

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 JAWAUN FRASER,

4 Plaintiff,

5 -against- Index No.: 20-CV-4926

6 THE CITY OF NEW YORK and UNDERCOVER
7 OFFICER NUMBER 84, DETECTIVE MATTHEW
8 REGINA, and DETECTIVE MATTHEW REGINA,
9 DETECTIVE JASON DELTORO, Individually
10 And as a member of the New York City
11 Police Department,

12 Defendants.

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16 VIDEOCONFERENCE DEPOSITION OF

17 STELLA URBAN

18 Wednesday, July 28, 2021

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23 Reported by:
24 DONNA PALMIERI
25 JOB NO. J7302554

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July 28, 2021

10:14 a.m.

Videoconference Deposition of
the Defendant, The City of New York,
by: STELLA URBAN, a 30-(b)(6)
witness, before Donna Palmieri, a
Notary Public of the State of New
York.

1 A P P E A R A N C E S:

2 LAW OFFICES OF JOEL B. RUDIN, PC

3 Attorneys for Plaintiff

4 152 West 57th Street, 8th Floor

5 New York, New York 10019

6 BY: MATTHEW A. WASSERMAN, ESQ.

7
8
9 NEW YORK CITY LAW DEPARTMENT

10 Attorneys for Defendants

11 100 Church Street

12 New York, New York 10007

13 BY: BRIAN FRANCOLLA, ESQ.

14 GULNORA TALI, ESQ.

1 IT IS STIPULATED AND AGREED by and
2 between the attorneys for the respective
3 parties herein, and in compliance with Rule
4 221 of the Uniform Rules for the
5 Trial Courts:

6 THAT the parties recognize the
7 provision of Rule 3115 subdivisions
8 (b),(c)and/or(d). All objections made at a
9 deposition shall be noted by the officer
10 before whom the deposition is taken, and
11 the answer shall be given and the
12 deposition shall proceed subject to the
13 objections and to the right of a person to
14 apply for appropriate relief pursuant to
15 Article 31 of the CPLR;

16 THAT every objection raised during a
17 deposition shall be stated succinctly and
18 framed so as not to suggest an answer to
19 the deponent and, at the request of the
20 questioning attorney, shall include a clear
21 statement as to any defect in form or other
22 basis of error or irregularity. Except to
23 the extent permitted by CPLR Rule 3115 or
24 by this rule, during the course of the
25 examination persons in attendance shall not

1 make statements or comments that interfere
2 with the questioning.

3 THAT a deponent shall answer all
4 questions at a deposition, except (i) to
5 preserve a privilege or right of
6 confidentiality, (ii) to enforce a
7 limitation set forth in an order of
8 a court, or (iii) when the question is
9 plainly improper and would, if answered,
10 cause significant prejudice to any person.
11 An attorney shall not direct a deponent not
12 to answer except as provided in CPLR Rule
13 3115 or this subdivision. Any refusal to
14 answer or direction not to answer shall be
15 accompanied by a succinct and clear
16 statement on the basis therefore. If the
17 deponent does not answer a question, the
18 examining party shall have the right to
19 complete the remainder of the deposition.

20 THAT an attorney shall not interrupt
21 the deposition for purpose of communicating
22 with the deponent unless all parties
23 consent or the communication is made for
24 the purpose of determining whether the
25 question should not be answered on the

1 grounds set forth in Section 221.2 of these
2 rules, and, in such event, the reason for
3 the communication shall be stated for the
4 record succinctly and clearly and the
5 failure to object to any question or to
6 move to strike any testimony at this
7 examination shall not be a bar or waiver to
8 make such objection or motion at the time
9 of the trial of this action, and is hereby
10 reserved;

11 THAT this examination may be signed and
12 sworn to by the witness examined herein
13 before any Notary Public, but the failure
14 to do so or to return the original of the
15 examination to the attorney on whose behalf
16 the examination is taken, shall not be
17 deemed a waiver of the rights provided by
18 Rules 3116 and 3117 of the C.P.L.R, and
19 shall be controlled thereby;

20 THAT the certification and filing of
21 the original of this examination are
22 hereby waived and that the questioning
23 attorney shall provide counsel for the
24 witness with a copy of this examination at
25 no charge.

