

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

FLOYD, et al.,

Plaintiffs,

-against-

**DECLARATION OF  
DET. SANTOS  
ALBINO**

08 Civ. 1034 (SAS)

CITY OF NEW YORK, et al.,

Defendants.

-----X

**DETECTIVE SANTOS J. ALBINO**, declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I have been employed by the New York City Police Department (“NYPD”) since 1994 and presently hold the rank of Detective. I am currently assigned to the Special Litigation Support Unit (“SLSU”) within the Office of the Deputy Commissioner, Legal Matters and have been in this position since August of 2006. My duties include investigating and answering inquiries that arise in the course of litigation involving NYPD. As part of my duties, I participated in and reviewed the results of a search for possible NYPD patrol personnel who could have been involved in the stop alleged in the above-captioned action by plaintiff David Ourlicht, which allegedly occurred on June 6 or June 9, 2008. I make this declaration in support of defendants’ motion for summary judgment.

2. SLSU conducted an investigation to identify NYPD officers allegedly involved in the incident that David Ourlicht alleges took place on either June 6 or June 9, 2008 between 9:00 a.m. and 10:00 a.m. at the Johnson Public Housing Complex in Harlem, located in NYPD Police Service Area (Housing) 5 (“PSA 5”). The incident allegedly involved uniformed

NYPD officers, all male whites, who got out of an alleged NYPD police van marked 9466. SLSU's search entailed locating an NYPD van marked 9466 and any NYPD officers assigned to it at the time of the alleged incident, as well as preparing photo arrays of uniformed members of the service assigned to PSA 5 at the time of the alleged incident.

3. To locate the van and any officers assigned to the van, I am informed that Detective Wilson of the SLSU (now retired) obtained and reviewed the roll calls for PSA 5 for 6/6/08 and 6/9/08 for the second platoon, which is the tour that covers the time of the alleged incident. Detective Wilson also obtained and reviewed the Vehicle Assignment Sheet ("VAS"), Command Log entries and Vehicle Sign-Out Log entries for these tours. I have reviewed the same documents. These documents show that a van numbered 9466 was assigned to PSA 5 on 6/6/08 and 6/9/08.

4. I have reviewed the 6/6/08 PSA 5 roll call which shows that on 6/6/08, Police Officers Negron, Goris and Delgado of the second platoon from PSA5 were assigned to van 9466. I have also reviewed the PSA 5 Vehicle Assignment Sheet for that time which indicates that the van was assigned to truancy patrol. SLSU obtained the Activity Logs of Officers Negron and Goris for 6/6/08, which I have also reviewed. The Activity Log entries indicate that all three of the officers were assigned to van 9466 on truancy patrol and that they picked up numerous truants beginning at 9:05 a.m. through 10:36 a.m. I am informed by Lieutenant Richard Lovina of the SLSU that PO Delgado was unable to provide her Activity Log to SLSU. Lt. Lovina submitted a declaration dated December 2, 2009 explaining that PO Delgado lost her Activity Log. Attached hereto as Exh. 1 related to 6/6/08 is: PSA5 VAS; Roll Call (NYC\_2\_4531-36); Activity Logs for Negron (NYC\_2\_7443-46), Goris (NYC\_2\_5481-84) and Pekusic (NYC\_2\_5521-23); 12/2/09 Lovina Declaration (NYC\_2\_9485-90, ¶3).

5. I have reviewed the 6/9/08 PSA 5 roll call which shows that on 6/9/08, van 9466 was assigned to Police Officers Socorro and Crawford from PSA5 with a notation of a Bellevue Hospital assignment. SLSU obtained the Activity Log entries of both officers for 6/9/08, which I have also reviewed. Both officers' Activity Log entries show the following locations for the officers and the van during the time surrounding the alleged incident, none of which are in the vicinity of the alleged stop:

- At 7:30 a.m. they indicated "10-98" to Bellevue ER which means that they were en route to the Bellevue Hospital Emergency Room, which is located on the east side of Manhattan at 462 1<sup>st</sup> Ave, New York, NY.
- At 8:00 a.m., they indicated "10-84" which means that they arrived at the Bellevue Hospital Emergency Room.
- At 9:17 a.m., they indicated "10-98" to the 7<sup>th</sup> Precinct, which means they were en route to the 7<sup>th</sup> Precinct, and they indicated that they were transporting 4 female prisoners to the 7<sup>th</sup> Precinct and picking up one female prisoner from the 7<sup>th</sup> Precinct, which is located at 19 ½ Pitt St, New York, NY, in downtown Manhattan.
- At 9:30 a.m., they indicated "10-84" which means that they arrived at the 7<sup>th</sup> Precinct.
- At 10:00 a.m., they indicated "10-98" to MCB, which means that they were en route to Manhattan Central Booking, which is located at 100 Centre St, New York, NY.
- At 10:10 a.m., they indicated "10-84" at MCB, which means that they arrived at Manhattan Central Booking.

Attached hereto as Exh. 2 related to 6/9/08 is: PSA5 VAS (NYC\_2\_4333); Roll Call (NYC\_2\_4537-42); Activity Logs for Socorro (NYC\_2\_4408-10), Crawford (NYC\_2\_7477-78) and Pekusic (NYC\_2\_7470-71).

