is a key component.
 6 Q. What other components are there?
 7 A. Your behavior, your CDs.
 8 Q. So 23, "When faced with a problem,
 9 Police Officer Raymond does not have the
 10 ability to formulate a creative solution.
 11 Police Officer Raymond is unable to develop
 12 new procedures to overcome an obstacle. He
 13 is not capable of devising a way of improving
 14 existing procedures and tactics."
 15 This is just related to his
 16 proactive ability to get arrest and
 17 summonses, right?
 18 A. Yeah, I would say from that
 19 statement.
 20 Q. And Campbell wrote this, you didn't
 21 order it?
 22 A. I ordered him to do the evaluation.
 23 Q. But this specific comment, you
 24 didn't change?
 25 A. He wrote it and I looked at it.

1 C. Tsachas
 2 Q. 24, adaptability, "Police Officer
 3 Raymond is unable to change approach to
 4 problems even when that approach is not
 5 working. When situation changes he cannot
 6 alter approach. As circumstances chance,
 7 loses sight of original goals. As
 8 environment changes, his approach always
 9 stays the same. Police Officer Raymond is
 10 unable to adapt any new department policy or
 11 procedure."
 12 This is also related to activity,
 13 correct?
 14 A. Uh-huh.
 15 Q. That's a yes?
 16 A. Yes.
 17 Q. "Police Officer Raymond," in the
 18 overall comments, "does not show any drive or
 19 initiative in addressing his monthly
 20 conditions."
 21 The monthly crimes are arresting
 22 people?
 23 A. Stopping crimes. Yeah. Everything
 24 was done with a team effort.
 25 MR. RUBINSTEIN: So I guess

1 C. Tsachas
 2 we're at W.
 3 MR. SCOLA:
 4 (Whereupon, a transcript was
 5 marked as Exhibit TC W for
 6 Identification.)
 7 (Whereupon, an audio recording
 8 was marked as Exhibit TC X for
 9 Identification.)
 10 Q. So it's listed "Annual
 11 EVAL.M4A.RAY."
 12 A. Who's on it?
 13 Q. This is Campbell and Raymond and I'm
 14 playing from 4:50 on.
 15 MR. RUBINSTEIN: Same objection
 16 before, for the record.
 17 MR. SCOLA: What's the
 18 objection?
 19 MR. RUBINSTEIN: This is before
 20 --
 21 THE WITNESS: What's the date
 22 on it?
 23 MR. RUBINSTEIN: Is Inspector
 24 Tsachas on this recording? I don't
 25 see him on this transcript. No, he's



1 C. Tsachas
 2 not.
 3 MR. SCOLA: It's related to
 4 him.
 5 MR. RUBINSTEIN: Okay, that's
 6 fine.
 7 MR. SCOLA: What's the
 8 objection?
 9 MR. RUBINSTEIN: That he was
 10 not part of this conversation.
 11 MR. SCOLA: Yeah.
 12 (Whereupon, an audio recording
 13 was played.)
 14 Q. So if Campbell is saying that he
 15 originally did the evaluation and it was a
 16 46, what does that refer to?
 17 A. 46 --
 18 Q. Does that refer to the total points
 19 added up?
 20 A. No.
 21 Q. So if he did the evaluation
 22 initially and it was a 46, what is he
 23 referencing?
 24 A. Is that a quarterly maybe?
 25 Q. Well, he's saying for the annual

1 C. Tsachas
 2 eval, he said he would do it normally it will
 3 be a 4 or a 5. So a 46, I guess that would
 4 be --
 5 A. I think it's the quarterly points.
 6 Q. And I have one quick question and
 7 we'll get into the stuff.
 8 (Whereupon, an audio recording
 9 was played.)
 10 Q. So is 3.5 the actual average?
 11 A. No, that's what Campbell said.
 12 Q. No print out for this one. So now
 13 this is Raymond tape 8/16/15. The duration
 14 is 12 minutes and 32 seconds. We're going to
 15 play starting as 3:10.
 16 MR. RUBINSTEIN: Is this Y?
 17 THE WITNESS: Is this again
 18 Campbell?
 19 MR. SCOLA: Yes, this is
 20 Campbell and Raymond.
 21 (Whereupon, an audio recording
 22 was marked as Exhibit TC Y for
 23 Identification.)
 24 (Whereupon, an audio recording
 25 was played.)

1 C. Tsachas
 2 MR. SCOLA: Playing until 3:10.
 3 We'll start from the beginning.
 4 (Whereupon, an audio recording
 5 was played.)
 6 Q. So did you get a phone call ordering
 7 the 2014 annual?
 8 A. I spoke to Campbell and I said what
 9 did you give him, 2.5, redo it.
 10 Q. So start from the beginning. So how
 11 did you first discover that Raymond didn't
 12 have a 2014 annual?
 13 A. I probably asked for it and nobody
 14 could find it.
 15 Q. Why did you ask for it?
 16 A. To see why people are saying he's a
 17 problematic officer.
 18 Q. Would they have given you the
 19 interim at that point?
 20 A. It would be nice if I had it, yeah.
 21 Q. So you advised Campbell that the
 22 annual --
 23 A. I asked for the annual. I was
 24 unaware if there was an interim. Did I see
 25 the interim? It doesn't look familiar.

1 C. Tsachas
 2 Q. Why does the annual have to reflect
 3 the interim?
 4 A. No, it doesn't.
 5 MR. RUBINSTEIN: Objection.
 6 Q. So on this tape, Sergeant Campbell
 7 is told that the score on the annual has to
 8 reflect the interim?
 9 A. That's what Campbell is saying but
 10 that's not true.
 11 Q. It doesn't have to reflect that?
 12 A. No. Each evaluation is for a short
 13 time period.
 14 Q. So he could have gave him anything
 15 for the annual?
 16 A. Based on his overall performance but
 17 it doesn't include that time period.
 18 Q. So Campbell is staying that he
 19 believes that he's a 4 but he's told not to
 20 give him a 4?
 21 A. Campbell says he's a 2.5.
 22 Q. So it's your testimony that this was
 23 Campbell?
 24 A. Campbell told me he was a 2.5.
 25 (Whereupon, an audio recording



1 C. Tsachas
 2 was played.)
 3 Q. So were you trying to transfer
 4 Raymond at this point?
 5 A. No, it was too early.
 6 Q. So this was in August actually.
 7 A. So recently.
 8 Q. Four months before he actually did
 9 get transferred. And you testified earlier
 10 that if you're going to transfer somebody
 11 out, you need to give them a series of
 12 negative evaluations in order to get rid of
 13 them?
 14 A. The plan is not to transfer, the
 15 plan is to document and change the officer.
 16 Q. Change the officer how?
 17 A. Change his behavior and hopefully in
 18 the future he become a better officer and
 19 gets better evaluations and go on and move
 20 forward.
 21 Q. So he becomes a better officer by
 22 getting more activity?
 23 A. It depends on his case.
 24 Q. So in Raymond's case, is it about
 25 activity?

1 C. Tsachas
 2 A. Yeah because he wouldn't do
 3 anything.
 4 Q. He wouldn't do anything?
 5 A. Yes.
 6 Q. But he had some arrests?
 7 A. They were assigned. That was 2014.
 8 Q. They weren't assigned?
 9 A. I have no idea what happened.
 10 Q. So, basically, did you order him to
 11 give another interim?
 12 A. He did do one eventually I believe
 13 when I was there. This is Campbell's 2.5.
 14 He told me he's a 2.5.
 15 Q. You hear on the recording that
 16 Campbell says he's actually a 4, right?
 17 A. Campbell is a liar and a coward. He
 18 told me he's a 2.5.
 19 Q. You think he's a 2.5?
 20 A. Campbell told me he was a 2.5. I
 21 wasn't there in 2014.
 22 Q. So this was after 2014?
 23 A. Yeah but Campbell says 2.5 so redo
 24 it.
 25 Q. So you're putting this all on

1 C. Tsachas
 2 Campbell?
 3 MR. RUBINSTEIN: Objection.
 4 MR. SCOLA: Okay.
 5 (Whereupon, an audio recording
 6 was played.)
 7 Q. So quick question about that. So
 8 essentially are the comments more important
 9 than the score?
 10 A. No. They should reflect each other.
 11 Q. So they're equally important?
 12 A. Of course.
 13 Q. So I'm reading from the deposition
 14 transcript of Martin Campbell.
 15 MR. RUBINSTEIN: Note my
 16 objection for the record.
 17 Q. Well, "based on the question and
 18 evaluation period, Officer Raymond I believe
 19 he should have been a 4 because all these
 20 things, all these questions on here
 21 indicating. The way they asked these
 22 questions, he doesn't fit anything under
 23 performance in reference to this because his
 24 integrity is there, his comprehension skills
 25 is there, his communications skills are

1 C. Tsachas
 2 there. All these things are there."
 3 So it's your testimony that Campbell
 4 subsequently told Raymond that he's a 4 and
 5 he testified he's a 4 but he's actually a
 6 2.5?
 7 MR. RUBINSTEIN: Objection.
 8 A. Campbell told me he's a 2.5.
 9 Q. It's your testimony that Campbell
 10 was the one that wrote all these and agreed
 11 with these comments?
 12 A. Yeah, we sat down and we discussed
 13 it and he wrote it up willingly.
 14 Q. Okay. The next recording is
 15 9/5/15.M4A. There is also a transcript of
 16 this one.
 17 (Whereupon, a transcript was
 18 marked as Exhibit TC Z for
 19 Identification.)
 20 (Whereupon, an audio recording
 21 was marked as Exhibit TC AA for
 22 Identification.)
 23 THE WITNESS: Who's in this
 24 one?
 25 MR. SCOLA: Campbell and



1 C. Tsachas
 2 Raymond.
 3 MR. RUBINSTEIN: Do you have
 4 another copy?
 5 MR. SCOLA: Yeah.
 6 (Whereupon, an audio recording
 7 was played.)
 8 Q. So to answer your question from
 9 earlier, at least your consistent, he had one
 10 assigned arrest of the eight and the seven
 11 were on his own. So he wasn't refusing to do
 12 any activity, correct?
 13 MR. RUBINSTEIN: Just note my
 14 same objection as before.
 15 A. Even ask Maldonado. There was an
 16 interim evaluation that was negative, the
 17 annual that was negative so something went
 18 on.
 19 Q. Strike that as nonresponsive. I'm
 20 not asking about Maldonado. I'm asking if
 21 someone has seven arrests for the year, you
 22 can't say they're refusing, correct?
 23 MR. RUBINSTEIN: Objection.
 24 A. It depends.
 25 Q. Are they refusing to do enforcement

1 C. Tsachas
 2 do enforcement, would they have seven e
 3 for the year?
 4 MR. RUBINSTEIN: Objection.
 5 A. Overall, it will be unlikely but
 6 it's different. So that's why for him, it
 7 could be.
 8 Q. How's he different?
 9 A. He doesn't want to do anything.
 10 Q. But he has seven arrests, correct?
 11 A. In 2014, that's what the paper says.
 12 It's a paper I didn't produce.
 13 Q. Question for you. On this recording
 14 Campbell states that you ordered Raymond to
 15 go to Clark Street, did you order Raymond to
 16 go to Clark Street?
 17 A. Yeah, he was put there for a while.
 18 Q. Why was he put there?
 19 A. Because Raymond told me his idea for
 20 policing is just stand there.
 21 Q. Is that what he said?
 22 A. That's what he said.
 23 Q. Just standing there?
 24 A. It's documented in that conversation
 25 and that's how he fells, if he's just there.

1 C. Tsachas
 2 if they have arrests?
 3 A. They could be ordered to.
 4 Q. So there is a bunch of hypotheticals
 5 out there?
 6 A. A lot of stuff, yeah.
 7 Q. But on its face, someone who refuses
 8 to do enforcement --
 9 A. It's unlikely.
 10 Q. What's unlikely?
 11 A. That they'll have --
 12 Q. Seven arrests?
 13 A. Yeah, such a number.
 14 Q. So it's unlikely that they're
 15 refusing if they had that number, correct?
 16 MR. RUBINSTEIN: Objection.
 17 Q. He just said that.
 18 A. I keep telling you it could be a
 19 sign I'm not there. It's other things.
 20 Q. It could be?
 21 A. Anything is possible.
 22 Q. But on its face in your experience
 23 in -- what is it, 26 years?
 24 A. Yeah.
 25 Q. 26 years, if someone's refusing to

1 C. Tsachas
 2 Q. So if an officer placed on Clark
 3 street, can he get activity while he's on the
 4 side of that booth?
 5 A. It's possible. Something could
 6 happen in front of him.
 7 Q. Could, but is it rare?
 8 A. Yeah. Not much happens.
 9 Q. So if you're -- so basically,
 10 Raymond's receiving negative performance
 11 evaluations because he doesn't have the
 12 enforcement?
 13 A. Prior to Clark Street.
 14 Q. So your goal as a commanding officer
 15 is to put him in Clark Street in order to
 16 help him get more activity?
 17 A. No. I made the best use for my
 18 command.
 19 Q. So basically because he's not
 20 getting enforcement, you stuck him in Clark
 21 Street?
 22 A. Because he claims if he just stays
 23 there, he's doing his police work.
 24 Q. But you already testified --
 25 A. I accommodated him.



1 C. Tsachas
 2 Q. You testified earlier that a police
 3 officer standing wherever they are is a
 4 natural deterrent, did you not?
 5 A. Yeah, it's one way to deter.
 6 Q. So is his crime to deter crime or
 7 arrest people?
 8 A. Everything.
 9 Q. So if he's a deterring crime, is he
 10 an effective police officer?
 11 A. Depends on the assignment.
 12 Q. If the assignment is to not have
 13 crimes committing -- okay.
 14 A. We don't want crimes to commit or
 15 occur but they do occur and we have to take
 16 enforcement.
 17 Q. So did you ever witness Raymond see
 18 a crime and not give someone a summons?
 19 A. No.
 20 Q. Did you ever see him witness a crime
 21 and not arrest somebody?
 22 A. No.
 23 Q. When Raymond was on patrol at a
 24 certain station, was crime up when he was
 25 there?

1 C. Tsachas
 2 A. For his time period there to make
 3 the determination if crime was up or down is
 4 ridiculous.
 5 Q. You can't say one way or the other
 6 whether it was up or down?
 7 A. No.
 8 Q. So is he acting as a natural
 9 deterrent from crime?
 10 A. In that immediate area, hopefully
 11 nothing happens in front of him.
 12 Q. As a commanding officer, is it
 13 better for him to hide in a room and catch
 14 someone jumping the turnstile or stand and
 15 prevent all crime from happening?
 16 MR. RUBINSTEIN: Objection.
 17 A. Depends if you're addressing theft
 18 of services, you have to be hidden a little
 19 bit to address it. That's fine. Both is
 20 fine.
 21 Q. So your interpretation of addressing
 22 theft of services is to arrest someone when
 23 they commit theft of service?
 24 A. You have to be observant, yes.
 25 Q. Wouldn't addressing the condition of

1 C. Tsachas
 2 theft of service be equally -- wouldn't
 3 addressing the condition of theft of service
 4 be standing there so that no theft of service
 5 takes place?
 6 A. No.
 7 Q. Why?
 8 A. Because I'm going to need, like,
 9 triple the amount of officers to cover every
 10 turnstile.
 11 Q. You think you better address your
 12 condition by arresting someone who jumps
 13 rather than stopping people from jumping in
 14 the first place?
 15 A. They both accomplish a goal but I
 16 cannot have one police officer for every
 17 turnstile area. Impossible.
 18 Q. So you can't have one for every
 19 turnstile area?
 20 A. No.
 21 Q. So you would rather have an officer
 22 hide in a room and --
 23 A. We need them to do both. We need
 24 them to deter crimes. One way to deter
 25 crimes, you stop people who commit crimes,

1 C. Tsachas
 2 you give them a summons or arrest. It
 3 depends on the crime.
 4 Q. So you'd rather have him be more
 5 reactive to a crime being committed than
 6 proactive and deterring?
 7 A. I want both. They do train patrols,
 8 they walk, people see they're there but at
 9 the same time they're also being observant
 10 and addressing the condition. The conditions
 11 exist. People have to know you have to pay
 12 your fare and not only pay my fare when an
 13 officer is in front of me. Not the way it
 14 works.
 15 Q. Right but they do pay the fare when
 16 there's an officer in front of them?
 17 A. Usually that's what happens.
 18 Q. Or they don't go on the train,
 19 correct?
 20 A. Usually, yeah.
 21 Q. So wouldn't that take away the
 22 condition of theft of services if he's
 23 standing there?
 24 A. For that particular turnstile --
 25 Q. For that turnstile.