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S T E L L A U R B A N, called as a
witness, having been duly sworn by a
Notary Public, was examined and
testified as follows:

EXAMINATION

BY MR. WASSERMAN:

Q. State your name for the record,
please.

A. Stella Urban.

Q. What is your address?

A. One Police Plaza New York,
New York 10038.

Q. Good morning, Ms. Urban.

A. Good morning.

Q. My name is Matthew Wasserman.
I'm one of the attorneys representing
plaintiff, Jawaun Fraser, in a Federal
civil rights lawsuit brought in the
Southern District of New York.

Do you understand that you're
here today for deposition testimony in
connection with that lawsuit?

A. Yes.

Q. A court reporter is here today to

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transcribe everything we're saying, so I'd ask that you speak clearly and wait until I finish my question before you answer and I'll try to wait until you finish your answers before I ask the next question.

The court reporter can't transcribe nods or gestures, so do you understand that you should communicate everything verbally "yes" or "no"?

A. Yes.

Q. We're doing this deposition over Zoom, but it's not going to be recorded and so it's important that we have a clear record.

Please don't guess at an answer. If you don't know, it's fine to estimate, but if you don't know it's fine to say that you don't know.

If I ask you a question that you don't understand or is in any way unclear, please let me know and I'll do my best to rephrase it or make it clear.

Do understand that if you give an answer and upon reflection is incomplete or

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Urban

incorrect you can and you should supplement that answer?

A. Yes.

Q. Do you understand that the oath that you just took is the same oath that you take in front of the judge and the jury?

A. Yes.

Q. Is there any reason why you're unable to testify to the best of your ability today?

A. No.

Q. Are you being represented by an attorney today?

A. Yes.

Q. Who is representing you?

A. Gulnora Tali and Brian Francolla.
Sorry, Brian.

Did you speak with those attorneys to prepare for this deposition?

A. Yes.

Q. How many times did you speak with them?

A. Once.

1 Urban

2 Q. For how long?

3 A. Approximately two hours, an hour.

4 Q. When was that?

5 A. Yesterday.

6 Q. Did you review any documents to
7 prepare for this deposition?

8 A. No, other than the order, like
9 the number that I have to address, No. 5.

10 Q. When you say "the order", you're
11 talking about the deposition notice where
12 it lists sort of the various topics?

13 A. Yes. Sorry. I don't know the
14 topics.

15 Q. That's fine.

16 Other than your attorneys, did
17 you speak to anyone to prepare for this
18 deposition?

19 A. No.

20 Q. Have you ever testified at a
21 deposition in a civil lawsuit before?

22 A. No.

23 Q. Starting with high school
24 graduation, what's your educational
25 background?

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A. Bachelor of Science.

Q. Starting with after high school, what's your employment history?

Did you work anywhere before joining the NYPD?

A. Yes, I worked at Lacoste. Prior to that after graduating college, I worked at Riverside Research Institute. I did prostate cancer insurance exams. I moved onto will Lacoste, which is a retail company and I did budgeting analysis for them.

Q. When did you join the NYPD?

A. July 11, 2005.

Q. Is that when you started at the academy or when you graduated from the academy?

A. Graduated the academy.

Q. Since you've graduated the academy, can you tell me what your assignments have been?

A. Upon graduating the academy, I was assigned to Impact in the 44th Precinct.

1 Urban

2 After the 44th Precinct, I was
3 transferred to the 50th Precinct six months
4 later. At the 50th I worked regular patrol
5 and then I did crime analysis and then in
6 2010 I was transferred to OMAP, which is
7 the Office of Management Analysis and
8 Planning. I worked there until 2011 when I
9 was promoted to sergeant.

10 Then I went to the 33rd Precinct
11 as a sergeant. I was there from 2014. I
12 was assigned to the Deputy Commissioner of
13 Strategic Initiatives. I worked there for
14 a year, then I went back to OMAP, Office of
15 Management and Planning, which I was then
16 promoted to lieutenant. I believe it was
17 2015, if not 2016. I could check the date.
18 I stayed in OMAP, Office of Management and
19 Planning and then I went to Chief of Patrol
20 in 2018. Then I went to the 50th Precinct
21 I'm sorry. I went to inspections, Patrol
22 Services Inspections in October of 2019.
23 In January of 2020, I went back to the 50th
24 Precinct. I was the Platoon Commander and
25 I was there until October of 2020 when I