6. To prepare the photo arrays, SLSU used the PSA 5 roll calls for 6/6/08 and 6/9/08 for the second platoon, which is the tour that covers the time of the alleged incident. Members of SLSU prepared a photo array for every uniformed member of the service assigned to PSA 5 who

was assigned to patrol for this tour on each of these days. No photo arrays were prepared for two officers who appeared on the roll calls as being on restricted duty at these times, as they would not have been on patrol those days. I have reviewed the roll calls and photo arrays and confirm that the photo arrays each contained one member of the service from PSA 5 and five other members of the service from other commands.

7. Each photo array consisted of six color photos on one page. One photo on each array was of the subject officer, *i.e.*, the officer from PSA 5. The other five photos were of other uniformed members of the service from other NYPD commands. I am informed by Detective Bush of SLSU that he selected the five photos of the other uniformed members of the service who were from other NYPD commands based on their similarity to the subject's appearance.

8. I have confirmed that all of the photos for the photo arrays were obtained from an NYPD computer database containing the photos of uniformed members of the service which appear on their NYPD identification cards. The photos in this database are updated every five years on the birthdate of the officer which coincides with the expiration of an officer's NYPD identification card; every five years the NYPD identification must be renewed and a new photo is taken upon renewal and input into the database.

9. SLSU prepared thirty photo arrays from the 6/6/08 roll call, each of which contained one of the thirty officers assigned to patrol in PSA5 for the second platoon on that day. In total, the photo arrays for 6/6/08 contained 180 photos. NYC\_2\_8753-82 (photo arrays); 12964-98 (identification key).

10. SLSU prepared thirty seven photo arrays from the 6/9/08 roll call, each of which contained one of the thirty seven officers assigned to patrol in PSA5 for the second

platoon on that day. In total, the 6/9/08 photo arrays contained 222 photos. NYC\_2\_8783-819 (photo arrays); 12699-704 (identification key).

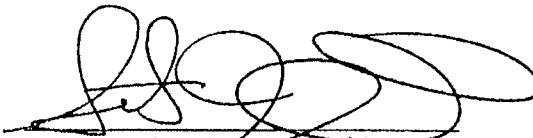
11. On August 24, 2009, I was present at the photo array procedure at which David Ourlicht viewed the photo arrays of the PSA 5 officers who were assigned to patrol at the time of the alleged stop on June 6, 2008 or June 9, 2008. At no time during the photo array procedure did Mr. Ourlicht definitively identify any officers as having been involved in his alleged stop.

12. At the photo array procedure, Mr. Ourlicht signed twelve photos of officers whom he thought may have been involved in his alleged stop – five photos from the 6/6/08 array and seven photos from the 6/9/08 arrays. The twelve photos depicted eleven officers, since the photo of Sergeant Gordon Pekusic appeared in both arrays and Mr. Ourlicht signed his photo both times. For these eleven officers, I reviewed the NYCPD Personnel Information Request database and determined that five of the officers were not employed by NYPD on 6/6/08 or 6/9/08; I stated the same in a declaration dated October 22, 2009, (attached hereto as Exh. 3, ¶¶5-10), which I am informed by Corporation Counsel that defendants provided to plaintiffs soon after I executed it. For the remaining six officers depicted in the photos signed by Mr. Ourlicht, I reviewed their personnel histories in the database as well and determined that five were not assigned to PSA 5 on 6/6/08 or 6/9/08. Sergeant Gordon Pekusic was the only officer of these eleven who was assigned to PSA5 on 6/6/08 and 6/9/08 at the time of the alleged incident. I reviewed his Activity Log entries for these two days, which showed that on 6/9/08 he was assigned as the Desk Officer which means that he was not on patrol that day. Exh. 2, NYC\_2\_7470-71. The entry for 6/6/08 shows no activity at the Johnson Housing Complex from 9:08 a.m. – 10:10 a.m. (Exh. 1, NYC\_2\_5521-23):

- At 9:08 am, he indicated "75C" which means he conducted a community visit at East 116<sup>th</sup> Street and 1<sup>st</sup> Ave. and at 9:20 am, he indicated "93Q" to document no criminal activity occurring at this location.
- Also at 9:20 am, he indicated that he responded to an emotionally disturbed person at 20 Paladino Street.
- At 9:35 am, he indicated "90Y" which means that the radio call was unnecessary. He also indicated that he inspected Officers Ruggiero and Williams while at the above location.
- At 10:00 am, he indicated "75C" which means that he conducted a community visit at Harlem Hospital, which is located on Lenox Avenue between 135<sup>th</sup> and 137<sup>th</sup> Streets.
- At 10:10 am, he indicated that he inspected PO Negron who was posted in the Harlem Hospital Emergency Room.

13. The officers assigned to van 9466 on 6/6/08 and 6/9/08 for the second platoon were depicted in the photo arrays that plaintiff viewed on August 24, 2009, and he did not definitively identify any of them as having been involved in the alleged stop.