1 C. Tsachas
 2 A. At that moment -- you need both.
 3 Q. So if an officer is hidden in a
 4 room, he can only supervise one turnstile,
 5 correct?
 6 A. Yeah.
 7 Q. So whether he's in the room or he's
 8 standing in front of it, he's still only
 9 supervising that one subway turnstile?
 10 A. He's taking enforcement. People
 11 understand there's consequences if they don't
 12 pay. That's why we have the laws.
 13 Q. So basically you're saying he's only
 14 acting adequately as an officer if he issues
 15 summonses for theft of service, not if he
 16 prevents theft of service?
 17 A. How do you prove he prevented theft
 18 of service?
 19 Q. So you can only prove he's a good
 20 officer by issuing summonses?
 21 A. That's one of the ways.
 22 Q. What are the other ways?
 23 A. Arrest, patrol but he only does
 24 standing there. That's his thing.
 25 Q. So he doesn't go on patrol?

1 C. Tsachas
 2 A. He's on patrol but his theory is
 3 just stand there and he said it, if he just
 4 stands there --
 5 Q. He's preventing crime?
 6 A. He's accomplishing the mission.
 7 Q. Which is what?
 8 A. Theft of service and crime.
 9 Q. You just testified if he stands
 10 there, there's not going to be theft of
 11 service?
 12 A. Yeah, then I need one officer for
 13 every turnstile.
 14 Q. So you would rather have someone
 15 hide in a room, look at the same turnstile
 16 and then catch a jumper?
 17 A. If I can't cover every turnstile
 18 with officers, yes, you have to have, you
 19 know, to look at the turnstiles where you
 20 can't be seen and take enforcement action
 21 when needed.
 22 Q. So you don't think he's addressing
 23 his condition by standing there?
 24 A. No.
 25 Q. Because he doesn't have --

1 C. Tsachas
 2 A. His excuse not to do anything.
 3 Q. Except he's preventing theft of
 4 service, no? You just said that if there is
 5 an officer stationed there --
 6 A. His theory is wrong. He stands
 7 there, nobody jumps the turnstile while he's
 8 there, and for me to address theft of
 9 service, according to his theory, I need
 10 double or triple the amount of officers.
 11 Q. So you think it's better to address
 12 theft of services --
 13 A. Both ways, patrol and also being
 14 discrete.
 15 Q. Now, someone hidden in the room
 16 though, he can only look over the one
 17 turnstile, correct?
 18 A. The group of turnstiles, yeah.
 19 Q. Yeah, at one subway station?
 20 A. Yeah.
 21 Q. So whether he's hidden in the room
 22 or standing in front of the subway turnstile,
 23 he's still patrolling the same subway
 24 station, correct?
 25 A. He's in the area, yeah.

1 C. Tsachas
 2 Q. So one he hides and then catches
 3 people who jump?
 4 A. Yeah.
 5 Q. The other, he stands there and
 6 prevents the jumping from happening in the
 7 first place?
 8 A. Okay.
 9 Q. So the one that catches the person
 10 jumping is addressing the condition?
 11 A. Of course he is, yes.
 12 Q. Whereas Raymond's not?
 13 A. Raymond's theory is not going to
 14 work.
 15 Q. Even though overall the goal is to
 16 stop theft of service?
 17 A. We don't have the personnel to do
 18 what Raymond's thinks what you should be
 19 doing.
 20 Q. But you have the personnel to have
 21 one cop hide in the room?
 22 A. That's only temporary.
 23 Q. So they have can move around?
 24 A. They can move around.
 25 Q. So does the patrol only last in on



1 C. Tsachas
2 area or does that move around as well?
3 A. Patrol is train patrol. You have a
4 line. You go up and down the line. You
5 check the mezzanines, you check the trains.
6 Q. So wherever he's visible in a
7 mezzanine, he's preventing theft of service
8 because they see him and they don't jump,
9 correct?
10 A. For that moment he's there.
11 Q. Right but for some reason is someone
12 in the room prevent theft of service for a
13 longer amount of time?
14 A. People understand that if I jump the
15 turnstile, there's consequences.
16 Q. But they understand that from the
17 beginning, that's why they don't jump when
18 he's there, correct?
19 A. So the officer standing here, do I
20 see an officer, no, it's safe not to pay.
21 Wrong message.
22 Q. Okay. Just to be clear, if
23 Raymond's standing at turnstile or a
24 mezzanine and he prevents people from jumping
25 the turnstile, he is not addressing the

1 C. Tsachas
2 condition of jumping the turnstile?
3 A. Not full effort, no. Not at all.
4 Q. Thanks for clarification.
5 Now, if evaluations are tied to your
6 enforcement and you put Raymond in Clark
7 Street, how can he have improved on his
8 performance evaluation?
9 A. He's not over there.
10 Q. So he's not going to be able to
11 improve?
12 MR. RUBINSTEIN: Objection.
13 A. His assignment is Clark Street.
14 Q. Yes.
15 A. That's it.
16 Q. So, for instance, you testified
17 earlier that if a White officer was given an
18 evaluation of 2.5, they weren't put on
19 performance monitoring and they improved --
20 rephrase that.
21 So you testified earlier that if a
22 White officer was given an evaluation of 2.5,
23 they were never put --
24 A. You're saying "if a White officer."
25 In general. No, I had specific people, they

1 C. Tsachas
2 happened to be White. It is what it is.
3 Q. And your specific examples of the
4 White officers you gave 2.5 performance
5 evaluation to, none of them were put on
6 performance monitoring?
7 A. There is no need to.
8 Q. If they were put in a post where
9 they weren't able to achieve activity, would
10 they ever able to improve their evaluation?
11 A. It didn't come down to that with
12 them. There was no need.
13 Q. Because they were left on regular
14 patrol?
15 A. They were left on patrol.
16 Q. Now, back to the Exhibit A or this
17 one.
18 So this was your order here?
19 A. Yes.
20 Q. Which one was this? Is it B? So
21 this is your orders to put Raymond on Clark
22 Street?
23 A. Yes.
24 Q. And knowing that he could not get
25 any enforcement?

1 C. Tsachas
2 A. Yes.
3 Q. And knowing that the evaluation's
4 based on enforcement, he couldn't improve his
5 --
6 A. No. I said before you have to look
7 if the person was on vacation, classifies
8 prisoners. Yeah, so this I know.
9 Absolutely.
10 Q. So for the one in front of us?
11 A. Yeah, I don't expect --
12 Q. So there is no way -- after
13 assigning him Clark Street, there's no way he
14 could improve his --
15 A. Not during the days of Clark Street.
16 Q. But he's still judged against his
17 peers who are out on patrol a normal amount
18 of times, correct?
19 A. That's how you start and then you
20 look into it.
21 Q. So when you looked into this --
22 A. This is fine because I put him
23 there.
24 Q. So there was no way for him to
25 improve?



1 C. Tsachas
 2 MR. RUBINSTEIN: Objection.
 3 MR. SCOLA: Okay. Let's do the
 4 next one. We're getting close here.
 5 So this is Exhibit AB.
 6 (Whereupon, an Interim
 7 Evaluation was marked as Exhibit TC
 8 AB for Identification.)
 9 Q. So this is Exhibit AB. And this is
 10 Interim Evaluation from the period April 1st,
 11 2015 to June 30th, 2015?
 12 A. Okay.
 13 Q. The rater here is Martin Campbell
 14 and the reviewer is Constantin Tsachas, did
 15 you order Campbell to do this evaluation?
 16 A. Yeah, probably. He wouldn't do it
 17 on his own.
 18 Q. Why wouldn't he do it on his own?
 19 A. I probably told him to do this.
 20 Q. Who decided that Raymond was going
 21 to be a 2.0 in this interim?
 22 A. In this one?
 23 Q. Yeah.
 24 A. I probably discussed with Campbell
 25 his performance and that was the conclusion.

1 C. Tsachas
 2 Q. So this was a collaborative effort?
 3 A. Yep. Yes.
 4 Q. So do you disagree with Campbell who
 5 says were you the one who gave him the 2.0 in
 6 this evaluation and Campbell answered no?
 7 MR. RUBINSTEIN: Same objection
 8 as before.
 9 A. We sat down, we discussed it and
 10 that's what we came up with. That was the
 11 agreement.
 12 Q. What was Campbell's performance like
 13 in 32?
 14 A. I don't remember. He was a quiet
 15 guy. Eventually got transferred. Was I
 16 there when he got transferred? I think so.
 17 Q. Yeah, he went to World Trade. So
 18 you approved his transfer?
 19 A. If there is a document. I don't
 20 remember doing it but there is a good chance
 21 of it.
 22 Q. I don't have the document but he
 23 couldn't have been transferred out without
 24 your recommendation?
 25 A. It's possible, yeah. Absolutely.

1 C. Tsachas
 2 Q. So you can transfer without the CO's
 3 recommendation?
 4 A. It has happened, yeah.
 5 Q. Really?
 6 A. Yeah.
 7 Q. When would that happen?
 8 A. People go on interviews and they get
 9 accepted. In general, for 57, yeah. Do they
 10 sign off, it could be.
 11 Q. Was this a punitive evaluation?
 12 MR. RUBINSTEIN: Objection.
 13 Q. Did you give this evaluation as a
 14 punishment?
 15 A. This was a like follow up to reflect
 16 on what Raymond's doing.
 17 Q. So earlier in that recording,
 18 basically Campbell says that he's ordered to
 19 give this interim evaluation, they're going
 20 to make him do a 49 that the CO endorses,
 21 what does that mean?
 22 A. Do we have that document that he
 23 wrote something.
 24 Q. No.
 25 A. Does it exist? I don't know. I

1 C. Tsachas
 2 know I signed something but I never seen
 3 anything from him. I don't recall.
 4 MR. RUBINSTEIN: From Campbell
 5 you mean?
 6 THE WITNESS: From Campbell,
 7 yeah.
 8 Q. What did you sign?
 9 A. It was a recommended performance
 10 monitoring, recommended to delay promotion.
 11 MR. RUBINSTEIN: I think we've
 12 produced the entire file.
 13 Q. We have that. So you recommended
 14 performance monitoring?
 15 A. Yes.
 16 Q. When did you make the determination?
 17 A. It's on the --
 18 Q. On the evaluation?
 19 A. On the 49 that I signed, if you want
 20 to look at the exact date.
 21 Q. Actually, obviously, I'll call for
 22 the production of that. I'm follow up in
 23 writing. 49 by Campbell.
 24 So just to look at this evaluation
 25 for a little bit, this evaluation was given



1 C. Tsachas
 2 because his low enforcement, right?
 3 A. Yeah. As you get to know him, it's
 4 his demeanor, his thinking. It grows. The
 5 more you speak to him, there is more areas.
 6 Q. That you have a problem with?
 7 A. Yeah.
 8 Q. Let's start with comments. Let's
 9 start with judgment. "Police Officer Raymond
 10 does not demonstrate any ability to make
 11 sound conclusions. Police Officer Raymond
 12 draws conclusions that are based on little or
 13 no information which is available. He fails
 14 to obtain readily available additional
 15 information necessary to arrive at a proper
 16 conclusion. Unable to manage time."
 17 This is related to enforcement?
 18 A. At this point it's probably
 19 enforcement, his beliefs, his ideas.
 20 Q. When you say "beliefs" what do you
 21 mean by that?
 22 A. He believes he doesn't have to do
 23 anything.
 24 Q. But he has arrests, no?
 25 A. In 2014, it was on paper. Yeah.

1 C. Tsachas
 2 We're not doing 2014.
 3 Q. In 2015, he had seven arrests?
 4 MR. RUBINSTEIN: Objection.
 5 MR. SCOLA: Look at the
 6 exhibit. What exhibit was that?
 7 MR. RUBINSTEIN: U.
 8 MR. SCOLA: In 2015 he has 1,
 9 2, 3, 4, 5, 6, 7. I might be off
 10 one.
 11 MR. RUBINSTEIN: Yeah, I count
 12 seven. There is seven.
 13 Q. I have seven in my notes too. So he
 14 has seven arrests. Now, you testified
 15 earlier that there's no way he can effectuate
 16 arrests when he's at Clark Street, correct?
 17 A. Correct. Not there is no way but
 18 chances are it's not going to happen.
 19 Q. So if he's on Clark Street for
 20 majority of the time or specifically more
 21 than his peers, is seven arrests good for the
 22 year?
 23 A. A lot of those were assigned.
 24 Q. How do you know this?
 25 A. Because I know.

1 C. Tsachas
 2 Q. Do you have proof of this?
 3 A. I have --
 4 Q. Who assigned the arrests?
 5 A. I don't remember who. A lot of them
 6 he was approached by victims.
 7 Q. Do you have any proof of this?
 8 A. Yeah, read the 61s. The reports.
 9 Q. I call for production for all the
 10 61s relating to arrests from 2012 to 2016.
 11 So would that not count towards his
 12 numbers with his peers?
 13 A. No, it shouldn't. Not at all. It's
 14 not numbers. He's not being proactive on his
 15 own. Assign somebody to arrest or people
 16 walking up to you, it's a must arrest, at
 17 that point and we're talking about being
 18 proactive, his initiatives are not there.
 19 Q. So basically the only arrests that
 20 count are the ones where he hides in the
 21 room?
 22 MR. RUBINSTEIN: Objection.
 23 A. No, negative. It's everything.
 24 When somebody refuses to do something and
 25 then the only thing that reflects is people

1 C. Tsachas
 2 walking up to him.
 3 Q. What did he refuse to do?
 4 A. To address theft of service.
 5 Q. If he failed to address theft of
 6 service because he failed to cite anybody for
 7 jumping the turnstile?
 8 A. He refused to. He said it.
 9 Q. He said what?
 10 A. His idea is to just stand there and
 11 I told him to go into the rooms then and he
 12 said, all right, and then we waited, I forgot
 13 what time period, said he didn't do it.
 14 Q. So you already testified that if you
 15 go in the rooms, you could get a command
 16 discipline from inspections, correct?
 17 A. If you're doing something wrong.
 18 Q. But they interpret being in the
 19 rooms as something wrong?
 20 A. No, you're saying they interpret it.
 21 If they see it.
 22 Q. Is this documented anywhere?
 23 A. No, it's being supervisor.
 24 Q. So you're saying that inspections
 25 doesn't issue command disciplines?



1 C. Tsachas
 2 A. Going into rooms does not mean a CD
 3 on its own, no, and we discussed that.
 4 Q. Okay. They have discretion to give
 5 you a command discipline if you're in the
 6 room, correct?
 7 A. Yeah but you have to document why,
 8 not he's in the room, CD.
 9 Q. It's off post?
 10 A. No, it's not off posts.
 11 Q. And what's your basis for this?
 12 A. If the guy is in the room, he has
 13 his gun belt off.
 14 Q. I got the gun belt off.
 15 A. Those are other factors. Being in a
 16 room is not a CD, what are the other factors?
 17 Q. So is this written anywhere?
 18 A. No, it's not written anywhere. No.
 19 Q. But officers have been given command
 20 disciplines for being in the rooms, correct?
 21 A. Being in the rooms with other
 22 factors.
 23 Q. All right, next comment.
 24 Adaptability, Police Officer Raymond is
 25 unable to change -- just 22.

1 C. Tsachas
 2 Did Campbell write 22 or did you
 3 order him to write that?
 4 A. We sat down together.
 5 Q. Okay.
 6 A. I didn't sit down and write things.
 7 Q. Did he initially give you a
 8 different evaluation and then you forced him
 9 to change the comments?
 10 A. We discussed maybe at one point, he
 11 told me the guy's a 2.5 but the evaluation is
 12 not 2.5 and we discussed it.
 13 Q. So he told you he was a 2.5 but he
 14 testified in a deposition that he was 4?
 15 A. That's what he told me. Whatever.
 16 Q. So just to be clear, you're saying
 17 Campbell is the one who wrote all these and
 18 he agrees with all these comments?
 19 A. He agrees with all of it.
 20 Q. Okay 24, adaptability, "Police
 21 Officer Raymond is unable to change approach
 22 to a problem even when that approach is not
 23 working. The situation changes, he cannot
 24 alter approach. As circumstances change, he
 25 loses sight of original goals. Environments

1 C. Tsachas
 2 changes, approach always stays the same."
 3 Do you agree with this comment?
 4 A. What was it? Sorry.
 5 Q. 24.
 6 A. Yeah, he refused to change his ways.
 7 Q. So he refuses to get activity?
 8 A. Do anything proactive.
 9 Q. But he has arrests?
 10 A. That was assigned or people walked
 11 up to him.
 12 Q. And you have proof of this?
 13 A. Yeah, read the 61s.
 14 Q. Have you read the 61s?
 15 A. Back then.
 16 Q. In preparation for this deposition,
 17 did you review any documents?
 18 A. My notes.
 19 Q. So you don't remember certain things
 20 but you remember that all of his arrests were
 21 assigned?
 22 A. Not all of them. There is certain
 23 things you do recall that they might be
 24 written down somewhere. Somewhere it says
 25 they were assigned.