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Urban
was transferred to Internal Affairs.
Now I am the commanding officer
of the Assessment and Analysis Unit.
Q. What does the Assessment and
Analysis Unit do?
A. We're like the auditing unit and
stats unit for all IAB logs.
Q. Do you understand that you're
today to testify as a representative of the
NYPD?
A. Yes.
Q. Do you understand that the
testimony you're giving today is on behalf
of the City of New York?
A. Yes.
Q. And you mentioned you had
reviewed a copy of the 30(B)(6) Notice and
you're prepared to testify about topic
No. 5; is that correct?
A. Yes.
Q. Will your testimony today be
based on your personal knowledge or
preparation for this deposition or both?
A. Both.

1 Urban

2 Q. So for the time period from
3 January 2005 to January of 2020, are you
4 aware of any NYPD policy, practice or
5 procedure to become aware of accusations
6 that an officer had failed to disclose
7 other exculpatory or impeachment evidence
8 to the prosecution?

9 A. I'm sorry. Can you clarify?
10 Prior to coming to IAB?

11 Q. No. I mean for the time period
12 2005 to the end of 2019, the time period
13 we're covering this deposition, are you
14 aware of any NYPD policy, procedure or
15 practice for the NYPD to become aware of
16 accusations that a member of service failed
17 to disclosure either exculpatory or
18 impeachment evidence to the prosecution?

19 A. I'm not understanding.

20 Q. Okay.

21 A. Like if I know the formal policy
22 or just if I'm aware?

23 Q. Let's start with are you aware
24 whether the NYPD had any formal policies or
25 procedures to disclose that information?

1 Urban

2 A. No, not that I am aware of.

3 Q. Did IAB in any way during the
4 period from 2005 to the end of 2019 track
5 allegations that an officer had failed to
6 disclose exculpatory or impeachment
7 evidence to the prosecution?

8 A. There is an allegation in our
9 allegation tree which states "false or
10 misleading statements".

11 Q. What type of statements would be
12 considered a false or misleading statement?

13 A. I mean, giving the wrong
14 location, the wrong time, wrong
15 circumstance, leaving information out that
16 may be relevant to a case, you know,
17 leaving information out of your memo book,
18 things of that nature.

19 Q. If you know, when did IAB start
20 tracking allegations of that nature, false
21 or misleading statements?

22 A. I don't know the exact date.

23 Q. Do you know whether they were
24 tracking that information in November of
25 2015?

1 Urban

2 A. I don't know off the the top of
3 my head.

4 Q. How did IAB become informed of an
5 allegation of false or misleading reports?

6 A. I would say they were notified
7 any allegation via hotline or a member of
8 the service making a notification.

9 Q. The hotline, is that a number for
10 members of the general public to call?

11 A. Yes, anyone can call that line.

12 Q. If a member of a D.A.'s Office
13 wanted to make a report to IAB, would they
14 call the hotline or is there some other
15 way?

16 A. I'm sorry. They can either call
17 the hot line or we have a legal liaison
18 unit that I'm sure they're in contact with.
19 It could come that way. Like I wouldn't be
20 able to predict which way they would
21 notify. I don't know if there's a formal
22 policy how they notify NYPD.

23 Q. Is there any sort of written
24 document what's considered a false or
25 misleading statement?

1 Urban

2 A. No.

3 Q. You mentioned that a false or
4 misleading statement could involve omitting
5 crucial information; is that right?

6 A. Yes.

7 Q. Once an allegation of false or
8 misleading statement comes in, what's done
9 with that information by IAB?

10 A. So if you take the example of,
11 let's say, an officer assigned to the First
12 Precinct, whatever avenue is used to call
13 when someone calls, it could be anyone,
14 calls and states I believe this person is
15 leaving out information on a case or they
16 lied on a case, the call is generated.
17 It's recorded on the IAB call center, so
18 the call is recorded with all the
19 information. An investigator in the
20 command center generates a log with all the
21 details the person called in stating and
22 then the proper allegations are listed
23 under the subject officer's name. So those
24 logs now are via like an online que are
25 sent to my unit. My unit reviews the case

1 Urban

2 -- not the case -- the log to make sure
3 that all the proper allegations are
4 documented. If there is any sort of an
5 auditing process, if there's any errors or
6 things that have been left out, you know,
7 like it's an arrest and the person was
8 disputing the arrest saying that the
9 officer left out some information, then you
10 would add the arrest. You would link all
11 relevant NYPD forms that were generated for
12 that subject officer under that scenario.
13 That would be attached to it and then it
14 would be filtered by my unit, which is just
15 basically electronically transferred to the
16 IAB group. It would be classified as a
17 corruption case and it would be sent here
18 like an online system to the group, IAB
19 group, that would ultimately investigate
20 it.