Dated: New York, New York  
February 2, 2011



Detective Santos J. Albino

# Exhibit 1



**DAILY VEHICLE ASSIGNMENT** (ET  
PD 120-141 (1-02)-RMU-Pom)

its 6-6-09

Command PSAS

1st Platoon Desk Officer (Rank, Last Name, First, M.I.) Print <u>LT. GYM</u>	Tax Number <u>917089</u>	Cmd. Log Page # <u>289</u>
2nd Platoon Desk Officer (Rank, Last Name, First, M.I.) Print <u>Sgt. K. N. CARNACION</u>	Tax Number <u>914784</u>	Cmd. Log Page # <u>297</u>
3rd Platoon Desk Officer (Rank, Last Name, First, M.I.) Print <u>Sgt. MCKENNEY</u>	Tax Number <u>907741</u>	Cmd. Log Page # <u>294</u>

MARKED (IMP)'S (TOTAL \_\_\_\_\_)

VEH #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT	VEH #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT
9242	A	Duclos	SH				
9246	S.H	SH	DV				
9256	D	A	C/D				
9269	B	B	A/B				
9292	SHOP	SHOP	SH (1st/2nd/3rd)				
9293	SH	CHW	SH				
9294	SHOP	shop	Shop				
9719	Sgt.	Sgt.	LT.				
9732	C	B/A	CLD				
9735	S.H	Nickens	SH				

MARKED VANS (TOTAL \_\_\_\_\_)

VEH #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT	VEH #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT
9401	IMPACT	Detect					
9409	SHOP	shop	shop				
9431	S.H	Roundoff	SH				
9466	S.H	T. Runny	SH				

UNMARKED AUTOS (TOTAL \_\_\_\_\_)

UNMARKED VANS (TOTAL \_\_\_\_\_)

VEH #	PLATE #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT	VEH #	PLATE #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT
8895	EUR/7179	CO	CO	CO	9555	DEP6121	SH	SH	SH
1600	DP/8108	S.H	SH	SH	9570	BAJ0016	S.H	SH	SH
8631	DEP/4158	S.H	SH	SH					
8817	DCT/1431	S.H	SH	SH					
8827	DUC/891	ICD	SH	SH					
8896	SNV/9919	ACU	SH						

SCOOTERS 2 1/2 WHEEL (TOTAL \_\_\_\_\_)

VEH #	2 OR 3 WHEEL	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT	VEH #	2 OR 3 WHEEL	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT
1105		SH	SH	SH					

Verified by: 1st Platoon Desk Officer (Rank, Last Name, First, M.I.) Print \_\_\_\_\_ Tax Number \_\_\_\_\_ Cmd. Log Page # \_\_\_\_\_

Instructions: This form is to be completed by the Desk Officer on EACH TOUR. If vehicle is not in use specify the location under caption "Assignment" (e.g. SH, Shop, etc.) This form must be verified by the 1st platoon desk officer of the succeeding day.



PRECINCT: 805 ROLL CALL PAGE: 1

PRECINCT: 805 DATE: 06/06/08 TOUR: 2 DESK TS UNFINALIZED

FIXED-BANK EMPLOYEE NAME (EXC) ASSIGN-VEHICLE TR-RG MEAL COMMENT

\* No awards w/o permission of the C.O. + X.O. \*

SCHEDULED WORK TIME: 0000-0000 (D)

Orange  
8/4/08

DI CAPASSO S XOCO *PSA5/T2/01* 10680 ✓  
COMMANDING OFFICER

LT MONTAN JE DESK *PSA5/T2/02* 10681 ✓  
DESK OFF. (0550X1535)  
Break fast

LT LORD CL ICC 03 10682 ✓

LT SCHOFIELD C ADMN 04 10683 ✓  
ADMINISTRATIVE LT.  
(0620X1505)

LT MIFEMD GC SPOF 05 10684 ✓  
SPECIAL OP. 1100

SGT PEKUSIC G \* SUPV (0200) 9719 06 10685 ✓  
PTL. SUPV/0635X1552

SGT CAMPOS R ICC 07 10686 ✓  
ICC ASSISTANT

SGT HONG M IRS 08 10688 ✓  
TRG. SGT/0900X1800

SGT FAULKS DE CRAN 09 10690 ✓  
CR. A. X0210X1527  
Break fast

SQUADS WORKING ON: 06/06/08 02 03

*[Handwritten signature]*

ROLL CALL

PAGE: 2

PRECINCT: 805 DATE: 06/06/08 TOUR: 2

DESK / TS UNFINALIZED

TAXID RANK EMPLOYEE NAME (EXC) ASSIGN-VEHICLE TR RG MEAL COMMENTS

SGT ENCARNACION

3A

DVO

Deck PSA5/T2/10

DV SGT 10693

10693 ✓

SCHEDULED

WORK-TIME: 0500-1323 (A)

PO ORSINI

UTIL

9269 PSA5/T2/12

1000 VEHICLE COAR

10699  
10695  
BVA

SCHEDULED

WORK-TIME: 0800-1400 (A)

SPA VEGA

C

PMSC

\*F

1200 TIMEKEEPING

SCHEDULED

WORK-TIME: 0600-1423 (L)

PO DELGADO

A

CRAN

9466 PSA5/T2/11

1000 VEHICLE ANALYSIS

10695 ✓

PO ADERNO

A

CRAN

PSA5/T2/13

1000 VEHICLE ANALYSIS

All out

10701 ✓

Breakfast

SCHEDULED

WORK-TIME: 0700-1500 (B)

PAA LUGO

DA

PMSC

\*F

1200 TIMEKEEPING

PAA YUEN

B

CLERK

1200 1254 PERSONNEL



K O L E C H E E PAGE 2

PRECINCT: 805 DATE: 06/06/08 TOUR: 2 DESK / 15 UNFINALIZED

TAXID RANK EMPLOYEE NAME (EXC) ASSIGN VEHICLE TR RG MEAL C O M M E N T S

SCHEDULED WORK-TIME: 0700-1523 (J)