1 C. Tsachas
 2 MR. SCOLA: I guess I call for
 3 production of that.
 4 MR. RUBINSTEIN: On top of the
 5 61s again?
 6 MR. SCOLA: Whatever he has
 7 written down.
 8 A. There are one of the documents I
 9 wrote notes or it's there, how the arrests
 10 happened.
 11 Q. If an officer gets assigned arrests,
 12 that doesn't count towards --
 13 A. No, it depends.
 14 Q. In your judgment --
 15 A. It depends on the officer. If I
 16 have an officer who is refusing to do
 17 anything and it gets assigned, it's not going
 18 to count the same as others, no.
 19 Q. So it's dependant on that particular
 20 officer?
 21 A. Yes. We have officers that the
 22 arrest gets assigned because the officer who
 23 observed the violation or the arresting
 24 officer was injured or he's going to the
 25 hospital so we assign an officer.



1 C. Tsachas
 2 Q. So if an officer is assigned an
 3 arrest who is less problematic, then it will
 4 count but if it's a problematic officer then
 5 --
 6 A. You have to look into what goes on,
 7 yeah.
 8 Q. So, for instance, since Raymond was
 9 a problematic officer, you wouldn't count
 10 this arrest as if it was assigned?
 11 A. You look into it. He doesn't want
 12 to do anything, we have to give him the
 13 arrest. It's all taken into account.
 14 Q. As far as you know, was theft of
 15 service increased when Raymond was on patrol?
 16 A. No, there is no way for us to
 17 measure. It exists.
 18 Q. So you're just guessing purely based
 19 on --
 20 A. Observations.
 21 Q. And his activity?
 22 A. I know it exists from observations
 23 from enforcement of other officers. The
 24 problem exists.
 25 Q. The problem exists?

1 C. Tsachas
 2 A. Yes.
 3 Q. Right, there is always going to be
 4 theft of services, in other words but when
 5 Raymond was stationed on his post or was
 6 patrolling, you assumed people were jumping
 7 the turnstile because he wasn't issuing
 8 summonses?
 9 A. No.
 10 Q. So how was he not addressing the
 11 condition if he's preventing theft of
 12 service?
 13 A. We discussed that. People have to
 14 be deterred from jumping the turnstile and if
 15 they see an officer, they're saying, okay,
 16 this is where we can't jump and when we don't
 17 see an officer, this we can jump. I don't
 18 have the personnel to put one at every
 19 turnstile.
 20 Q. So initially the person would be
 21 deterred because the officer was there but
 22 they would have to go somewhere else --
 23 A. To be deterred by the officer and he
 24 will be deterred knowing that there is
 25 consequences, that somebody could be

1 C. Tsachas
 2 watching.
 3 Q. But it's the same outcome if someone
 4 is watching that's directly in front of the
 5 turnstile, is it not?
 6 A. If he doesn't see an officer, there
 7 might be one there; there might not be one
 8 there but they're going to think twice.
 9 Q. So you would rather have them think
 10 twice than think once and not jump because
 11 there's an officer there?
 12 A. Thinking twice is better overall,
 13 yes.
 14 Q. Even though both result in them not
 15 jumping?
 16 A. They both result but one has more of
 17 an effect over the other to prevent future
 18 theft of services.
 19 Q. So the condition is to prevent
 20 future theft of the services, not --
 21 A. Prevent that one there and deter,
 22 that's why we have laws.
 23 Q. So you're not addressing your
 24 condition by preventing the theft of services
 25 at the station you're at, you're only

1 C. Tsachas
 2 addressing the condition if you're hidden in
 3 the room and you catch somebody that jumps?
 4 A. Both but one has more effect over
 5 the other and I don't have the personnel to
 6 have one officer in front of every turnstile.
 7 Q. It's more effective to hide in the
 8 room and have no one see you as an officer?
 9 A. When you're doing theft of services,
 10 yeah, we have crime teams. Can you see the
 11 crime team? Why do we have them?
 12 Q. It's more effective because you
 13 don't issue the summonses? How is it more
 14 effective? It just doesn't make any
 15 services.
 16 A. Prevent future theft of services.
 17 People have to know somebody could be
 18 watching.
 19 Q. If they walk into the subway and
 20 they're about to jump over the turnstile but
 21 there's a cop standing right in front of
 22 them, that doesn't prevent them from jumping
 23 in the future?
 24 A. In the future, yeah, if that's the
 25 NYPD method, if the cop's not at the



1 C. Tsachas
 2 turnstile, nobody's there, they're going to
 3 jump turnstiles everywhere because we don't
 4 have enough police officers to put at every
 5 turnstile.
 6 Q. So if they're hidden and they know
 7 they might be hidden, they won't jump?
 8 A. It's a deterrent.
 9 Q. But him standing in front of them
 10 knowing that they won't jump is not a
 11 deterrent?
 12 A. Small part. Not as effective.
 13 Q. Not as effective how?
 14 A. Future of policing. If there's a
 15 turnstile and there's no cop there, if they
 16 think there is no cop and jump the turnstile,
 17 they could be in for a surprise.
 18 Q. And "they" meaning the people
 19 committing the crimes?
 20 A. Yes.
 21 Q. And the people who commit the crimes
 22 are Black and Hispanic males 14 to 21
 23 predominately?
 24 A. If you look the statistics, it ends
 25 up that they're the ones.

1 C. Tsachas
 2 Q. So is it better for the officer to
 3 hide in the room and then stop Black and
 4 Hispanic males who jump over the turnstile
 5 because those are the ones committing the
 6 crimes or an officer standing right in front
 7 of it and have them not jump at all, you
 8 think it's better for them to be in the room?
 9 A. For overall, they have different
 10 effects, yes.
 11 Q. What would be the effect of him
 12 standing there?
 13 A. Than people say there's no cop, it's
 14 a free ride.
 15 Q. So the effect of him standing there
 16 is, there is only a cop there if he's
 17 standing there and since he's not there,
 18 we're going to jump?
 19 A. We're going to go jump.
 20 Q. And this is based on what? What do
 21 you base this off of?
 22 A. Human factors.
 23 Q. What are these human factors?
 24 A. Common sense. That's why people
 25 look around before they jump a turnstile.

1 C. Tsachas
 2 Q. If they see a cop then they don't
 3 jump so that's preventing the condition,
 4 correct?
 5 A. Those are the ones that get caught.
 6 Q. The condition is theft of service?
 7 A. Yeah.
 8 Q. If a police officer is standing
 9 right in front of the turnstile and the
 10 person doesn't jump, is that addressing that
 11 condition of theft of service?
 12 A. For that time period.
 13 Q. If he's in the room, is he
 14 addressing that condition of theft of service
 15 for a longer period?
 16 A. He's a deterrent. People jump
 17 turnstiles and realize police officers can be
 18 watching.
 19 Q. But he's a deterrent either way,
 20 correct?
 21 MR. RUBINSTEIN: Objection.
 22 A. One's more of a deterrent.
 23 Q. Sure. Number 25, drive and
 24 initiative, "Police Officer Raymond needs
 25 constant supervision with his enforcement.

1 C. Tsachas
 2 Police Officer Raymond does not show any
 3 drive or initiative in addressing his monthly
 4 conditions."
 5 So this is related to him not hiding
 6 in the rooms or summoning people who jump
 7 over the turnstile, correct?
 8 A. Raymond doesn't want to do anything.
 9 He said it.
 10 Q. But he has arrests though?
 11 A. Yes, on paper there is arrests.
 12 Q. Just to be clear, Campbell wrote all
 13 this?
 14 A. Like I said, we probably sat down
 15 and discussed it and came to a conclusion.
 16 Q. But this is a collaborative effort
 17 between you and Campbell?
 18 A. I would say yeah.
 19 Q. 18, "Police Officer Raymond fails to
 20 recognize existence of problem even when
 21 given additional information. Requires
 22 clarification of all or most issues relating
 23 to a problem. He cannot identify elements of
 24 a problem."
 25 Do you agree with this?



1 C. Tsachas
 2 A. Yes.
 3 Q. And this is based on his inability
 4 to address conditions?
 5 A. He doesn't want to.
 6 Q. He doesn't want to what?
 7 A. He believes he doesn't have to do
 8 anything.
 9 Q. And you're basing that off of what
 10 he told you?
 11 A. What he told me and his performance.
 12 Q. His performance of not having
 13 statistically higher summonses and arrests?
 14 A. Self-initiated enforcement and my
 15 discussions with him.
 16 MR. SCOLA: What are we on?
 17 What was the last one? What was the
 18 last number I read?
 19 MR. RUBINSTEIN: 25 I think.
 20 Q. Okay. 16, reasoning ability,
 21 "Police Officer Raymond cannot apply rules or
 22 procedures to situations or cannot see how
 23 events or information relayed to the solution
 24 of a problem. Does not see how a series of
 25 events are related or connected to one

1 C. Tsachas
 2 another nor can he form logical conclusions
 3 from the events."
 4 So this is also related to activity,
 5 the arrests and summonses?
 6 A. Well, at this point it's his
 7 enforcement and his way of thinking is
 8 refusing to do anything.
 9 Q. Is he ever late for his tour?
 10 A. Could have been late possibly. Is
 11 it a problem, I don't think so because I
 12 don't recall it.
 13 Q. Was he ever off post?
 14 A. I can't remember any incidents of
 15 off posts.
 16 Q. So when you say he doesn't do
 17 anything, that specifically relates to
 18 summons and arrests?
 19 A. Being proactive and taking
 20 initiative.
 21 Q. We established that proactive and
 22 initiative are both code language for arrests
 23 and summonses, correct?
 24 A. Of course. It's the end result.
 25 Q. So if you're proactive or you take

1 C. Tsachas
 2 initiative then you have arrests and
 3 summonses?
 4 A. As for theft of services,
 5 absolutely.
 6 Q. If you're not proactive or you lack
 7 initiative then you don't have arrests and
 8 summonses?
 9 A. And you don't see anything.
 10 Q. Okay. Number 18, problem
 11 recognition, "Police Officer Raymond fails to
 12 recognize the existence of a problem even
 13 when given additional information He requires
 14 clarification of all or most issues relating
 15 to a problem. Cannot identify elements of a
 16 problem."
 17 Do you agree with this?
 18 A. Yes.
 19 Q. Do you remember any specific problem
 20 that Raymond couldn't address or had problems
 21 with?
 22 A. Theft of services and his theories
 23 of not to do anything.
 24 Q. So his theory is not to do anything?
 25 A. Stand there in uniform and he feels

1 C. Tsachas
 2 he's doing his jobs.
 3 Q. But he does have summonses and
 4 arrests?
 5 A. Like I said, some of it was
 6 assigned.
 7 Q. Some of it was but some of it wasn't
 8 then, correct?
 9 A. Some were approached by the victim
 10 and not self-initiative.
 11 Q. Never self-initiative?
 12 A. I can't say all of them but I think
 13 most of them.
 14 Q. You think that? You're basing that
 15 off of what?
 16 A. If I take a look, I can give you
 17 some more information. It's in there.
 18 Q. Number 19, visualization, "Police
 19 Officer Raymond is unable to identify
 20 suspects if there is the slightest change in
 21 appearance."
 22 Did that ever come up?
 23 A. That, you have to ask Campbell. I
 24 haven't experienced that with him.
 25 Q. Because Campbell is the one that



1 C. Tsachas
2 wrote it?
3 A. I haven't experienced that with
4 Campbell. He wrote it down, there must've
5 been a reason. That's how he feels, okay.
6 Q. Memorization, "Police Officer
7 Raymond retains any information concerning
8 his beat, post or sector. Police Officer
9 Raymond never remembers instructions given by
10 supervisors or any information received from
11 sources. Police Officer Raymond requires
12 constant re-instruction."
13 Is that your experience dealing with
14 him?
15 A. Constant re-instruction, yeah.
16 Q. Meaning he needs to issue more
17 arrests and summonses?
18 A. Often discuss the same things and
19 his refusal to do so.
20 Q. So he's refusing to issue summonses
21 and arrests?
22 A. Refuses to be proactive and do his
23 job of a police officer and enforce the laws
24 proactively.
25 Q. But you never witnessed him not

1 C. Tsachas
2 enforce the law? You're just basing this off
3 his statistics?
4 A. Off his record and the command's
5 record and I see what everybody else is
6 doing.
7 Q. So just to be clear, you never seen
8 him not effectuate an arrest that happened in
9 front of him?
10 A. No.
11 Q. And you never seen him not issue a
12 summons for someone who violated some code or
13 law?
14 A. No, I'm not with him on patrol. I
15 visit him on patrol. I don't work with him
16 on patrol.
17 Q. And you scratched his book when you
18 went there?
19 A. Yeah, he probably has a few
20 scratches. Yeah.
21 Q. Have you ever visited him more than
22 once in one tour?
23 A. I don't recall.
24 Q. Would it be odd for an commanding
25 officer to visit someone?

1 C. Tsachas
2 A. No. Why would it be odd?
3 Q. Innovativeness, "When faced with a
4 problem Police Officer Raymond does not have
5 the ability to formulate a creative solution.
6 Police Officer Raymond's not resourceful.
7 He's unable to develop new procedures to
8 overcome an obstacle."
9 Is that your experience with
10 Raymond?
11 A. Yeah, okay. Yes.
12 Q. It's your testimony that this is
13 also Campbell's words?
14 A. Campbell and me. We probably got
15 together and we discussed it and that's what
16 we came up with.
17 Q. So overall rater's comments, "Police
18 Officer Raymond has been spoken to on many
19 occasions about addressing his monthly
20 conditions in regard to his enforcement.
21 Police Officer Raymond has shown very little
22 improvement since his last counselling."
23 A. Okay.
24 Q. Addressing monthly conditions is
25 theft of service?

1 C. Tsachas
2 A. That's one of them, yeah.
3 Q. The condition in Omega booth would
4 be to prevent terrorism, correct?
5 A. Yeah, that's why he's there. Yeah.
6 Q. So presumably when he was stationed
7 on the Omega booth, he was addressing his
8 condition, correct?
9 A. He went there in September.
10 Q. He's been there the whole year but
11 we'll get there when we pass all this.
12 A. Is this until June?
13 Q. But as far as condition for the
14 Omega booth, that is preventing terrorism,
15 correct?
16 A. Yeah.
17 Q. It's dwindling. So this is whatever
18 the next one is. AC.
19 (Whereupon, Command Discipline
20 Report was marked as Exhibit TC AC
21 for Identification.)
22 Q. So this is a Command Discipline
23 Report.
24 A. Okay.
25 Q. Which Raymond was given for ne



1 C. Tsachas
 2 putting in a 28 within five days of leave.
 3 A. Okay.
 4 Q. Now, in your time as a commanding
 5 officer, has anyone ever received a command
 6 discipline for this other than Raymond?
 7 A. Off the top of my head, I don't
 8 recall anything.
 9 Q. Would this be an example of an issue
 10 that you would overlook if an officer had
 11 more activity?
 12 A. No, this one here -- where did it
 13 go?
 14 Q. Sorry, the printing is not the best.
 15 A. Why is this crossed out?
 16 Q. It's negotiated in the hearing.
 17 Gentry did it with whoever the lieutenant
 18 was.
 19 A. Where was the part that he was
 20 notified --
 21 Q. This is all we have from this so he
 22 got one day. This is the Command Discipline
 23 Report.
 24 A. No, I read a different one.
 25 Q. When did you read a different one?

1 C. Tsachas
 2 A. There was something about being
 3 notified for the parade.
 4 Q. So this was related to that so
 5 essentially the Puerto Rican Day Parade was
 6 on one of the days he was going I think?
 7 A. He was notified first.
 8 Q. I don't know if that's true.
 9 A. That's how I see it.
 10 Q. What do you mean by "notified
 11 first?"
 12 A. He was given a notification to go to
 13 the parade and then sometime later, less than
 14 five days, he gave a 28 for his vacation
 15 time.
 16 Q. So it was my understanding that he
 17 --
 18 A. Where's that one?
 19 Q. I don't know. Is there another one
 20 out there?
 21 A. I read that somewhere.
 22 Q. Recently?
 23 A. It was in here.
 24 Q. This is the only thing I have for
 25 this.

1 C. Tsachas
 2 MR. RUBINSTEIN: Was it another
 3 version of this document?
 4 THE WITNESS: I don't know.
 5 It's in my head. That was the
 6 reason. So there is other factors
 7 involved here.
 8 Q. Right. We can play the recording
 9 but what is your interpretation of this
 10 command discipline?
 11 A. That's fine.
 12 Q. The one that you saw, how did it
 13 differ?
 14 A. I think I read that he was handed a
 15 notification for the parade and sometime
 16 later, he gave his 28 for his vacation. Less
 17 than five days, after he received a
 18 notification. Yeah, that's deserving of a
 19 CD.
 20 Q. Has any other officer done that
 21 before?
 22 A. No. To be given a detail and then
 23 do that.
 24 Q. I don't think he was given a detail
 25 though.