21 Q. Do you know whether there was an
22 allegation that someone prepared a false or
23 misleading statement?

24 A. Generally all investigations,
25 video cameras, interviewing witnesses,

1 Urban
2 interviewing the subjects, interviewing the
3 complainants, interviewing the officer,
4 those are general steps that I've done in
5 that issue.

6 (Defendant's Exhibit 137,
7 Allegations Tree, marked for
8 Identification, as of this date.)

9 Q. I'm just trying to find it on the
10 allegation.

11 Would you mind taking a look at
12 Exhibit 137 labeled ICMF Allegations Tree?

13 A. If you look at page number 9 of
14 12 all the way at the bottom to the far
15 left it states "official statement" and
16 then the subcategory of that is "false
17 statement" with subcategories attached to
18 that whether it's a CCRB false statement or
19 a PG Hearing, Patrol Guide Hearing, and
20 then the second subcategory from false
21 statement to misleading statement.

22 Q. So if I'm correct in
23 understanding this, the subcategory CCRB
24 refers to statements given to CCRB
25 investigators and the subcategory PG for

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first statements given to officials,
department investigators like IAB or Office
of the Chief of Patrol or whoever is
investigating a case; is that correct?

A. Yes, yes.

Q. And other statements would just
be other official statements provided by a
police officer?

A. Yes.

Q. Would that include something like
a felony complaint in a criminal case?

A. Anything that wouldn't be CCRB or
Patrol Guide hearing would be classified,
so report hearing would go under "other".

Q. If there is a false or misleading
statement in someone's memo book or an
arrest report, would that also be
considered "other"?

A. One second. I think there's a
different allegation for that.

Q. Okay.

A. So if you look on page 8 of 12
"memo book incomplete, improper", that
would be a separate allegation. But if a

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member had been an improper, you would put both allegations would be captured. If there was a CCRB hearing and they omitted entries on their memo book, that subject officer would have both allegations.

Q. Okay. Understood.

Do you know how many allegations of a false or misleading statement in the "other" category were taken in the year 2015?

A. No, I do not.

Q. Do you have those statistics for any of the years from 2005 to 2019?

A. Not currently.

Q. You mentioned that complaints of that come into IAB through the hotline or through a variety of other means, did IAB ever practically go looking to see whether officers had made false or misleading statements?

A. Not that I'm aware of.

Q. For the period from January 2005 to January 2020, at any point during that period did the NYPD keep a list of officers

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Urban

with adverse credibility findings?

A. Not, that I'm aware of.

Q. From the period January 2005 to January 2020, did the NYPD track the results of suppression hearings involving officer testimony?

A. Not on the IAB Unit. I wouldn't know if it's tracked by a different unit. I wouldn't have that knowledge.

Q. For a period from January 2005 to January 2020, did the NYPD track cases where the prosecutions of clients, a prosecuting case or dismiss the charge after an indictment based on concerns about an officer's credibility or honesty?

A. I'm not sure. I think there is a system that tracks the cases that are DP, but I'm not exactly sure who has ownership of it.

Q. And "DP" stands for decline to prosecute?

A. Yes, yes. Decline to prosecute.

MR. WASSERMAN: I'm sorry, Brian.

Were you about to say something?

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MR. FRANCOLLA: Obviously feel free to ask Lieutenant Urban these questions and she'll do the best that she can.

I do think you'll be able to get more clarification from Director Flaherty when she testifies. She may be a little bit more knowledgeable. So in a sense, I'm just saying, you know, go through as you're going, you may want to put a pin on a couple of these just to cross reference with her, so I think she may be able to provide a little more clarity.

MR. WASSERMAN: Got it. Okay.

Q. Lieutenant, for the period from January 2005 to January 2020, did the NYPD track cases for an officer who allegedly failed to disclose information about civil lawsuits against them to the prosecution?