PO CRENSHAW	VD	TRB	1200	TRAINING OFFICER	10704
PO RAMOSTILLMON	S	CREL	1100	C.A. 20630X1353	10708
PO NICKENS	IRN	CRPN	1200	CRIME PREVENTION	10710
PO MOORE	KC	CRPN	1200	CRIME PREVENTION	10714
PO GUZMAN	WI *	REPR	1300	PLANNING OFFICER	10717
PO NIEVES	CM *	CLRK	1200	ADMIN CLERK	10719

SCHEDULED WORK-TIME: 0705-1528 (N)

PO CASTELLANO	R	ICOO	1230	ICOO CLERK	
---------------	---	------	------	------------	--

SCHEDULED WORK-TIME: 0705-1540 (B)

PO LOPEZ	DG *	DOAS	1200	TSP/RADIOS	10723
PO RAMOS	D *	A (9256)	21	1000 SECTOR A	10725
PO SDCORRO	CH *	A (9256)	22	1000 SECTOR A	10728
PO REYES	SA *	A (9244)	23	1200 SECTOR B	10731
PO FELICIANO	BL *	A (9244)	24	1200 SECTOR B	10735

PRECINCT: 805 DATE: 06/06/08 TOUR: 2 DESK / TS UNFINALIZED

TAXID RANK EMPLOYEE NAME (EXC) ASSIGN-VEHICLE TR RG MEAL COMMENTS

PO WILLIAMS	PA *	CD	(9752)	1100	SECTOR C/D	PSAS/12/25 10739 ✓
PO RUGGIERO	G *	CD	(9752)	1100	SECTOR C/D	26 10741 ✓
PO BISKUP	JW *	SGT	(9709)	1200	SGT'S OPERATOR	27 10743 ✓
PO DACILAS	EB	FOOT	9242	1200	WAGNER #150	28 10744 ✓
PO NEGRON	LA *	YOUTH	9466	1300	FRANCIS	29 10745 ✓
PO GORIS	YA *	YOUTH	9466	1330	TRUANCY	30 10746 ✓

SCHEDULED WORK-TIME: 0730-1530 (M)

PAA DANTZLER WILLI BJ DVO 1100 DOMESTIC VIOLENCE

SCHEDULED WORK-TIME: 0800-1600 (H)

PAA HERNANDEZ C ARCS 1400 ROLL BALL OF FBK

SCHEDULED WORK-TIME: 0800-1630 (O)



PRECINCT: 005 DATE: 06/06/00 TOUR: 2 DESK / TS UNFINALIZED

TAXID RANK EMPLOYEE NAME (EXC) ASSIGN-VEHICLE TR RG MEAL C O M M E N T S

[REDACTED] RA BERTENZO 79 CUST \*F 1100 CUSTODIAN

SCHEDULED WORK-TIME: 1000-1000 (C)  
1130 x 930

[REDACTED] RA KING WA ARCS 1000 x 1800

[REDACTED] PR AAIL Cordero, F.

PRECINCT: 005 ROLL CALL PAGE: 6

PRECINCT: 005 DATE: 06/06/00 TOUR: 2 DESK / TS UNFINALIZED

EMPLOYEES WITH EXCEPTIONS


FAXID BANK EMPLOYEE NAME EXCEPTION START END COMMENT

PO	NIEVES	70 (REST)			** RESTRICTED **
PO	LOPEZ	70 (REST)			** RESTRICTED **

CITY OF NEW YORK  
**POLICE DEPARTMENT**

**A 644635**

Name Po. Coris Vlasta

Tax Reg. No. 