1 C. Tsachas
 2 A. I think he was and this was issued
 3 by Captain Carlos Fernandez by the way.
 4 Q. And then your name is right above
 5 that.
 6 A. Because Fernandez wasn't there
 7 anymore so I had to take care it.
 8 Q. So it's your testimony that this
 9 isn't the one that you read or something
 10 different?
 11 A. I think I read something different,
 12 yeah. Sorry but --
 13 Q. I don't know what that is but we'll
 14 request it.
 15 A. Because there is other
 16 circumstances.
 17 Q. And what were the circumstances as
 18 you remember?
 19 A. He was given a notification to go to
 20 parade detail and then sometime later --
 21 Q. So initially that's what this said
 22 and it was crossed out after it was
 23 adjudicated so the initial one might have had
 24 this and it was crossed out as part of the
 25 agreement between you, Gentry, Raymond,



1 C. Tsachas
 2 whoever the lieutenant was?
 3 A. So we're not blaming him that the
 4 detail was short.
 5 Q. Right.
 6 A. Yeah but we are blaming him for
 7 giving us less than five days and that was
 8 given by Captain Carlos Fernandez. That was
 9 adjudicated.
 10 Q. So if Raymond would've had greater
 11 activity, would you have given him a command
 12 discipline for this?
 13 A. Greater activity?
 14 Q. Yeah.
 15 A. This is pretty -- no, you get a
 16 notification and you drop it. You should get
 17 something for it.
 18 Q. That's not what's included here
 19 though, the way that this is written.
 20 A. No. This is written that the detail
 21 was short but not the fact that he was given
 22 this notification and then did this.
 23 Q. So just to be clear, no other
 24 officers ever in your experience as
 25 commanding officer, no other officer was

1 C. Tsachas
 2 given a command discipline for this type of
 3 infraction?
 4 A. I never seen this type where we give
 5 him a detail and all of a sudden, I'm going
 6 to go on vacation sometime later.
 7 Q. But you keep saying that he was a
 8 detail but that's not reflected in this pad,
 9 right?
 10 A. It's in my head.
 11 Q. So you think that he was given a
 12 detail but the record is not clear?
 13 A. Those were the reasons.
 14 (Whereupon, an audio recording
 15 was marked as Exhibit TC AD for
 16 Identification.)
 17 (Whereupon, an audio recording
 18 was played.)
 19 A. Who is this now?
 20 Q. This is you and Raymond.
 21 MR. RUBINSTEIN: Excuse me.
 22 Off the record.
 23 (Whereupon, an off-the-record
 24 discussion was held at this time.)
 25 (Whereupon, an audio recording

1 C. Tsachas
 2 was played.)
 3 Q. So Raymond says he's been at Clark
 4 Street a lot and you go, do you know why and
 5 you say that's because he's not doing
 6 anything, is that why you put him there?
 7 A. Because of his comments where he
 8 just stands there so that's an appropriate
 9 post. He can just stand there.
 10 Q. When you put him on these posts at
 11 Clark Street, did you have cops relieve him
 12 for meals?
 13 A. He must have gotten a meal or
 14 something.
 15 Q. If I said that he didn't, would you
 16 believe that?
 17 A. No, I wouldn't believe it.
 18 Q. But it could have happened?
 19 A. Supervisor's responsibility to make
 20 sure that he gets a meal.
 21 Q. But if he's there out of punishment
 22 for not do anything as you just said in this
 23 --
 24 A. No. Skip a meal, that's
 25 unnecessary.

1 C. Tsachas
 2 Q. Wouldn't it all be unnecessary
 3 instead of just putting him in a hole?
 4 A. No, the part with the meal. I can't
 5 see that happening that you can't get a meal.
 6 That shouldn't happen.
 7 Q. Now, you talk about the union coming
 8 to speak with you, what happened with that?
 9 A. The union came and spoke to me.
 10 Q. This is Corey?
 11 A. Corey and Juan.
 12 Q. Corey Grable.
 13 A. Who's name is and I have written
 14 down --
 15 MR. RUBINSTEIN: What's Juan's
 16 last name?
 17 THE WITNESS: Juan, I don't
 18 remember his last name.
 19 Q. Is Juan also a trustee?
 20 A. Yeah, he's part of the union.
 21 Q. They came and spoke with you and
 22 what did they say?
 23 A. They spoke and said I shouldn't give
 24 a negative evaluation because he's a
 25 volunteer in the community and he has a lot



1 C. Tsachas
 2 of community ties and if I do, they'll go to
 3 the media with it.
 4 Q. Well, in particular though, they're
 5 warning you because you've just been in the
 6 media with Birch?
 7 A. No, it's a threat that if I don't do
 8 what they want, they'll go to the media.
 9 Q. This is a threat union?
 10 A. That's how I took it.
 11 Q. From the union?
 12 A. That's how I took it, yes.
 13 Q. It wasn't the union trying to assist
 14 you?
 15 A. That's not assisting because you
 16 give somebody a bad evaluation, he goes to
 17 the news. That's a threat.
 18 Q. How would it be a threat to go to
 19 the news?
 20 A. Because then my name gets plastered
 21 everywhere for garbage information.
 22 Q. So you interpret that him speaking
 23 out is a threat to you?
 24 A. Absolutely.
 25 Q. To the media?

1 C. Tsachas
 2 A. Absolutely and they said nothing to
 3 defend Raymond as a police officer.
 4 Q. Was Birch speaking to the media, was
 5 that an attack on you?
 6 A. Yeah.
 7 Q. So if someone spoke out against you,
 8 how would you handle that within the command?
 9 A. Well, both of them were not there at
 10 the time. There will be a problem. I have
 11 to figure out what to do. Maybe he should
 12 get another command.
 13 Q. So you would transfer them?
 14 A. Somewhere desirable for him also.
 15 Q. But desirable for him meaning what?
 16 A. Into things that worked out. I'll
 17 have to speak to my supervisors actually. To
 18 see what we can do to make the command, you
 19 know, working command, to make sure
 20 everything's fine.
 21 Q. But something will be done?
 22 A. I will inquire about it.
 23 Q. To address the condition?
 24 A. Yeah, absolutely. Maybe they'll say
 25 no, you have to keep him there and work with

1 C. Tsachas
 2 him, okay, it is what it is or maybe just to
 3 separate, he chooses a place to go work that
 4 he likes until everything is resolved.
 5 Q. So a transfer is basically what you
 6 said?
 7 A. At a place where he wants, sure.
 8 This is, again, making stuff up.
 9 (Whereupon, an audio recording
 10 was played.)
 11 Q. So to you, the only way to address
 12 theft of services condition is to hide in the
 13 rooms and catch --
 14 A. You don't have to hide in a room.
 15 You can be discrete to the side.
 16 Q. Or whatever.
 17 A. Whatever.
 18 Q. The only way to address theft of
 19 services condition is to effectuate arrests
 20 and issue summonses?
 21 A. It's one of the ways.
 22 Q. What's the other ways?
 23 A. Your uniform presence.
 24 Q. Which he was doing, correct?
 25 A. That's all he was doing.

1 C. Tsachas
 2 Q. But he was addressing the condition
 3 though?
 4 A. Minimally.
 5 Q. But addressing it in some way?
 6 A. In some way.
 7 (Whereupon, an audio recording
 8 was played.)
 9 Q. So he's telling you that if he sees
 10 something then he's willing to arrest someone
 11 and issue a summons, correct?
 12 A. That's what he said.
 13 Q. And you never witnessed him not
 14 doing that?
 15 A. No.
 16 (Whereupon, an audio recording
 17 was played.)
 18 Q. So you just testified that the union
 19 coming to you, you perceived it as a threat?
 20 A. Yes.
 21 Q. So as a result of the threat, how
 22 did you respond?
 23 A. I did what a commanding officer
 24 should do.
 25 Q. Which is punish him?



1 C. Tsachas
 2 A. Not punish him for that but punish
 3 him for his performance. I'm the commanding
 4 officer of the district, not the union, not
 5 the police officers. I'm responsible.
 6 (Whereupon, an audio recording
 7 was played.)
 8 Q. As a supervisor, has Raymond ever
 9 told you he looked the other way?
 10 A. No. They're not with me like the
 11 whole time. They go and they visit him and
 12 they leave.
 13 Q. So the only way for him to be
 14 proactive police officer is to have arrests
 15 and summonses?
 16 A. It's a way to measure.
 17 Q. Is there other ways?
 18 A. To compare it to other officers.
 19 Q. Is there other ways though?
 20 A. That's the primary way. It depends
 21 on the condition again. For TOS, that's it.
 22 Q. We're done with that one. I'm
 23 moving along here. So did there come a time
 24 where Raymond appealed the 2014 evaluation?
 25 A. Yeah, I have a 49. I have a report

1 C. Tsachas
 2 that I signed.
 3 Q. Is this that report?
 4 A. Yeah.
 5 MR. SCOLA: Let's mark it then.
 6 (Whereupon, Appeal to an
 7 Evaluation was marked as Exhibit TC
 8 AE for Identification.)
 9 Q. So this is a 49 dated October 15th,
 10 2015. Just to kind of -- the last part's
 11 most important.
 12 "Upon conclusion of the hearing, the
 13 undersigned deemed there is no grounds for
 14 appeal of Police Officer Raymond's evaluation
 15 and his complaints were not within the
 16 department's parameters."
 17 So basically that means it didn't
 18 fall within whatever the --
 19 A. It didn't fall in but I gave him the
 20 courtesy of --
 21 Q. Of listening?
 22 A. Of sitting with him, yes.
 23 Q. So you decided to uphold the
 24 evaluation, correct?
 25 A. Yes.

1 C. Tsachas
 2 Q. Now, you had a meeting on
 3 October 15, 2015, which the result of that I
 4 guess was this 49, was that correct?
 5 A. Yeah, first the meeting and then the
 6 49.
 7 MR. SCOLA: So I'm playing the
 8 appeal of the annual.
 9 (Whereupon, an audio recording
 10 was marked as Exhibit TC AF for
 11 Identification.)
 12 Q. So let's just pull this one up just
 13 so we have it. So this is the annual of
 14 2014. I'm just going to have this with us.
 15 So this is from the recording of the appeal
 16 of the annual. I believe Gentry's there.
 17 Gentry Smith is the delegate for 32.
 18 Sergeant Campbell is there. There's a
 19 lieutenant, I'm not sure exactly which one,
 20 and you.
 21 A. Okay, fine.
 22 (Whereupon, an audio recording
 23 was played.)
 24 Q. So in a normal appeal of an
 25 evaluation, does the officer go through

1 C. Tsachas
 2 each --
 3 A. No.
 4 Q. So how does it usually work?
 5 A. We discuss the evaluation in general
 6 and there's a few points and we discuss those
 7 points.
 8 Q. So if the officer objects to the
 9 comments, how is he suppose to appeal it?
 10 A. He wasn't being productive, he was
 11 just sitting there wasting time.
 12 Q. Even though he was going through --
 13 A. He had no points, no facts, nothing.
 14 Analyzing words.
 15 Q. So you just stopped it?
 16 A. Eventually ended it, yeah. I didn't
 17 have to do that because it didn't fall
 18 through the department's parameters but I sat
 19 there and spoke with him as a courtesy and
 20 circus.
 21 (Whereupon, an audio recording
 22 was played.)
 23 Q. So that's a little unclear but in
 24 the thing, you say, when I talked to
 25 Maldonado, he used to be a worker and then he



1 C. Tsachas
 2 stopped suddenly?
 3 A. Okay.
 4 Q. But you don't recall speaking to
 5 Maldonado?
 6 A. I don't recall that conversation,
 7 no.
 8 Q. Is Maldonado the one that told you
 9 he was a problem child?
 10 A. I don't remember a conversation with
 11 him unfortunately. It could have happened
 12 absolutely but I don't recall it.
 13 Q. And then addressing conditions, as
 14 we already said, was activity essentially,
 15 correct?
 16 A. Yes. You get results for being
 17 proactive with TOS.
 18 Q. So you ultimately denied the appeal
 19 because --
 20 A. There was no basis for it.
 21 Q. Now, he says in this thing that at
 22 Clark Street, 50 percent of the time for the
 23 last three months when you're talking to him
 24 about activity, is that true?
 25 A. Can you show me he was there for

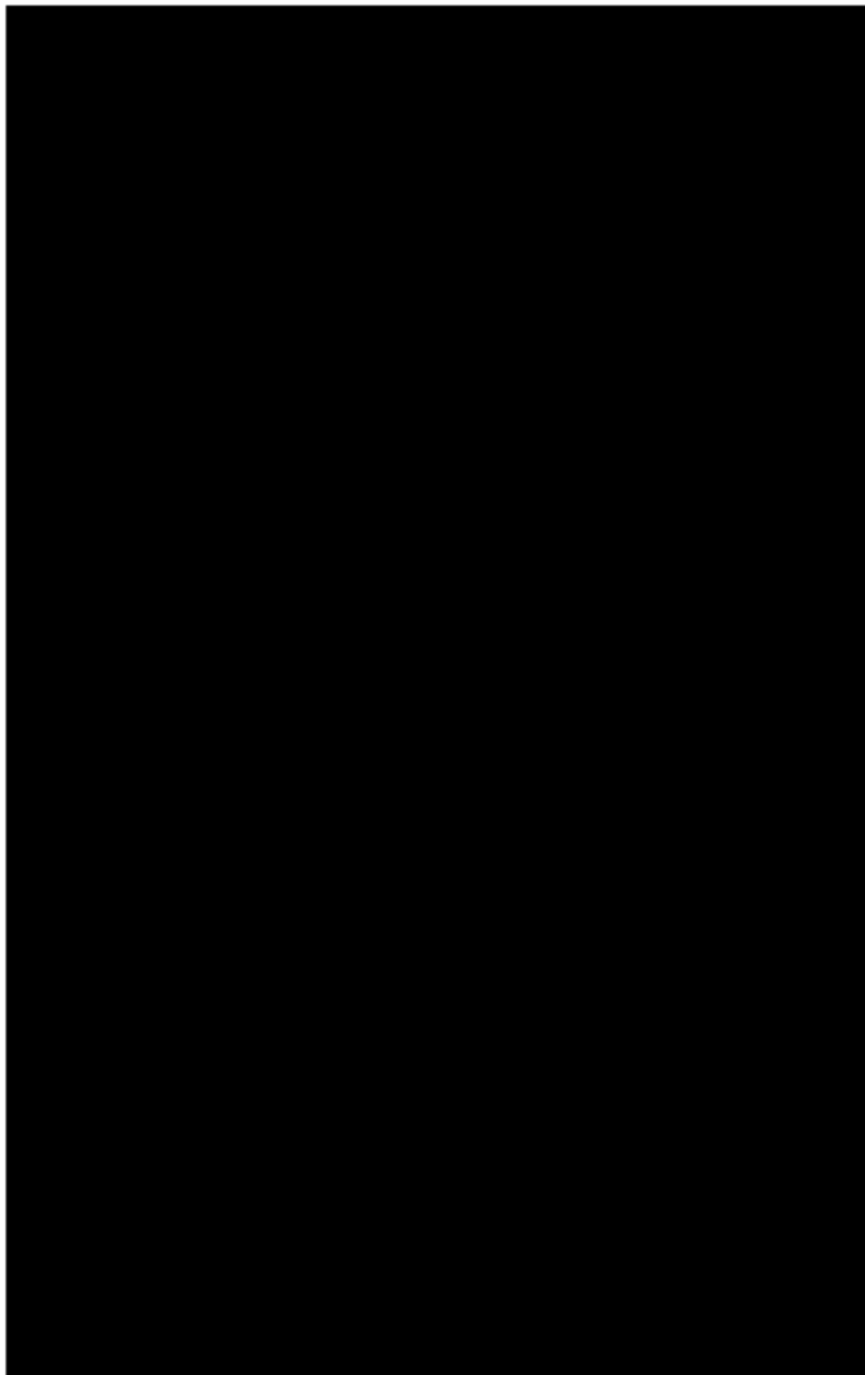
1 C. Tsachas
 2 three months? I don't know.
 3 Q. That's what he says.
 4 A. That's a long time.
 5 Q. Yeah, it is a long time.
 6 (Whereupon, an audio recording
 7 was played.)
 8 Q. So if he was assigned Clark Street
 9 50 percent of the time then he could --
 10 A. For September.
 11 Q. Right but he said for the last three
 12 months in the recording.
 13 A. I don't recall. I have to see it.
 14 Q. So if he's on Clark Street that
 15 frequently then he couldn't have activity,
 16 correct?
 17 A. For September, no.
 18 Q. But he's judged based on his
 19 activity and his performance evaluations?
 20 A. I understand vacations. Everybody
 21 has vacations.
 22 Q. Not for this?
 23 A. IVDs.
 24 Q. What's "IVD" mean?
 25 A. Individual vacation day.

1 C. Tsachas
 2 Q. Okay.
 3 (Whereupon, an audio recording
 4 was played.)
 5 Q. Could he get promoted with that 2.5?
 6 A. No. He has to be evaluated first by
 7 me and then he goes up to the board.
 8 Q. To CARB?
 9 A. Yeah.
 10 Q. So you knew that giving him the
 11 interim evaluation once he was on the list
 12 was going to stop his promotion?
 13 A. I recommend. I don't know if it's
 14 going to stop.
 15 Q. After he was on the list, you gave
 16 him an interim of 2.0 so you know based on
 17 the procedure --
 18 A. Me and Campbell.
 19 Q. Right, you and Campbell say but
 20 based on the interim evaluation, you know
 21 you're stopping his promotion, correct?
 22 A. No, it's not guaranteed.
 23 Q. But you're at least making him go
 24 before the board?
 25 A. Yeah.