A. Not to my knowledge.

Q. If I say a Brady violation or a Giglio violation; do you know what I mean?

A. Yes.

1 Urban

2 Q. For the period from January 2005
3 to January 2020, did the NYPD track cases
4 where either a trial or a health court
5 found that a police officer had committed a
6 Brady or a Giglio violation?

7 A. Not specifically with that
8 terminology.

9 Q. You mentioned that IAB would
10 investigate allegations of a false or
11 misleading statement as a corrections case;
12 is that right?

13 A. Yes.

14 Q. Are there any written guidelines
15 for how an investigation into a false or
16 misleading statement should be undertaken?

17 A. Not that I'm aware of.

18 Q. Was there a specific route that
19 was assigned to allegations of this sort?

20 A. So there is no specific route.
21 It's based on geographical group of the
22 officers assigned.

23 Q You said you don't know off the
24 top of your head the number of cases that
25 would fall into false or misleading

1 Urban
2 statements, other category.

3 Is there a way to get that
4 information?

5 A. I'm sure there is a way, but I
6 have to double check when the ICMS system
7 was implemented.

8 Q. ICMS is the current database for
9 tracking this information?

10 A. For tracking all allegations and
11 information for cases.

12 Q. Other than the things that you
13 previously mentioned such as referrals from
14 CCRB or from officers, was there any other
15 way that an allegation of a false or
16 misleading statement would come into IAB?

17 A. It could come in from a
18 complainant, like an arrestee. Like I
19 said, if he's disputing the fact that he
20 was improperly arrested and now he states
21 the officer lied when he arrested me, then
22 it would come in that way.

23 Q. I want to be clear on one thing.
24 I saw that there was an separate
25 allegation for flaking.

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Would flaking kind of be dealt with separately from a false statement on an arrest report or would that be considered both?

A. Flaking is when a person, a civilian states that a cop planted drugs on them. Both of those allegations would be placed under the subject officer under the same log. It wouldn't be a separate log. The totality of the circumstances of the case would be investigated by the same IAB group.

Q. So to take a hypothetical.

If someone alleged that a police officer planted drugs on them and the police officer wrote that in their arrest report, that would be categorized as both flaking and a false or misleading statement?

A. Yes, that allegation would also be attached. That doesn't mean that like say the Narcotics Unit. Flaking would be more of a detective bureau, like officers assigned to the detective bureau. It

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wouldn't be a precinct necessarily, so that's when you may run into like multiple IAB groups working. Like so you if have the expertise of Narcotics, like the IAB group that deals with Narcotics and Detective Bureau issues, they would kind of work the case together.

Q. I just want to be clear.

So for the false or misleading statement category, it's for official statements.

Is there any definition that you're aware of what official statement?

A. Not that I can recall off the top of my head.

Q. Is there anything written in the patrol guide or elsewhere?

A. I'm sure it's in the patrol guide. I don't remember. It's about this (indicating) thick. It's about four inches thick.

Q. But an arrest report or DD5 would be considered an official statement?

A. Yes. I mean, any document that's

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written by the officer, even memo books, are official documents that would be considered you having written a false or misleading statement. Even when you're drawing up a case like in the courts when you're processing the arrest, all of those would be considered official statements.

Q. Understood. From the period from January 2005 to January 2020, are you aware of any procedures in place or policies for disciplining officers who are found to have withheld exculpatory or impeachment evidence from the prosecution?

A. I know recently the discipline matrix was established, so that category and numerous other categories were, you know, this would be the discipline for this type of, you know, but that's again outside of IAB.

Q. The discipline matrix, am I right in understanding that came about after January 2020?

A. I think about January 2020 when it was established.

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Q. It was definitely after November of 2015; is that right?

A. Yes.

Q. Are you personally aware of any officers who have been disciplined for failing to provide exculpatory or impeachment evidence to the prosecution?

A. No.

Q. Are you personally aware of any officers who have been disciplined for failing to tell prosecutors about civil lawsuits against them?

A. No.

Q. Are you aware whether the NYPD has any policies for supervisors to make sure that officers provide exculpatory or impeachment evidence to the prosecution?

A. No.

Q. If an officer under a supervisor's command prepared a false or misleading statement, would there be potentially an allegation or charges against the supervisor as well for failing to supervise?