Date Opened 5/25/08

Supervisory Officer

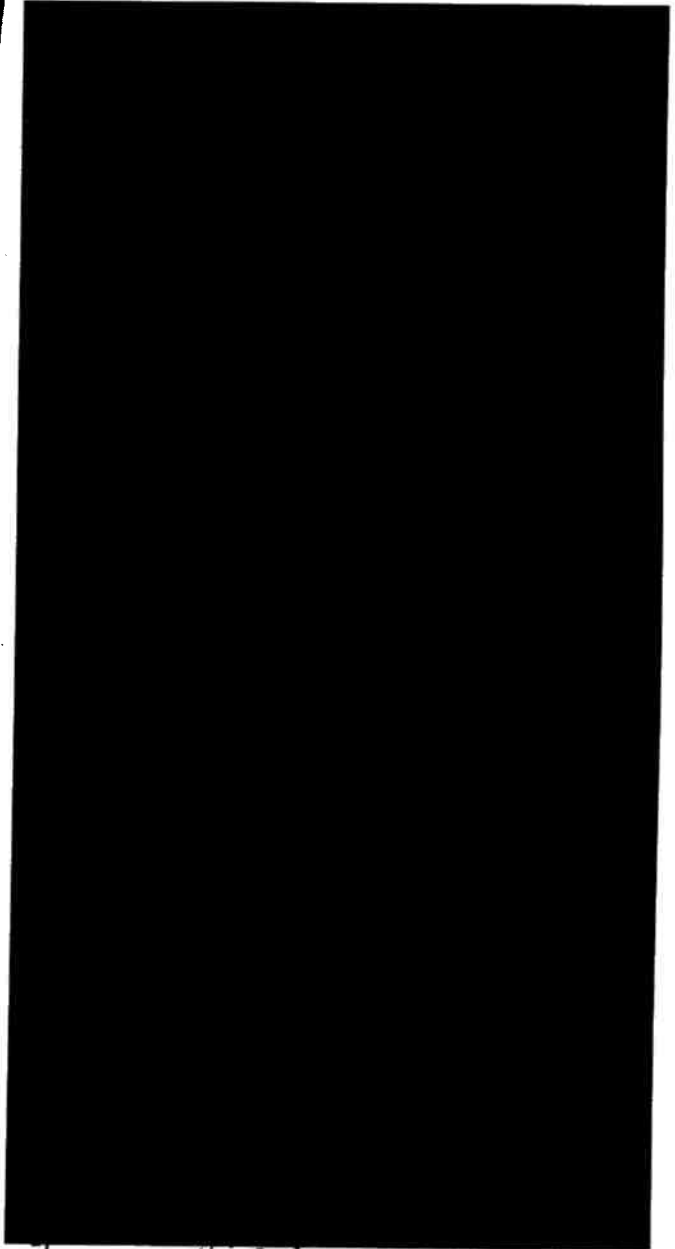


Date Closed 9/12/08

Supervisory Officer



PD 112.145 (3-89)-12



Friday Clubhouse 12:00 AM & 1:00  
assignment at TW agency  
at F.E. at PSAT  
12:00 roll call by Sgt. Kikusie





5'

C.O.D. - orange 1/2 & 1/2  
Post Treasury van 5/26  
factor 10. Oregon

0740 TR van 10/20/08  
and 10. 2/1/08. can inspect  
negative results in contract  
check. 12/08. 695  
3/4 of a tank. Negative results  
in contract check.

0745 12-98  
0800 10-84 at [redacted]  
Treasury. 4/5/08.

0855 12-97  
0905 1/11 two Trants 5/10/00  
Kearney av.

0907 1/11 Three Trants 4/10  
1/11/00

0910 1/11 1 Trant 4/10/00  
0911 1/11 2 Trants 5/10/00  
park.

0921 1/11 1 Trant 10/10/00  
1/11/00  
0926 1/11 1 Trant 10/10/00  
Kearney school.

0930 1/11 one Trant at 10/10/00  
1/11/00 and 1/11/00.

0935 1/11 four Trants at  
1/11/00 and 1/11/00.  
0944 1/11 2 Trants 10/10/00



0950 pl 1 Trunk to Amber  
charlie suburb

0955 pl Three Trunks from  
[redacted]

1005 one Trunk stopped at 957  
e. 102nd st.

1010 two Trunks to PSAs

1020 one Trunk to parent

1035 five Trunks to side

1034 two Trunks from from  
side

1115 10/98

1140 10-82 at PSA

1215 10-61 to Queens Lab

1240 10-87

1210 10-98

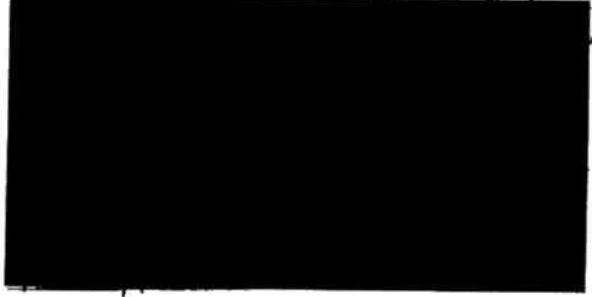
1420 10-89 at PSA

1425 10-43 at PSA

1525 10-98

1540 ED T

10-0 generate at 1001  
Saturday 6-30 to 1000 at 1835



CITY OF NEW YORK  
POLICE DEPARTMENT A 636370

re Schulze, Gordon

Tax Reg. No. 

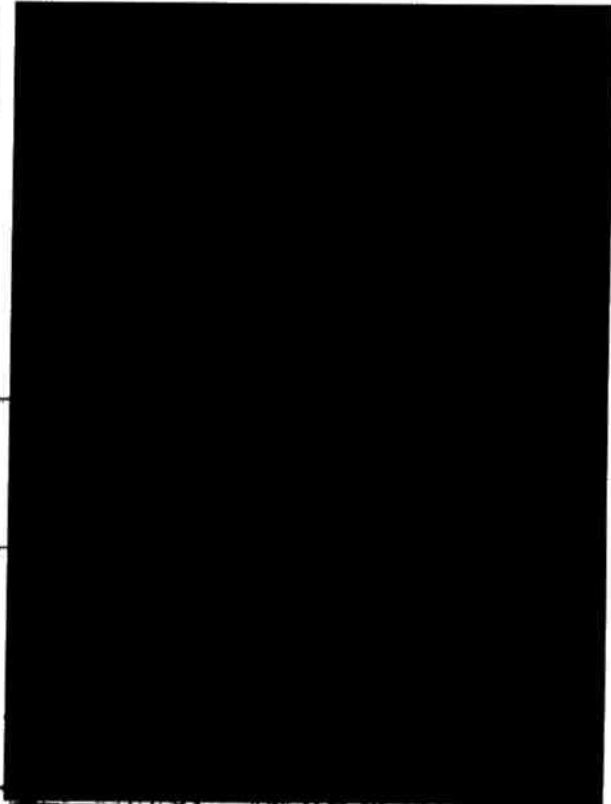
Opened 9/10/08

Supervisory Officer [Signature]