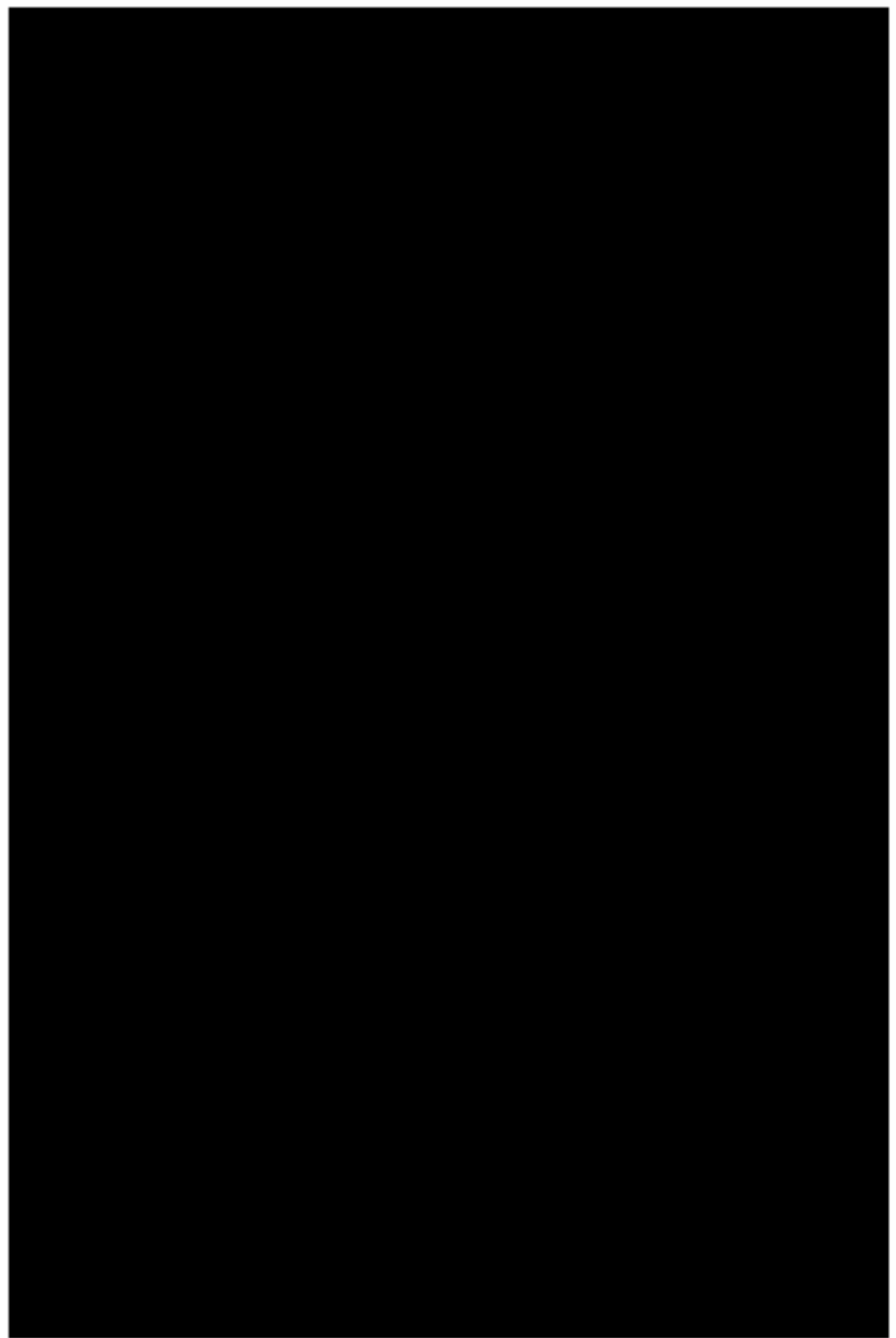
1 C. Tsachas
 2 Q. Which delays it?
 3 A. It could delay it, yes.
 4 (Whereupon, an audio recording
 5 was played.)
 6 Q. So how can a commanding officer make
 7 a interim evaluation disappear?
 8 A. You can't make it disappear.
 9 Q. But you're telling him that you can?
 10 A. You can write a positive evaluation.
 11 It can't disappear.
 12 Q. So it's always going to be there?
 13 A. It's always going to be there.
 14 Complementing him, follow ups.
 15 Q. Okay.
 16 (Whereupon, an audio recording
 17 was played.)
 18 Q. So why would a female Asian, 42,
 19 with no ID that you lock up for TOS not fly?
 20 A. I just picked a group that has a low
 21 representation in the area of District 32
 22 because everybody's jumping the turnstile and
 23 if that's all you see like Birch did with the
 24 females then I have to take a look at it.
 25 Q. All right. I'm good on that one.



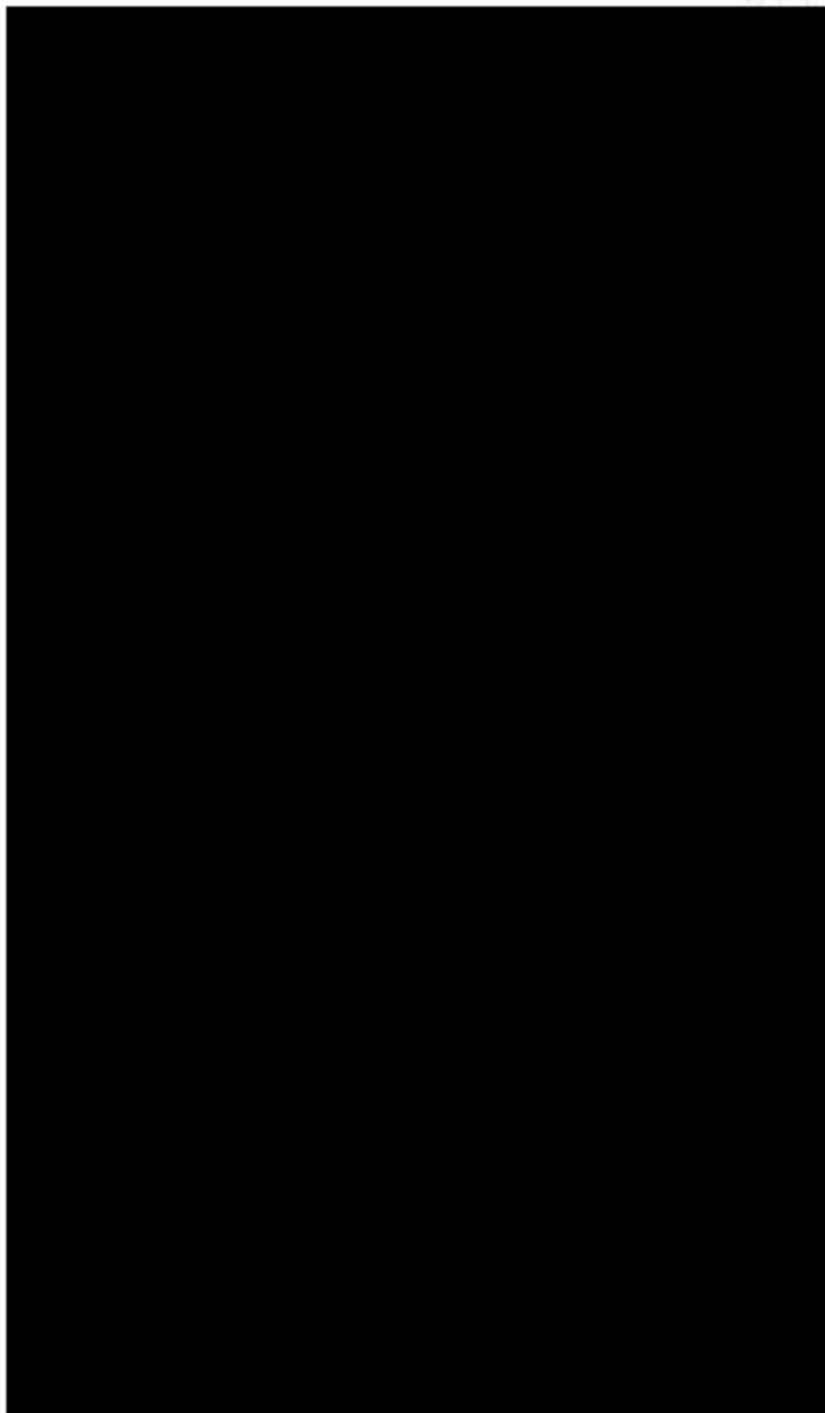
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



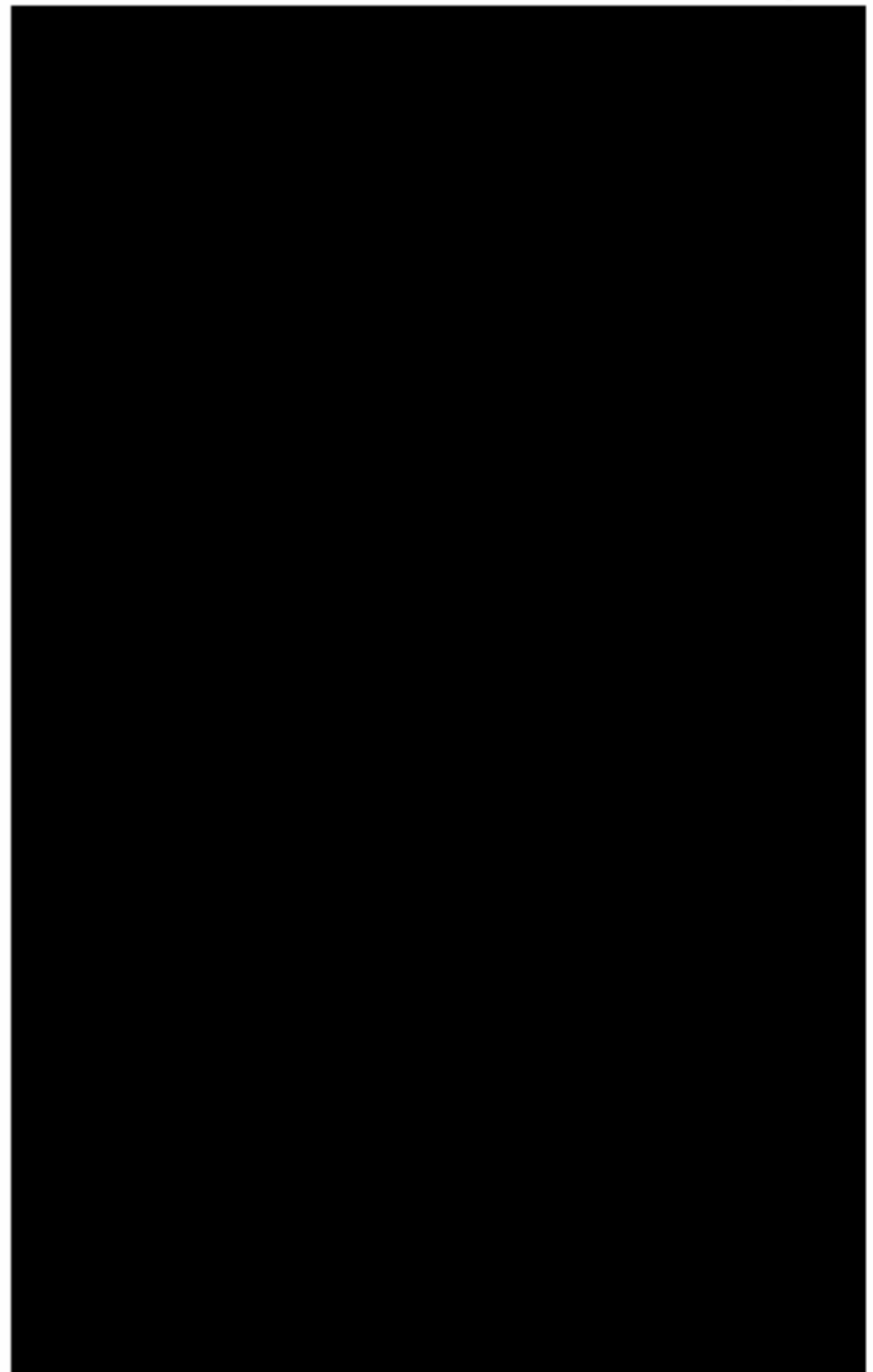
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



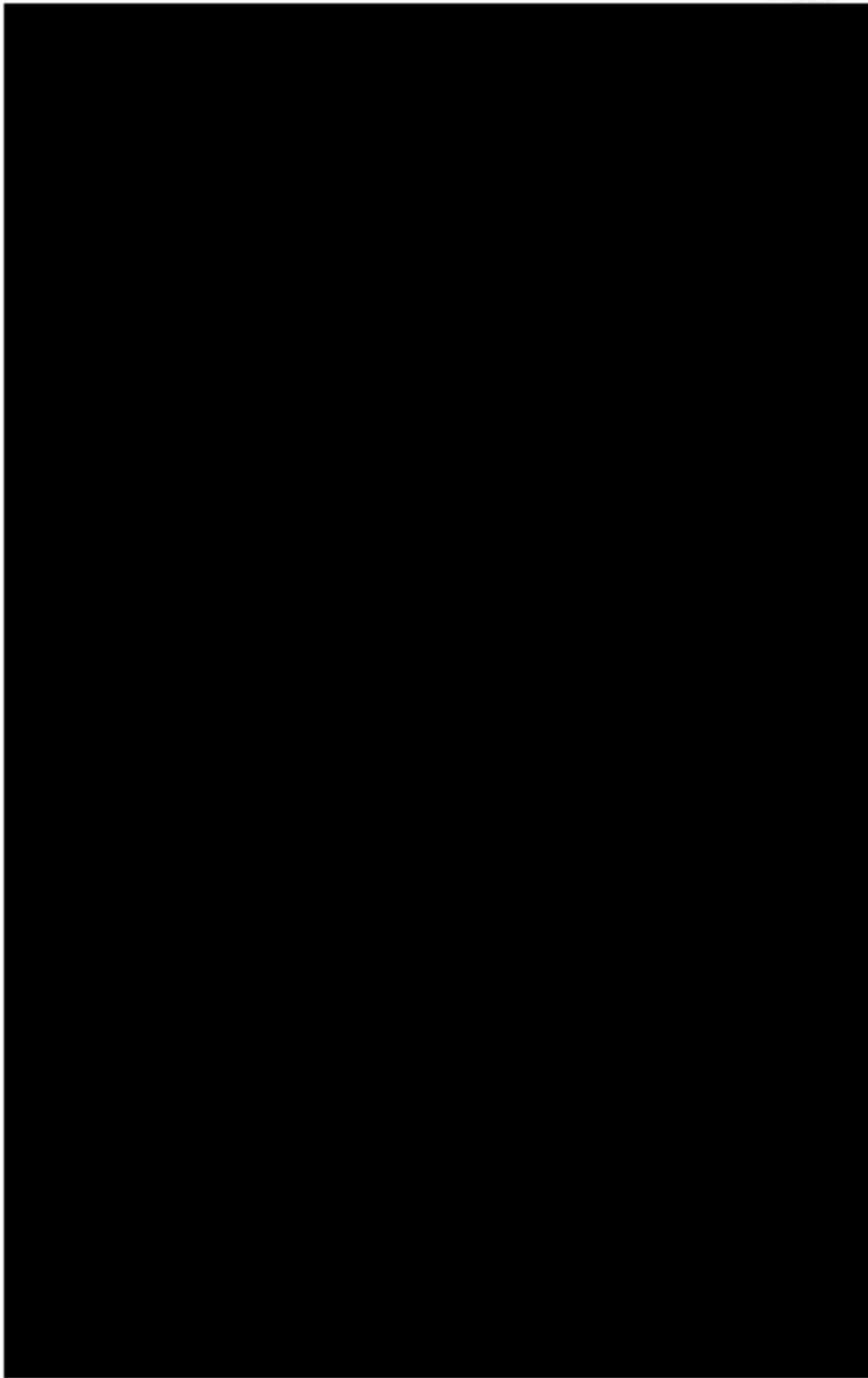
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