1 Urban

2 A. Yes.

3 Q. Is that a separate allegation or
4 is that just kind of a general failure to
5 supervise?

6 A. That's separate. If you look
7 it's not in alphabetical order, but failure
8 to supervise. Failure to supervise if you
9 look on 7 of 12, it was actually failure to
10 supervise and also recalling back the
11 question you made about improper or false
12 activity log entries, falsify activity
13 records which would also be added as an
14 additional outreach.

15 Q. If someone simply omitted
16 information from an activity log or a court
17 supporting deposition or any of the
18 categories you mentioned, would that be
19 considered a false or misleading statement
20 or would that be considered falsifying
21 official records or both?

22 A. I think it would be considered
23 both.

24 Q. Omitting information can count as
25 falsifying official records?

1 Urban

2 A. Yes.

3 Q. I may only have one more question
4 for you which is are you aware of any
5 communications or any way of communicating
6 with the New York County District
7 Attorney's Office or other prosecuting
8 offices as to the investigation or
9 discipline of officers who have withheld
10 exculpatory or impeachment evidence from
11 prosecutors?

12 A. No.

13 Q. Is there any system of referrals
14 or joint investigations between IAB and
15 prosecutors's offices?

16 A. That I'm aware of, no, but I
17 don't know if -- no, not that I'm aware of.

18 MR. WASSERMAN: I just want to
19 take two minutes to review my notes I
20 may actually be done here.

21 MR. FRANCOLLA: I want to just
22 double-check on my end, so maybe we'll
23 say five.

24 MR. WASSERMAN: Sure.

25 MR. FRANCOLLA: I don't think I

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have anything off the top of my head.
I just want to take a second as well.
Let's come back in five and we'll see
if we're done.

MR. WASSERAN: That sounds good

(Recess taken.)

BY MR. WASSERMAN:

Q. I just had a few more questions,
Lieutenant.

We've been talking about this
category of false or misleading official
statements.

Am I right in thinking for a
statement to be false or misleading
statement has to be deliberate?

If someone makes an honest
mistake or forgets something, that wouldn't
be considered a false or misleading
statement?

A. Yes.

Q. Is there any written procedure or
guidelines for when something is considered
a false or misleading statement as opposed
to a failure to recall or an honest

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Urban

misremembering of what happened?

A. I mean, I think that's based on the totality of the situation. Every case is unique. You can't, you know.

Q. Are you familiar with the term testilying?

A. No.

Q. If someone were to testify falsely at a court appearance, say a trial or hearing, would that be considered a false or misleading statement even though it wasn't written?

A. Yes. If you're under oath, it's a false or misleading statement.

Q. We've been talking about a couple of different categories, false or misleading statements, falsifying official records.

Do you know when those categories or allegations were first established?

A. No, I do not.

Q. Is there any way to check to see when those categories or allegations were first established?

1 Urban

2 A. I can look into it, but I'm not
3 sure.

4 Q. You mentioned that you weren't
5 sure when the ICMS system was put into
6 place.

7 Did these categories of
8 allegations exist before the ICMS system
9 was put into place?

10 A. I believe all the categories
11 existed before ICMS. ICMS was just the
12 online version of capturing of.

13 Q. Understood. ICMS would, for
14 example, allow you to look up how many
15 officers had an allegation of false or
16 misleading statements against them?

17 A. Yes.

18 Q. Does ICMS also capture the
19 outcomes of any investigations?

20 A. It captures the worksheets. Like
21 whatever group investigates it attaches
22 worksheets on the results of the
23 interviews, results of video cameras, so
24 yes.

25 Q. So it would record if an

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Urban

allegation was unsubstantiated or
unsubstantiated or unfounded?

A. Yes.

Q. Would it record if there was any
discipline?

A. No.

Q. Is there a separate database that
tracks whether those officers are
disciplined?

A. Not in IAB. We don't track
disciplines. That's the Department of
Advocate's Office.

Q. Understood. If someone had an
allegation of false or misleading
statements against them, would that be
captured on their CPI as well?

A. From my knowledge, I believe so.

Q. Is it automatic or does someone
have to put it in there?

A. I believe the Department of
Advocates are the ones that have to put it
on the CPI.

Q. So it's possible that some might
be lost in translation somewhere?

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Urban

A. I don't believe a perjury case. False and misleading statements, from my knowledge, yes. It's added to the officer's, I don't know if it's the CPI or whatever it is where it's added and they have to state it in court in any future cases that they have. They have to volunteer that information.