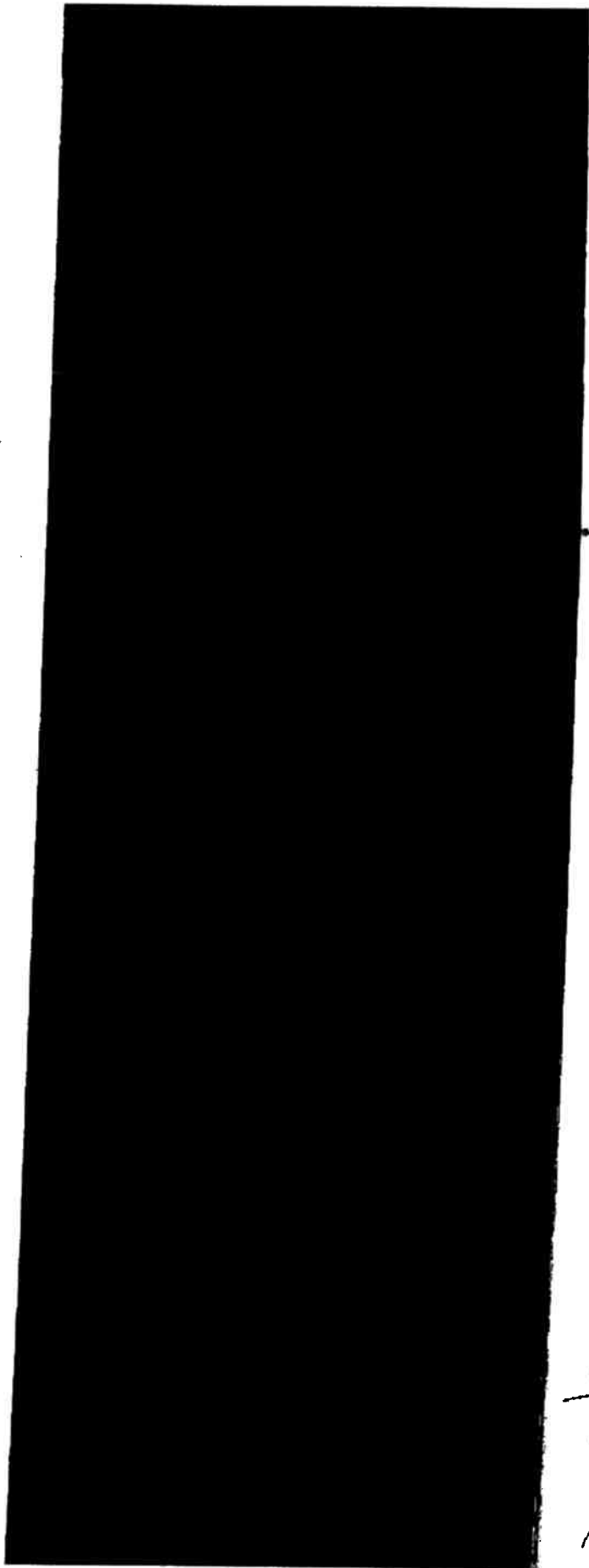
Closed 9/1/08

Supervisory Officer [Signature]

PD 112-145(3-88) 12



From C/B/08 OOST X/082  
 OOST O/P/D  
 ETC NYC - In mos are create  
 the document for safety  
 Shouting. Reported for this  
 e ports  
 OOST 62A  
 OOST 98



0920 du 2001 2114129  
- Present

0920 920 # 4141 2 R/C  
- Palachon [redacted] TV

0935 907 Presented to Higgins  
- Sullivan 1972 @ loc

1000 750 Refug: (the dog)  
1070 Suspended to Regan

@ 11/12  
1005 Visit met Simon 70 -  
- Pin #12

1045 R/T [redacted]  
- 9269

1150 Presented to Orsini +  
- Palachon 9269 @ loc

1155 621 PSA  
418 28

1155 Visit VINE 2/05  
1200 477 Lexi - (with the  
1205 City Metropolitan Area


1230 R/T [redacted]  
- 10-24 RDT

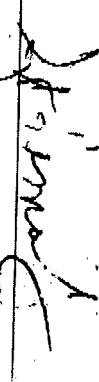
1250 9741 met - [redacted]  
- 10's Square + Roubin Ave  
- @ loc  
1255 623 PSA

CITY OF NEW YORK  
POLICE DEPARTMENT

A 565984

Name Lisa Nyezin Tax Reg No. 

Date Opened 03-31-08 Supervisory Officer 

Date Closed 2-10-09 Supervisory Officer 

PD 112-145 (3-89)-12



6-1-08 Fri Lina 0705X 1000 Adign PSAS  
 Pet Tenancy 9466 Radio 15  
 0700 7330 RID 8/4  
 11/6 Orange w/i 79'  
 0700 PFD at PSAS  
 0710 P/C lat Repurpose  
 0720 98 RR  
 0740 RMPY/9466 9-34, m-12407, mass  
 neg s/a, apes. P.O. Davis/Delgado records  
 0745 98  
 0800 '84 110<sup>th</sup> St. U.P.E. Tenancy Unit Austin  
 0855 98 to P/L  
 0905 Two tenants in Apt s/o 1760 Lex  
 [Redacted] M-Hisp 12yr  
 [Redacted] M-BK 14yr  
 0907 [Redacted] in Apt s/o  
 [Redacted] F-BK 14yr  
 [Redacted] F-BK 14yr  
 [Redacted] F-BK 14yr  
 0910 One tenant in Apt s/o 1760 Lex  
 [Redacted] F-BK 14yr  
 0911 Two tenants in Apt s/o 1565 Park  
 [Redacted] m-Hisp 12yr  
 [Redacted] F-Hisp 12yr  
 0921 Four tenants to school PS 101