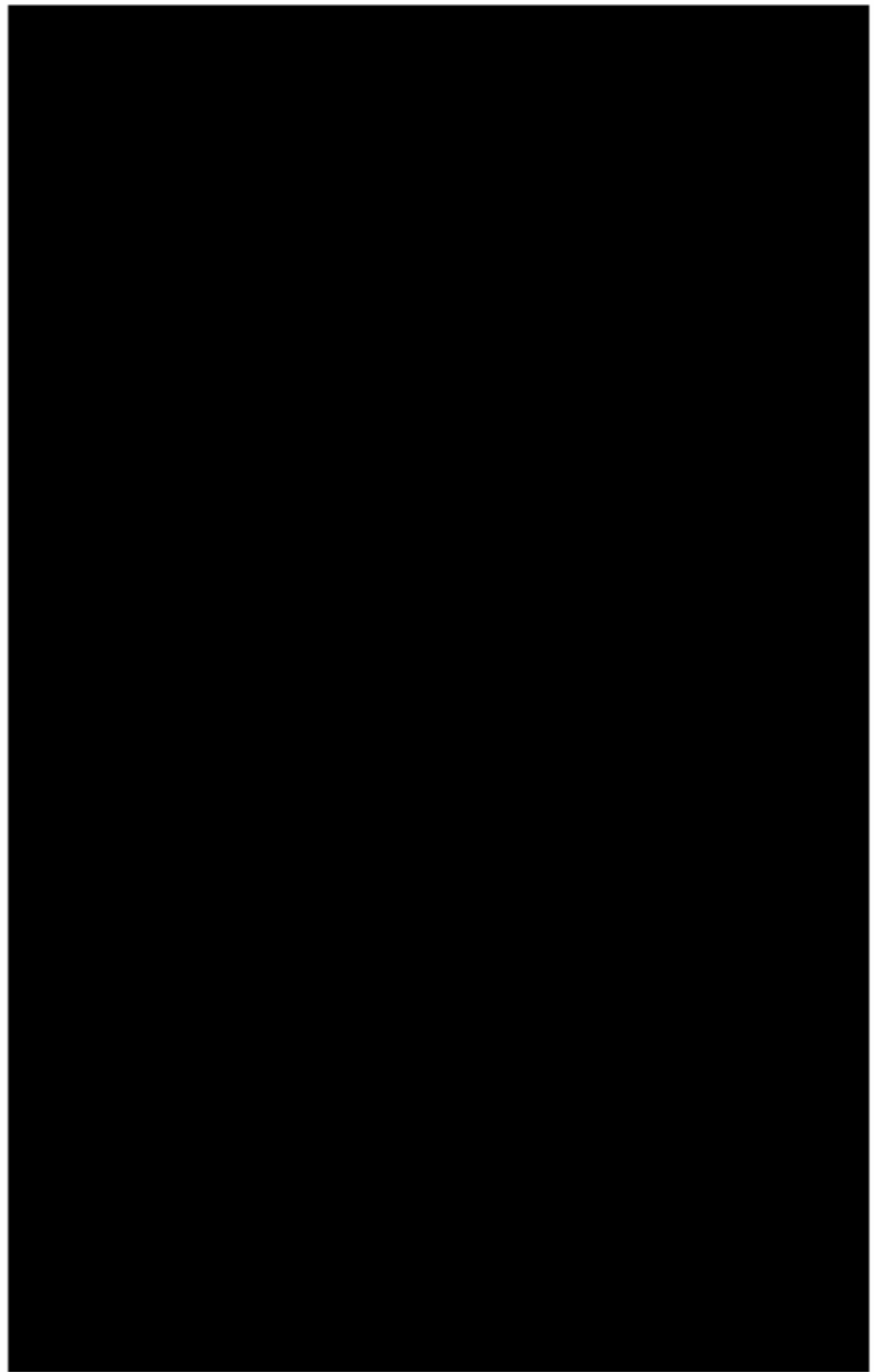
CONFIDENTIAL



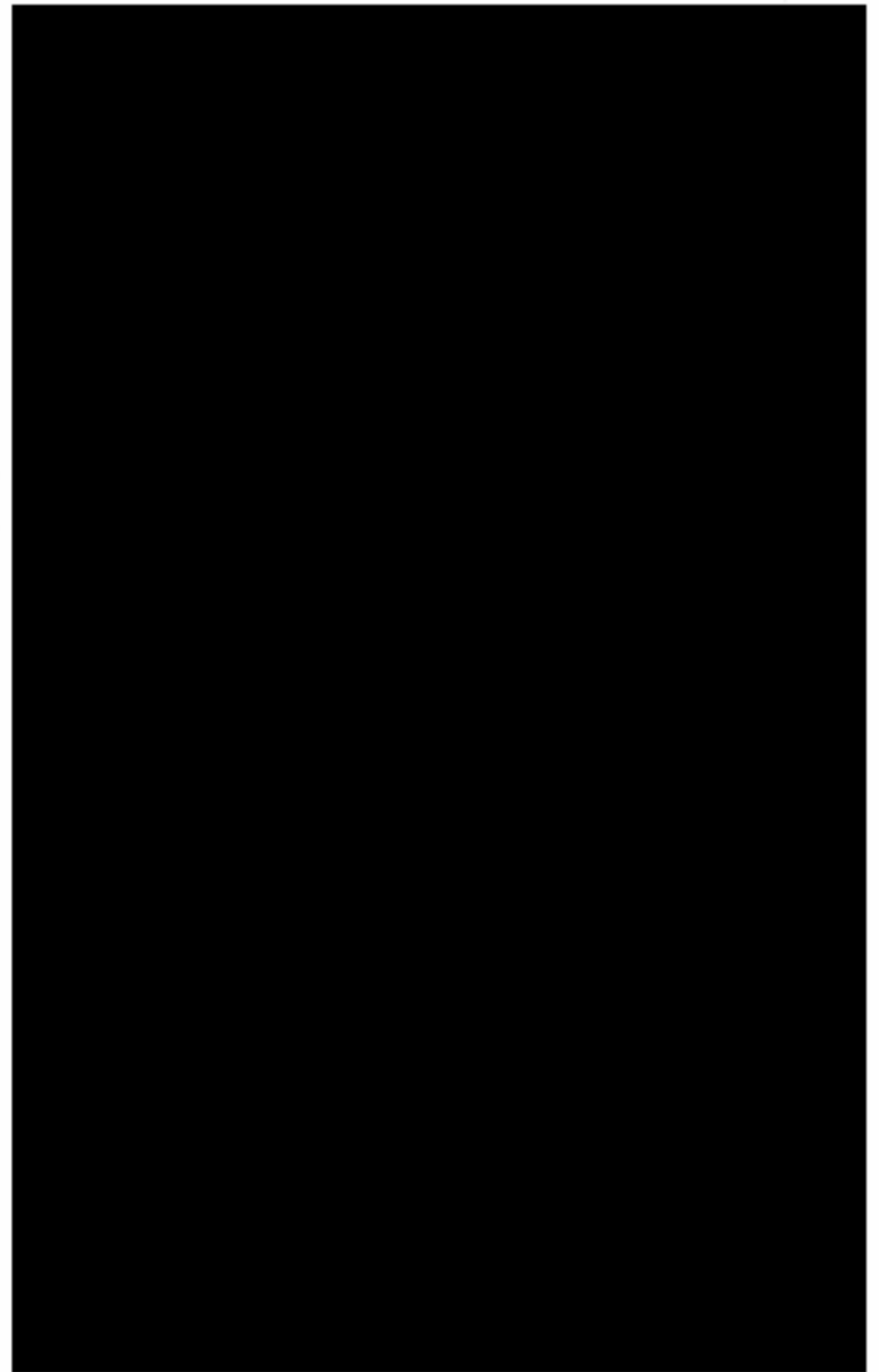
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



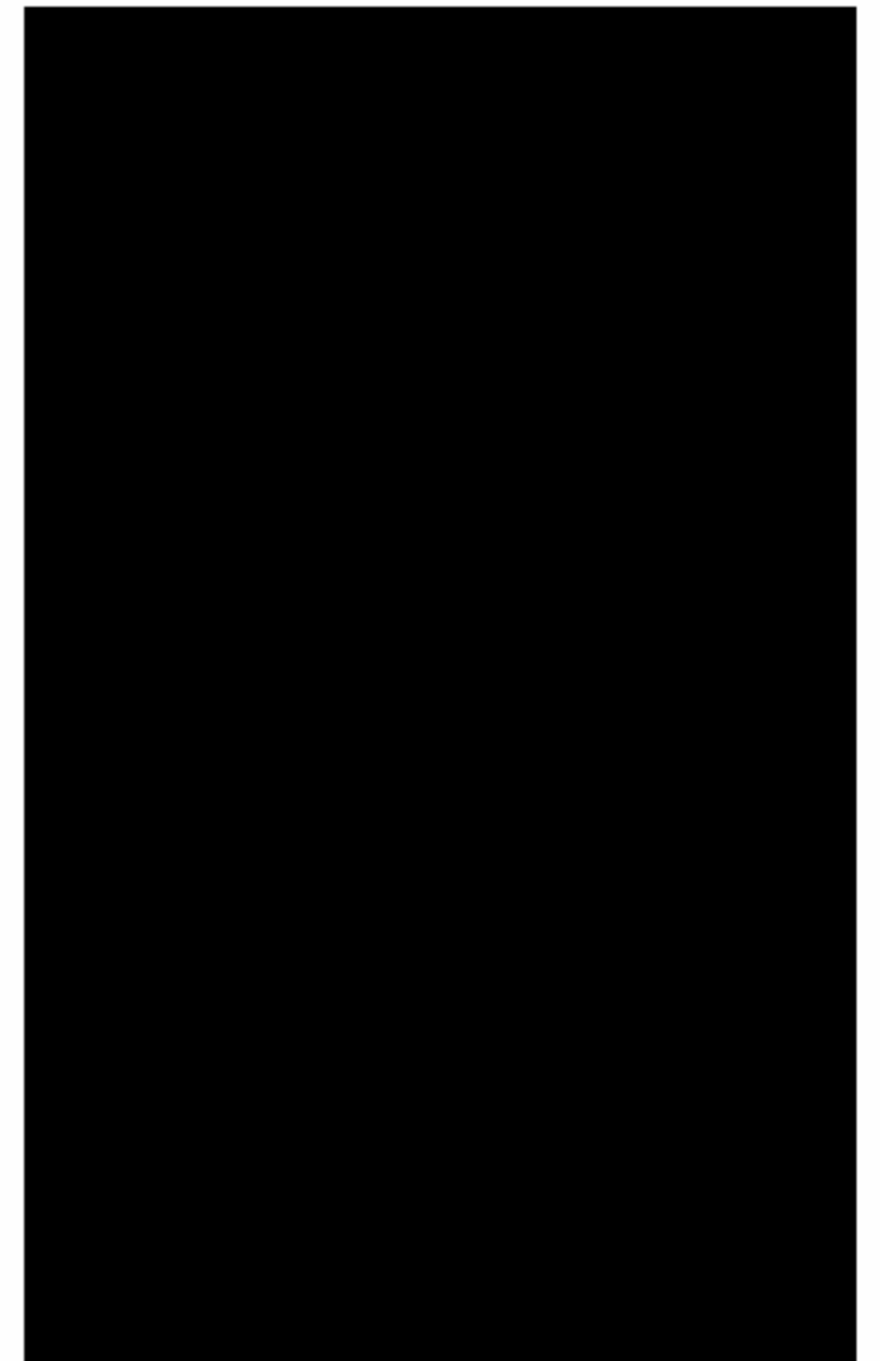
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



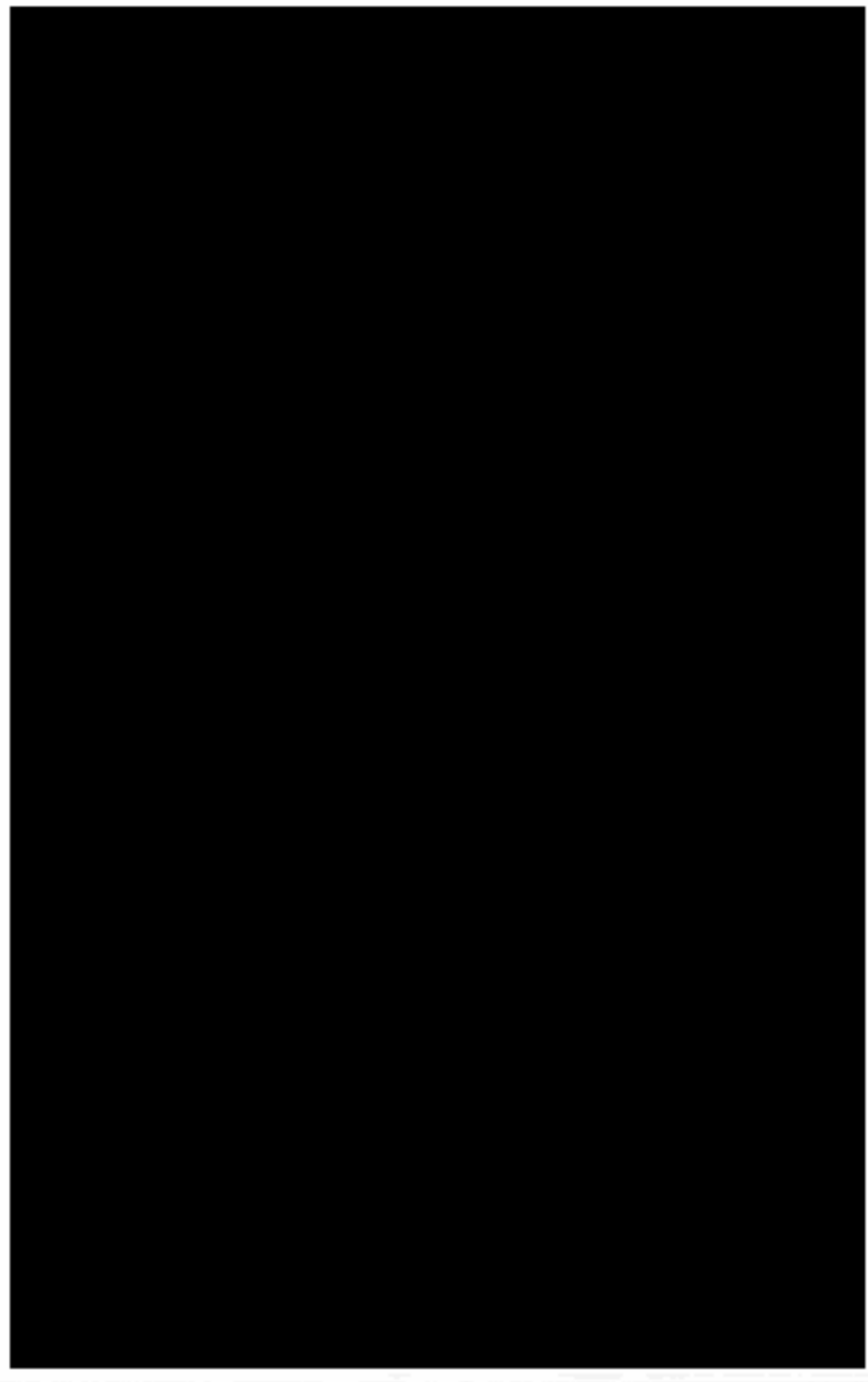
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