Q. If someone is sued and the lawsuit alleges that they fabricated evidence, for example, they made up something in a police report, would IAB take note of that allegation?

Would the lawsuit be considered a referable to IAB or no?

A. If it's called in, it's going to generate a log.

Q. IAB doesn't go looking for lawsuits, a place to investigate an underlying allegation?

A. No.

MR. WASSERMAN: I think that's all I have for now.

Thank you very much for your

1 Urban

2 time, Lieutenant.

3 MR. FRANCOLLA: I just have a
4 couple of quick questions just to sort
5 of touch on a few things.

6 EXAMINATION

7 BY MR. FRANCOLLA:

8 Q. Lieutenant Urban, is there a
9 specific allegation in the allegation tree
10 that we looked at during this deposition
11 that either uses the word "Brady" or the
12 definition of Brady in the allegation?

13 A. So the allegation tree is based
14 on the most frequently occurring
15 allegation. It's not a common occurrence
16 of an allegation, so it's not open. But in
17 the instance that something becomes more of
18 an issue, then we have been known to expand
19 the allegation tree. We just recently
20 expanded racial profiling to kind of
21 separate out the different types of races
22 and religions and so on and so forth. So
23 it's just not labeled as a Brady false
24 statement because it doesn't occur
25 frequently.

1 Urban

2 Q. You testified about the
3 discipline matrix that came into play about
4 January 2020 based on your recollection.

5 A. Yes.

6 Q. If an officer was found to have
7 committed a false or misleading statement
8 prior to the discipline matrix coming into
9 play, would that officer still be subject
10 to discipline?

11 A. Yes, they would still be
12 disciplined. The discipline matrix just
13 made it universal across the board. If you
14 have this allegation, this is the penalty.
15 They didn't create a discipline. We always
16 disciplined.

17 MR. FRANCOLLA: That's all I
18 have.

19 (Continued on the next page to
20 include the jurat.)
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Urban

MR. WASSERMAN: I have no
followup.

Thank you very much for your
time, Lieutenant.

THE WITNESS: You're welcome.
(Time noted: 11:00 a.m.)

STELLA URBAN

Subscribed and sworn to before me
this ___ day of _____ 2021.

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NASSAU)

I, DONNA PALMIERI, a Notary
Public within and for the State of New
York, do hereby certify:

That STELLA URBAN, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
such deposition is a true record of
the testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that
I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 9th day of
August, 2021.



DONNA PALMIERI

1 ----- I N D E X -----

| 2 | WITNESS | EXAMINATION BY | PAGE |
|---|--------------|----------------|------|
| 3 | STELLA URBAN | MR. WASSERMAN | 7 |
| 4 | | MR. FRANCOLA | 37 |

5 ----- INFORMATION REQUESTS -----

6 DIRECTIONS: None
7 RULINGS: None
8 TO BE FURNISHED: None
9 REQUESTS: None
10 MOTIONS: None

11 ----- EXHIBITS -----

| 12 | DEFENDANT'S | FOR ID. |
|----|------------------------------|---------|
| 13 | Exhibit 137 Allegations Tree | 19 |

14 -----

15 PLAINTIFF'S

| | | |
|----|------------|---------------------|
| 16 | Exhibit 97 | (30)(B6)Notice |
| 17 | | (Previously Marked) |

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1 DEPOSITION ERRATA SHEET

2 Our Assignment No. J7302554

3 Case Caption: FRASER vs. CITY OF NY

4 DECLARATION UNDER PENALTY OF PERJURY

5 I declare under penalty of perjury
6 that I have read the entire transcript of
7 my Deposition taken in the captioned matter
8 or the same has been read to me, and the
9 same is true and accurate, save and except
10 for changes and/or corrections, if any, as
11 indicated by me on the DEPOSITION ERRATA
12 SHEET hereof, with the understanding that I
13 offer these changes as if still under oath.

14 _____
15 STELLA URBAN

16 Subscribed and sworn to on the _____ day
17 of _____, 20____ before me,

18 _____
19 Notary Public,

20 In and for the State of _____
21
22
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25

DEPOSITION ERRATA SHEET

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STELLA URBAN

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STELLA URBAN