09:16 Two truants to school ~~Christy~~  
09:30 One truant in Auto ~~idea~~

09:35 Four truants in Auto ~~idea~~  
M-Hisp 14/R. ~~idea~~  
M-Hisp 14/R. ~~idea~~  
F-Hisp 14/R. ~~idea~~  
F-Hisp 14/R. ~~idea~~

PD 112 145 (3-88)-12

(LW) 09:55 Three truants

09:44 Two truants to school T.P. —  
09:50 One truant to school ~~idea~~  
09:55 Three truants in Auto ~~idea~~

F-Hisp 14/R. ~~idea~~  
Hisp 14/R. ~~idea~~  
M-Blk 14/R. ~~idea~~

10:05 One truant stopped c/o ~~idea~~  
M-Hisp 14/R. ~~idea~~

10:15 ~~idea~~ Two truants to parent —  
10:30 One truant to parent —  
10:35 Four truants to site —  
10:45 Two truants app from site

mother of ~~idea~~ motif. unable  
to make contact w/ mother of Bruce.

11:15 98 site —  
11:40 84 PSA 102A —  
12:15 101 from PSA to Sub-Queens —  
12:45 84 —  
13:00 98 —



1425 84 P34

1546 EOT

16

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FLOYD, et al.,

Plaintiffs,

-against-

**DECLARATION OF  
LIEUTENANT  
LOVINA**

08 Civ. 1034 (SAS)

CITY OF NEW YORK, et al.,

Defendants.  
-----X

**LIEUTENANT Richard Lovina**, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Lieutenant in the New York City Police Department ("NYPD"), currently assigned to the Special Litigation Support Unit. I make this declaration based on discussions as follows:

2. Detective Wilson assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Dacilas assigned to PSA 5 on June 9, 2008, and June 6, 2008 is out long term sick and his memo book covering those dates could not be obtained and produced for the purposes of this litigation at this time.

3. Detective Wilson assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Delgado assigned to PSA 5 on June 9, 2008 and June 6, 2008 has lost his memo book covering those dates and therefore cannot produce it for the purposes of this litigation.

**NYC\_2\_00009485**

4. Detective Wilson assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Lopez assigned to PSA 5 on June 6, 2008 has lost his memo book covering that date and therefore cannot produce it for the purposes of this litigation.

5. Detective Wilson assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Williams assigned to PSA 5 on June 6, 2008 has lost his memo book covering that date and therefore cannot produce it for the purposes of this litigation.

6. Detective Wilson assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Kennedy assigned to PSA 5 on June 6, 2008 has lost his memo book covering that date and therefore cannot produce it for the purposes of this litigation.

7. Detective O’Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Connolly assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is no longer employed by the N.Y.P.D. and therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time. Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

8. Detective O’Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Michael Cuadra assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is out long term sick and his memo book covering that date could not be obtained and produced for the purposes of this litigation at this time.

9. Detective O'Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Depietri assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is retired therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time. Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

10. Detective O'Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Diccico assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is retired therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time. Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

11. Detective O'Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Guevara assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is retired therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time. Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

12. Detective O'Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer John assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is retired therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time.

Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

13. Detective O’Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Sgt. Lee assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is out on Extended Military Leave, therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time.

14. Detective O’Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Villar, assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is out on Extended Military Leave, therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time.

15. Detective O’Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Thomas assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is retired therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time. Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

16. Detective O’Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Miranda assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is no longer employed by the N.Y.P.D., therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the

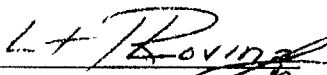
purposes of this litigation at this time. Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

17. Detective O’Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Newton assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is no longer employed by the N.Y.P.D., therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time. Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

18. Detective O’Gorman assigned to the Deputy Commissioner Legal Matters Special Litigation Support Unit informed me that Police Officer Romano assigned to the 43<sup>rd</sup> Precinct on April 20, 2007 is no longer employed by the N.Y.P.D., therefore his memo book entries covering that date could not be obtained and therefore cannot be produced for the purposes of this litigation at this time. Uniformed Members of the N.Y.P.D. are not required to turn in their memo books upon separation of service.

19. Lt. Baldwin assigned to the Internal Affairs Bureau Group 22 informed me that Police Officer Kottle’s memo book covering April 20, 2007 which is in Group 22’s possession pursuant to an internal investigation cannot be located and therefore cannot be produced for this litigation at this time.