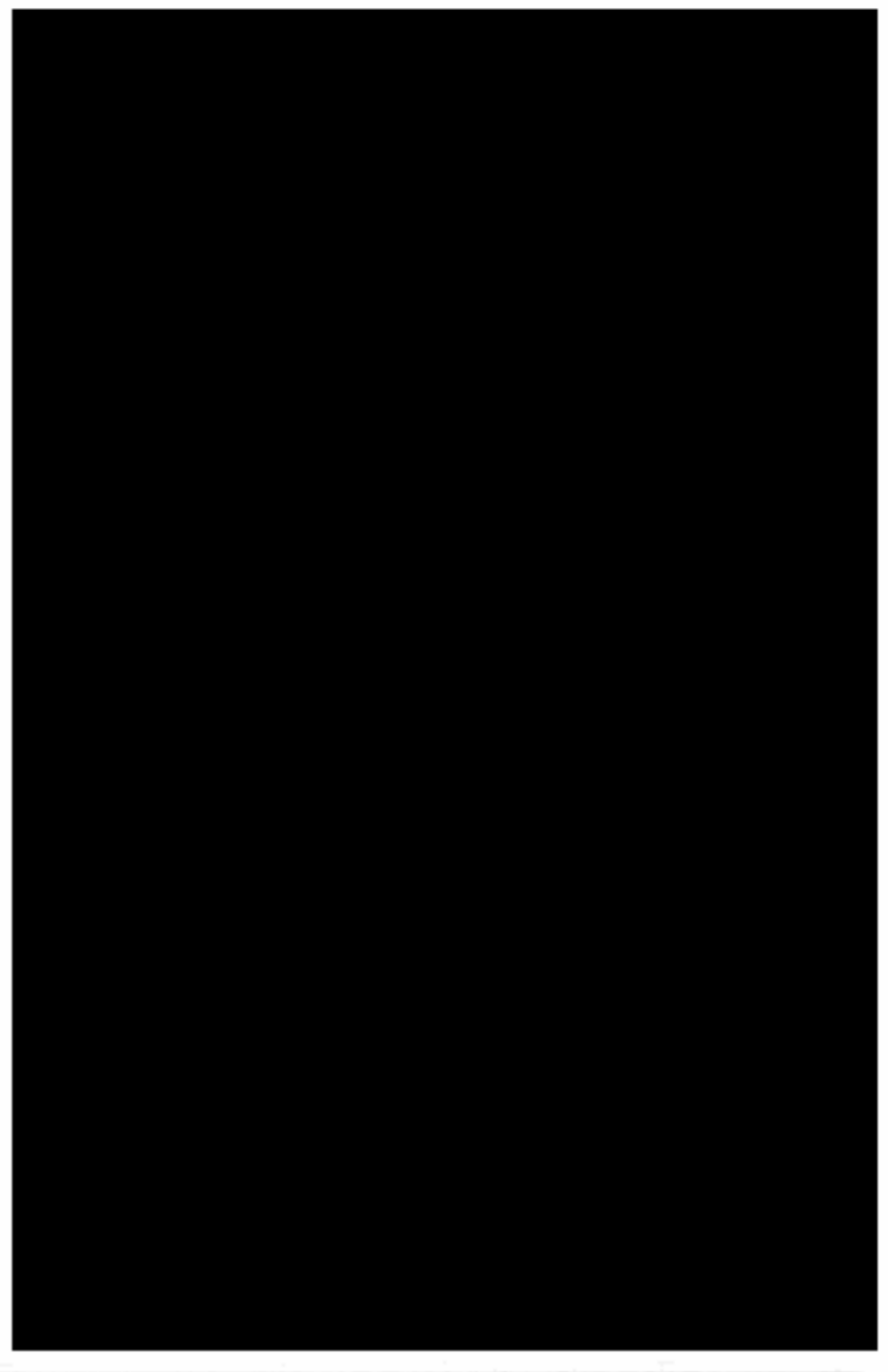
CONFIDENTIAL



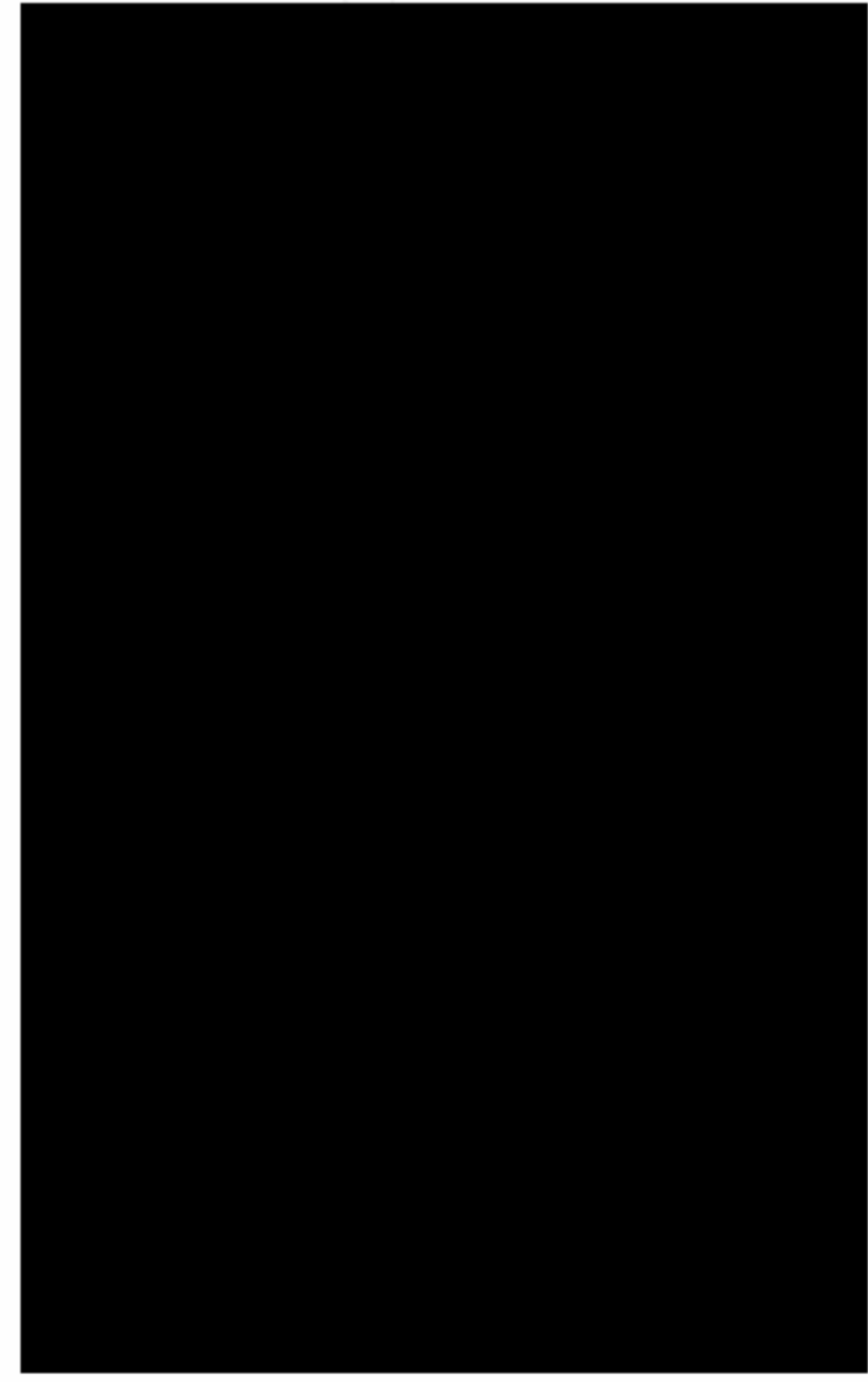
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



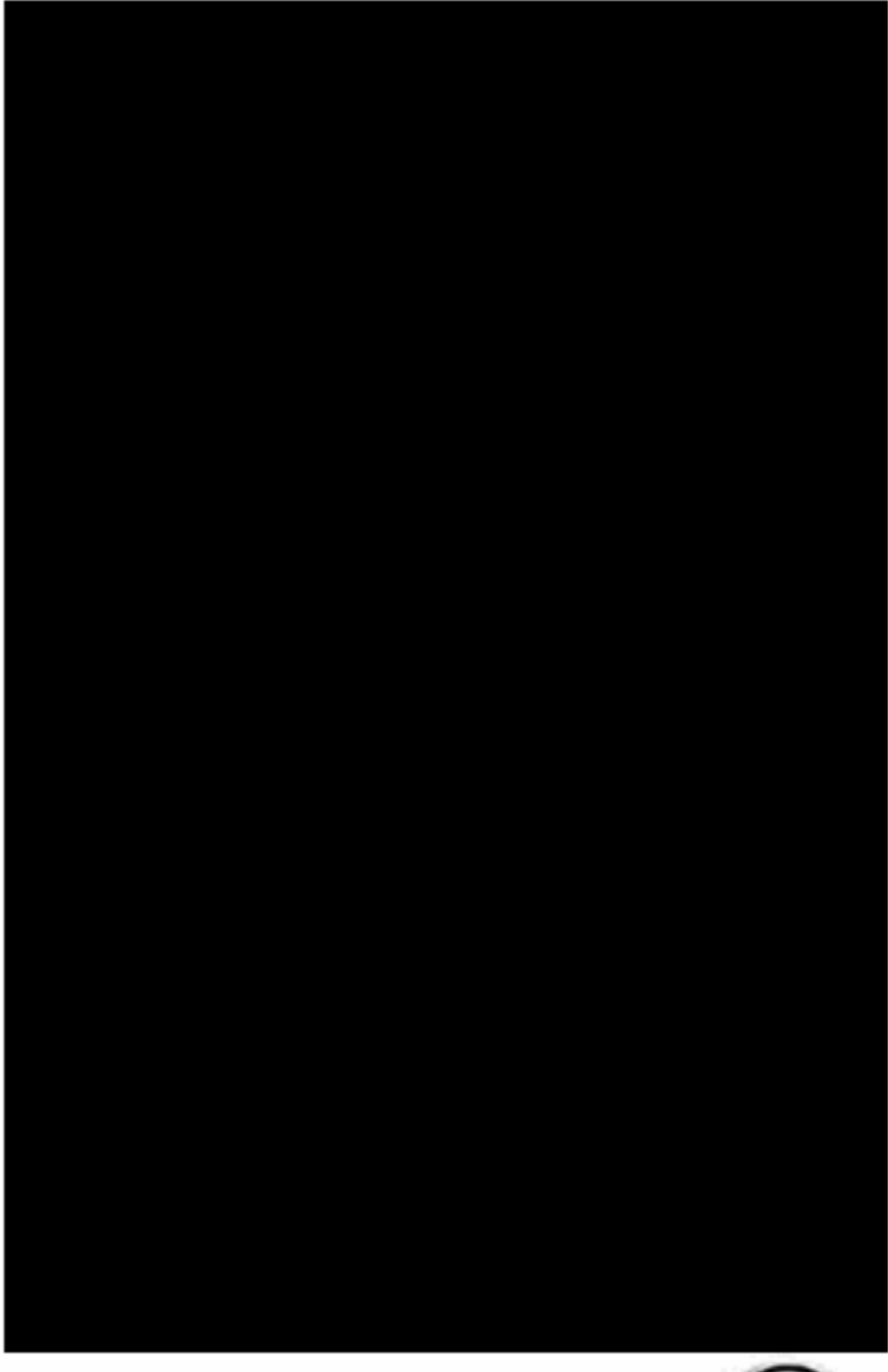
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



CONFIDENTIAL



1 C. Tsachas
 2 concern.
 3 Q. So the only person you kept notes on
 4 was Raymond?
 5 A. He's the only guy I'm concerned
 6 with.
 7 Q. What about in 34, did you keep notes
 8 on the other problematic people there?
 9 A. I had some notes, yeah.
 10 Q. On the people I read affidavits for?
 11 A. Yeah.
 12 Q. Did you keep notes on any white
 13 people?
 14 A. Yeah, I had these two guys.
 15 Q. Birch?
 16 A. Birch, I had some and the other guy,
 17 what did I say his name was?
 18 MR. RUBINSTEIN: Perisi?
 19 A. Perisi, yeah.
 20 Q. So you had notes on Perisi?
 21 A. Yeah, Saboroff. If they have 2.5,
 22 yeah.
 23 Q. Anyone with a 2.5, you have notes
 24 on?
 25 A. Yeah.

1 C. Tsachas
 2 Q. So we're getting towards the end
 3 here so that's good.
 4 First of all, what is the Career
 5 Advancement Review Board?
 6 A. That's where Raymond went?
 7 Q. Yes.
 8 A. He has a 2.5, they went in and
 9 interviewed him and see if they agreed with
 10 my finding and they make the determinations
 11 afterwards.
 12 Q. They're independent though, right?
 13 A. Yeah. I don't know their names. I
 14 didn't speak to them.
 15 Q. You never talked with them at all?
 16 A. I have one thing that I spoke with
 17 somebody there but that's after the interview
 18 for the results.
 19 MR. SCOLA: Can we mark this
 20 actually?
 21 (Whereupon, CARB Memo was
 22 marked as Exhibit TC AK for
 23 Identification.)
 24 Q. So this is basically a Career
 25 Advancement Review Board Memo. So I guess

1 C. Tsachas
 2 Police Officer Raymond was -- he joined the
 3 academy in 2008, I guess this is in 2015. So
 4 in seven years would a total of 98 arrests be
 5 good?
 6 A. I think if I remember, Raymond was
 7 active and then all of a sudden he decided to
 8 do nothing so something happened.
 9 Q. It's his testimony that he didn't
 10 hide in the rooms then but there was some job
 11 --
 12 A. I told him to do so but he didn't
 13 want to.
 14 Q. We did establish that you can be
 15 issued a command discipline for that?
 16 A. There is other factors involved.
 17 Q. Just on the second page, it says
 18 reason for CARB and number one, "negative
 19 annual evaluation and negative interim
 20 evaluation," and then another interim
 21 evaluation so that's the reason why he went
 22 before the CARB.
 23 A. Okay.
 24 MR. SCOLA: We can mark this.
 25 (Whereupon, 49 document was

1 C. Tsachas
 2 marked as Exhibit TC AL for
 3 Identification.)
 4 (Whereupon, 49 document was
 5 marked as Exhibit TC AM for
 6 Identification.)
 7 Q. So I guess these are two 49s. We'll
 8 do yours first. So this is --
 9 MR. RUBINSTEIN: Can I have the
 10 other 49? I think I only have the --
 11 MR. SCOLA: Sure.
 12 MR. RUBINSTEIN: Thanks.
 13 Q. All right. So these are two 49s.
 14 The first one which I guess is AL,
 15 "Commanding officer's recommendation for
 16 Police Officer Raymond."
 17 Is this a document where you
 18 basically have to either recommend or not
 19 recommend someone for promotion?
 20 A. Yeah. I believe so because that's
 21 what the ending paragraph is.
 22 Q. And in this one you're --
 23 A. Okay.
 24 Q. So basically in this one, you don't
 25 recommend him for promotions, correct?



1 C. Tsachas
 2 A. Yeah. Not at the time, no.
 3 Q. And the second exhibit is -- who's
 4 Vincent Giantasio?
 5 A. He was my immediate supervisor.
 6 Q. And he also does not recommend
 7 Raymond for promotion?
 8 A. Based on the facts that I gave him,
 9 he agrees with me.
 10 Q. Yeah. So that would have been based
 11 on your opinion on Raymond?
 12 A. Yeah. He doesn't interact with
 13 Raymond.
 14 Q. Just again, based on yours, you
 15 didn't recommend based on his inability to be
 16 proactive essentially?
 17 A. Yeah. Well, look at what he said.
 18 "Police Officer Raymond believes that
 19 prerogative is nonessential. A simple
 20 strategy to address crime conditions."
 21 Q. That's what you wrote?
 22 A. That's what he said.
 23 Q. But that's what you --
 24 A. Yeah, I wrote it based on my
 25 interviews with him.

1 C. Tsachas
 2 Q. And then Giantasio's would have been
 3 based purely on what you said?
 4 A. On me, yeah.
 5 Q. Now, what role in the CARB
 6 determination do these recommendations play,
 7 do you know?
 8 A. I don't know. It just goes up to
 9 them. I'm step one and they take a look so
 10 you have another opinion on top of it.
 11 MR. SCOLA: We'll get to the
 12 recording of that in a second. This
 13 is AN.
 14 (Whereupon, recommendation
 15 documents was marked as Exhibit TC AN
 16 for Identification.)
 17 MR. SCOLA: Off the record for
 18 a second.
 19 (Whereupon, an off-the-record
 20 discussion was held at this time.)
 21 Q. So on page number two, these are all
 22 recommendations that Edreweene Raymond had
 23 given to the CARB basically recommending him
 24 for promotion?
 25 A. Which one is he.

1 C. Tsachas
 2 MR. RUBINSTEIN: Also to note
 3 my objection to this line of question
 4 willing on these documents.
 5 THE WITNESS: Who are these
 6 people?
 7 Q. So this is page number three
 8 actually. So first is Jim St. Germain who is
 9 a community activist and basically I'm going
 10 to ask you if you disagree with this or not.
 11 This is the second to last paragraph.
 12 "It would be convenient for Officer
 13 Raymond to use typical strategies in order to
 14 meet his monthly quotas. However, such
 15 strategies produce numbers for COMPStat but
 16 don't necessarily prevent crime, visibility
 17 does and Mr. Raymond is very visible in this
 18 community and our elders and the innocent
 19 appreciate such presence."
 20 Do you agree with that?
 21 A. I don't know what he does for the
 22 community.
 23 Q. Okay. We'll go to the next one,
 24 Edward Lovell Now. He goes I'm standing with
 25 the highest --

1 C. Tsachas
 2 A. Where are you reading? I found it.
 3 Q. Where are we? Because I'm reading
 4 it off my notes. "I'm stating this with the
 5 highest sincerity that no officer I've
 6 encountered has demonstrated more, the
 7 fundamentals of policing that I learned as a
 8 June 2015 graduate of the Citizens' Police
 9 Academy Program, than Police Officer Raymond.
 10 Everything from the importance of how you
 11 talk to people to the proper use of
 12 discretion I've seen Police Officer Raymond
 13 exhibit as if the academy was based on him
 14 personally."
 15 Do you agree with that?
 16 A. I never been to the Citizens'
 17 Academy.
 18 Q. The next one is a recommendation
 19 from Doctor Avram Bornstein, Director of
 20 Criminal Justice Masters Program and the
 21 Co-Director of the NYPD Leadership Program
 22 I'm reading here, the last sentence.
 23 "As a veteran professor at John Jay,
 24 the co-director of the Police Leadership
 25 Program, and the father of a family living in



1 C. Tsachas
 2 New York City, I hope that the NYPD will
 3 recognize the great resource that they have
 4 in Officer Raymond and give him the positive
 5 recognition he deserves."
 6 Do you believe Raymond is a great
 7 resource?
 8 MR. RUBINSTEIN: Objection.
 9 A. What resources? Does he specify any
 10 resources?
 11 Q. He's a great resource in the NYPD,
 12 do you disagree with that?
 13 A. Yes, absolutely.
 14 Q. So number, Shannon Stapleton. So
 15 Stapleton was Raymond's CO in Transit -- not
 16 CO, supervising officer, sergeant I guess
 17 from May 2012 to February 2014. Basically he
 18 says "I've known Police Officer Raymond for
 19 four years and can confidently say that he's
 20 a great officer and an exceptional person
 21 overall. I had the pleasure of being his
 22 direct supervisor from May of 2012 to
 23 February of 2014 and was impressed right away
 24 with his ability to balance necessary
 25 enforcement while simultaneously having a

1 C. Tsachas
 2 charisma that left a positive impression on
 3 community residents."
 4 In your experience of dealing with
 5 Raymond, is that your impression of him?
 6 A. This is what his experience was from
 7 that date so I hope he gave him a good
 8 evaluation.
 9 Q. So you disagree with this?
 10 A. Absolutely.
 11 Q. Now, this is a little bit weird
 12 because this is page 11 and 7. It's out of
 13 order so this is the second page.
 14 A. So should I go to seven?
 15 Q. Yeah, second paragraph.
 16 A. Who wrote this?
 17 Q. Deputy Inspector Oliver Pu-Folkes.
 18 A. And he works where? Where is he?
 19 Q. Now I think he leads investigations
 20 for New York District Attorney's office, I
 21 think he just got a job but I believe he's
 22 deputy inspector. He's the one that ran
 23 reengineering. I think he just put in his
 24 papers.
 25 A. Okay.

1 C. Tsachas
 2 Q. In short, I have found Police
 3 Officer Raymond -- he supervised Raymond in
 4 reengineering.
 5 "In short, I have found Police
 6 Officer Raymond to be uniquely a bold thinker
 7 who truly embraces the Smart Policing
 8 concepts and holds a deep commitment to fight
 9 crime by problem solving some of the societal
 10 challenges that perpetuate the high
 11 concentration of crime in certain lower
 12 socioeconomic neighborhoods. He readily uses
 13 the more harsh tools a police officer has
 14 such as his arrest powers when the
 15 circumstances warrant by applying informed
 16 discretion. In many ways, Police Officer
 17 Raymond is before his time. Like Galileo,
 18 who was sent to the inquisition for affirming
 19 that the earth was a sphere, where the
 20 contemporary view at the time was to see the
 21 world as flat, Police Officer Raymond now
 22 faces judgement. However, Police Officer
 23 Raymond's use of omnipresence to deter crime
 24 and discretion to at times not arrest low
 25 level offenders for turnstile jumping merely

1 C. Tsachas
 2 demonstrates he has the foresight to see that
 3 stick counts of arrests or summons will not
 4 build bridges of trust with community nor
 5 reduce crime as much as problem solving
 6 policing and fair and impartial policing."
 7 Do you agree with that?
 8 A. No. It sounds like poetry
 9 sometimes.
 10 Q. It does a bit. The last one here is
 11 Captain Jamiel Altaheri.
 12 A. What page?
 13 Q. This is eight.
 14 A. Who are these people?
 15 Q. He worked the Transit District 32
 16 from January 2008 to February 2014.
 17 A. Okay. Doesn't ring a bell.
 18 Q. The last one, "There were multiple
 19 occasions where members of the community
 20 would personally inform me of Police Officer
 21 Raymond's kindness, respect and
 22 professionalism performed by him on the
 23 field. Police Officer Raymond also addressed
 24 current crime and quality of life conditions
 25 in his assigned post in an effective manner



1 C. Tsachas
 2 during my assignment at Transit District 32."
 3 So you disagree with that?
 4 A. Well, he was there so if that's what
 5 he says.
 6 Q. Just real quick here. This was an
 7 interim evaluation that you gave Raymond.
 8 (Whereupon, an Interim
 9 Evaluation was marked as Exhibit TC
 10 AO for Identification.)
 11 Q. So this is an interim evaluation
 12 that was given to Raymond from 9/1/2015 to
 13 11/25/2015, the day after you did not
 14 recommend him for promotion. Just so
 15 happens.
 16 A. Okay.
 17 Q. In this evaluation, you give him a
 18 3.0?
 19 A. Okay.
 20 Q. Actually, your name is not actually
 21 on this. It's Paul Salcedo and the reviewer
 22 is Haaziq Reid.
 23 A. Okay.
 24 Q. The overall comments, "Police
 25 Officer Raymond has been spoken to about

1 C. Tsachas
 2 addressing his monthly conditions in regards
 3 to enforcement duties. Police Officer
 4 Raymond has shown some improvement in his
 5 overall performance since his last
 6 evaluation."
 7 What improvement did he show?
 8 A. According to the supervisor, I think
 9 he was self-motivated.
 10 Q. So he had some arrests?
 11 A. I think that's what happened. I got
 12 different opinions from these two
 13 supervisors. Like I said, it's an input from
 14 everybody also and they felt --
 15 Q. So you gave him a 3.0?
 16 A. After -- well, I knew about this,
 17 yeah, because there was some kind of
 18 improvement I think I noted and these were
 19 done by two supervisors so I didn't have to
 20 approve of this.
 21 Q. Even though it's an interim? You
 22 don't have approve interims?
 23 A. It's a 3.0 so good for him.
 24 Q. So just a couple of questions about
 25 this CARB Board meeting and the annual and I

1 C. Tsachas
 2 think we're out of here. So this is a
 3 recording of the CARB hearing.
 4 A. Which I wasn't there.
 5 Q. No, you weren't.
 6 MR. RUBINSTEIN: And you've
 7 produced this in discovery.
 8 MR. SCOLA: Yes, for sure. If
 9 not, I can just send it over but I
 10 definitely did.
 11 MR. RUBINSTEIN: Just note my
 12 objection to this questioning on this
 13 exhibit.
 14 Q. So it's your testimony that you're
 15 not sure how performance evaluations or the
 16 recommendation impacted the decision of the
 17 CARB Board, correct?
 18 A. That's the reason it went up there.
 19 Q. Right, okay.
 20 (Whereupon, an audio recording
 21 was marked as Exhibit TC AP for
 22 Identification.)
 23 (Whereupon, an audio recording
 24 was played.)
 25 Q. So it's not clear who exactly these

1 C. Tsachas
 2 people are. Now, as far as you know, is
 3 activity supposed to be factored into
 4 promotions with the NYPD?
 5 A. No, the evaluations which is a
 6 reflection of everything else.
 7 Q. But him having 98 arrests in his
 8 time with the NYPD, how is that factored into
 9 the CARB Board?
 10 A. For the previous years, it has
 11 nothing to do with me.
 12 Q. I just wasn't sure.
 13 (Whereupon, an audio recording
 14 was played.)
 15 Q. So basically in this recording
 16 whoever the chief speaking is says he has
 17 terrible evaluations, the kind of evaluations
 18 that you're not ready to be a sergeant.
 19 A. And what's Raymond's goal to change
 20 the community he said?
 21 Q. I don't know. Whatever his goals
 22 are.
 23 A. All right. Congratulations.
 24 Q. Basically, what they just said in
 25 this recording and I don't know if this is



1 C. Tsachas
 2 your interpretation or not or what it is but
 3 basically with the negative evaluations, he
 4 couldn't be promoted, correct?
 5 A. Yeah, if that decision is with the
 6 CARB. Yeah.
 7 (Whereupon, an audio recording
 8 was played.)
 9 Q. So did you order Campbell to give
 10 any evaluation to Raymond?
 11 A. To redo the 2014.
 12 Q. And the interim?
 13 A. And the interim, yeah.
 14 Q. Moving up a little bit.
 15 (Whereupon, an audio recording
 16 was played.)
 17 Q. So a 3 is considered average but in
 18 practice is a 3.5 actually what the score --
 19 A. No. 3 means minimum.
 20 Q. So 3 means minimum. Okay. All
 21 right.
 22 (Whereupon, an audio recording
 23 was played.)
 24 Q. So you hear the chief say basically
 25 a 3.5 is for so-so activity?

1 C. Tsachas
 2 A. That's his interpretation. Okay.
 3 Q. Is that what it is in practice, do
 4 you know?
 5 A. Yeah, 3, 3.5.
 6 Q. But you did hear the chief say that?
 7 A. Yeah, I heard him.
 8 Q. Just for the record, the chief said
 9 3.5.
 10 (Whereupon, an audio recording
 11 was played.)
 12 Q. So basically in the recording
 13 they're reviewing the comments we went over
 14 earlier and basically telling him that he's
 15 not going to be promoted based on these
 16 comments.
 17 A. Okay.
 18 Q. Okay. Now, one last thing from here
 19 and then we're onto annual and we're done.
 20 (Whereupon, an audio recording
 21 was played.)
 22 Q. So did you just hear that they would
 23 like to get you promoted but they have to
 24 respect the commanding officer's
 25 recommendation?

1 C. Tsachas
 2 A. Yes because I'm over there. I'm the
 3 command.
 4 Q. So you're the one saying it? So
 5 basically they're relying on your
 6 recommendation as to whether or not to --
 7 A. My recommendation.
 8 Q. And the evaluations?
 9 A. And his interview also. From what
 10 he sees.
 11 Q. But they just said on the recording
 12 you've reached your goal and we have to
 13 respect the recommendation?
 14 A. Yes, of course he has to.
 15 Q. They have to meaning why? Why would
 16 they have to do that?
 17 A. I made the recommendation but I
 18 don't have the authority --
 19 Q. You don't have the final say but
 20 they're making their determination based on
 21 your recommendation?
 22 A. And the interview.
 23 Q. And the evaluations?
 24 A. Yes.
 25 Q. Okay. Now, ultimately, this was the

1 C. Tsachas
 2 result of this was a denial.
 3 (Whereupon, CARB Determination
 4 documents was marked as Exhibit TC AQ
 5 for Identification.)
 6 Q. So AQ, basically this is just the
 7 CARB determination and the X is, "You were
 8 considered and not selected for appointment
 9 or promotion to a vacancy in the subject
 10 title. Another candidate was selected
 11 instead."
 12 So basically this is just them
 13 denying --
 14 A. Okay.
 15 Q. This was yours. Okay. So the last
 16 one of the day and probably ever. So this is
 17 the 2015 annual evaluation.
 18 (Whereupon, an Annual
 19 Evaluation was marked as Exhibit TC
 20 AR for Identification.)
 21 Q. So following the CARB hearing,
 22 Raymond was transferred, correct?
 23 A. I don't remember an exact date.
 24 Q. So following the --
 25 A. He was eventually transferred, yeah



1 C. Tsachas
 2 Q. Yes and he went to 77.
 3 A. Yes.
 4 Q. So after he was gone, he was issued
 5 this 2015 annual evaluation.
 6 A. After he was gone?
 7 Q. Yes.
 8 A. When was he gone? I'm sorry.
 9 Q. He left January 1st.
 10 A. January 1st of '16?
 11 Q. Yes.
 12 A. Okay.
 13 Q. So normally when someone leaves the
 14 commands and gets transferred and you're
 15 doing an evaluation after he was transferred
 16 for the year that he worked for you, how is
 17 that done? Do you call him?
 18 A. I didn't speak to him afterwards,
 19 no.
 20 Q. So he leaves the command, is the
 21 evaluation normally done at the place he went
 22 to for the year before or at the place he
 23 left?
 24 A. I'm guessing afterwards. He was in
 25 my command for that time period.

1 C. Tsachas
 2 Q. If Raymond was transferred from 32
 3 to 77, isn't it normal practice to do the
 4 evaluation at 77 and then consult?
 5 A. I have to look into it.
 6 Q. Now, you never talked with him about
 7 this evaluation?
 8 A. After he was transferred, I haven't
 9 seen him since.
 10 Q. Okay. Just a couple of questions
 11 about the comments. This evaluation, the 2.5
 12 was based on activity primarily, right?
 13 A. In this case also my interviews with
 14 him and his beliefs.
 15 Q. So everything we talked about
 16 earlier even though he got an interim
 17 evaluation of a 3.0 in between basically the
 18 last quarter of this year, he got a 3.0 for
 19 more arrests but he still got a 2.5 for the
 20 annual?
 21 A. Yeah.
 22 Q. Now, just a couple of questions
 23 here. "Police Officer Raymond has difficulty
 24 apprehending suspects on his daily solo
 25 patrol and works better under direct

1 C. Tsachas
 2 supervision."
 3 That's addressing conditions,
 4 correct?
 5 A. Yeah.
 6 Q. Number 4, "Police Officer Raymond
 7 can improve as it pertains to arrest
 8 processing duties."
 9 That's related to enforcement?
 10 A. That came from the supervisor who's
 11 more hands on when he has an arrest. I'm not
 12 part of that process so.
 13 Q. Number 6, "Police Officer Raymond
 14 has trouble with handling specific offenses
 15 and addressing the command's conditions."
 16 So that's just flat out addressing
 17 conditions, that's arrests and --
 18 A. Command conditions, yeah.
 19 Q. That's arrests and summonses,
 20 correct?
 21 A. Yes.
 22 Q. Reasoning ability, number 16,
 23 "Police Officer Raymond has difficulty
 24 applying rules or procedures to specific
 25 situations."

1 C. Tsachas
 2 That's related to enforcement?
 3 A. That one I can't positively answer.
 4 Just done by his supervisor because he saw
 5 something.
 6 Q. Let's go down to judgment.
 7 Actually, visualization. "Police Officer
 8 Raymond has difficulty identifying suspects
 9 when on his patrol duties."
 10 A. That came time after time from his
 11 supervisors. It's consistent.
 12 Q. Were you aware that Raymond, while
 13 on patrol and plain clothes with Campbell
 14 stopped a turnstile jumper then chased him
 15 down, identified that person off a wanted
 16 poster who was a wanted felon in District 32?
 17 A. In what year?
 18 Q. I believe 2014.
 19 A. Then Campbell should've not put that
 20 entry in if he feels that way. I'm unaware
 21 of it.
 22 Q. But someone that was against
 23 arresting someone wouldn't do that
 24 presumably?
 25 A. Well, Campbell was there with him



1 C. Tsachas
 2 right?
 3 Q. He was there with him but he
 4 testified he was the one who identified him
 5 and recognized him from the poster.
 6 A. All right. Very good then.
 7 Q. In the overall comments in the back.
 8 We can establish here real quick.
 9 This was based on judgment,
 10 innovativeness, adaptability, drive and
 11 initiative, those are the ones that you
 12 identified earlier as related to enforcement
 13 and mainly the arrests and summonses
 14 activity, correct?
 15 A. Yes, correct.
 16 Q. So overall comments, "Police Officer
 17 Raymond has been spoken to by more than one
 18 supervisor and on more than one occasion
 19 about addressing his monthly conditions in
 20 regards to his enforcement duties. In my
 21 three months as his immediate supervisor he
 22 did show some improvement on his overall
 23 performance but still has much more room for
 24 improvement. Upon conferral with Captain
 25 Tsachas, Lieutenant Reid and Lieutenant Noor

1 C. Tsachas
 2 nonintervention style of policing rather than
 3 a focused effort to identify and apprehend
 4 violators. He has made attempts to quantify
 5 performance measures from supervisors during
 6 conferrals as well as during normal
 7 conversations."
 8 So you wrote those?
 9 A. Yes.
 10 Q. And that's based on your experience
 11 with him?
 12 A. Yes.
 13 Q. Now, down here at the bottom in the
 14 box -- just for the record though, this is
 15 all related to enforcement, showing any type
 16 of enforcement?
 17 A. Enforcement, his strategies, doesn't
 18 want to do anything.
 19 Q. Now, at the bottom it says "Accurate
 20 and completely concur."
 21 A. Yes.
 22 Q. He has to check that box?
 23 A. No, that's me.
 24
 25 (Continued on the next page.)

1 C. Tsachas
 2 it has been determined that his total
 3 enforcement is below command average and he
 4 shows no initiative when on solo patrol as it
 5 pertains to self-enforcement. Police Officer
 6 Raymond has shown slight improvement when
 7 working in groups and when working with
 8 supervisors but still struggles when solo
 9 patrol addressing the command's monthly
 10 conditions. Police Officer Raymond is
 11 respectful of his peers and the community and
 12 maintains a professional image in uniform."
 13 So the rater, he conferred with you?
 14 A. Yeah, I think he was -- he wasn't
 15 assigned there the entire year.
 16 Q. Okay. Now, these overall reviewer
 17 comments at the bottom, these are your direct
 18 comments?
 19 A. Yes.
 20 Q. So you write, "I concur. Police
 21 Officer Raymond continually, and it seems
 22 intentionally, refuses to take part in any
 23 self-motivated proactive strategies that
 24 result in any type of enforcement. He is
 25 fixated with his personal beliefs of a

1 C. Tsachas
 2 Q. You concur?
 3 A. Yeah.
 4 MR. SCOLA: I have no further
 5 questions.
 6
 7 (Time noted: 5:25 p.m.)
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