Dated: New York, New York  
December 2, 2009

  
Lieutenant Richard Lovina



# Exhibit 2





DAILY VEHICLE ASSIGNMENT  
 PD 120-141 (1-02)-RMU-Pent

to 06-09-08

Command PSA 5

1st Platoon Desk Officer (Rank, Last Name, First, M.I.) Print <u>Sgt Whitaker</u>	Tax Number [REDACTED]	Cmd. Log Page # <u>324</u>
2nd Platoon Desk Officer (Rank, Last Name, First, M.I.) Print <u>Sgt Pekusic</u>	Tax Number [REDACTED]	Cmd. Log Page # <u>327</u>
3rd Platoon Desk Officer (Rank, Last Name, First, M.I.) Print <u>Sgt McKenney</u>	Tax Number [REDACTED]	Cmd. Log Page # <u>329</u>

MARKED RMP'S (TOTAL \_\_\_\_\_)

VEH #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT	VEH #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT
9242	UP	SH	SH				
9246	SH	DV	DV				
9256	SH	SH	SH				
9269	A/B	A/B	A				
9292	SH	SH	B				
9293	CRV	SH	SH				
9294	SHOP	SHOP	SHOP				
9719	SH	LT	SH				
9752	SH	SH	SH				
ap305	SH	SH	SH				

MARKED VANS (TOTAL \_\_\_\_\_)

VEH #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT	VEH #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT
9404	transport	SH	C				
9409	SHOP	SHOP	SHOP				
9431	SH	TRUCK	SH				
9466	transport	SH	SH				

UNMARKED AUTOS (TOTAL \_\_\_\_\_)

UNMARKED VANS (TOTAL \_\_\_\_\_)

VEH #	PLATE #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT	VEH #	PLATE #	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT
895	DC/7179	CO	CO	CO	9555	DFP6121	SH	SH	SH
800	DFU/8148	CO	SHOP	SHOP	9570	EAW8046	SH	SH	SH
831	DBB/4155	SH	SH	SH					
817	DCT/1431	SH	SH	SH					
827	DC/8917	CO	SH	SH					

696 EAV/9919 SH SCOOTERS 2-3 WHEEL (TOTAL \_\_\_\_\_)

VEH #	2 OR 3 WHEEL	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT	VEH #	2 OR 3 WHEEL	1st PLATOON ASSIGNMENT	2nd PLATOON ASSIGNMENT	3rd PLATOON ASSIGNMENT
105		SH	SH	SH					

verified by: 1st Platoon Desk Officer (Rank, Last Name, First, M.I.) Print

Tax Number

Cmd. Log Page #

Instructions: This form is to be completed by the Desk Officer on EACH TOUR.  
 If vehicle is not in use specify the location under caption "Assignment" (e.g. 8/H, Shop, etc.)

CITY OF NEW YORK  
POLICE DEPARTMENT

A 565986

me Soco RRo, OmAR Tax Reg No. [REDACTED]

is Opened 04-02-08 Supervisory Officer [Signature]

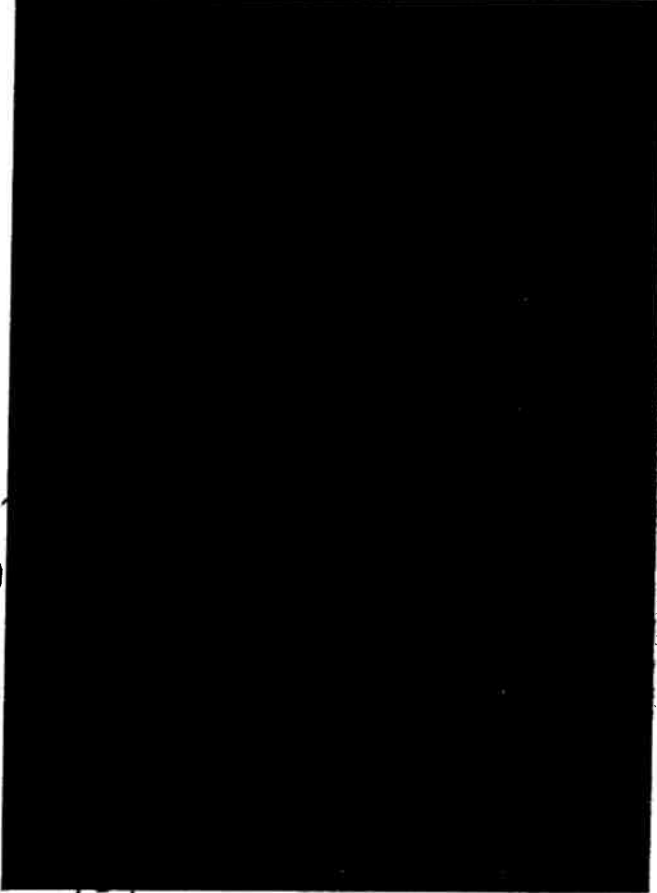
is Closed 6/21/08 Supervisory Officer [Signature]



~~MON 06-09-08 0735 X 1540~~  
~~ASSIGNMENT: P MED 120~~  
~~CD: GREEN RT/V: 08-06-04~~  
~~0655 PFD PSAS~~  
~~0710 ROLL CALL SGT. HEARNANDEZ~~  
~~0730 10-98 TO BELLVIEW ER~~  
~~0800 10-84 -~~  
~~0917 10-98 TO TRCT. TO PFD~~  
~~4 FAMILIES AND PICK UP~~  
~~1 female~~  
~~0930 10-84~~  
~~1000 10-90 to MCB~~  
~~1010 10-84~~  
~~1130 1 male LOST + O~~  
~~WAIT FOR HIS PAROLE OFFI~~  
~~CER~~  
~~1140 10-98 to PSAS~~  
~~1210 10-84 AT PSAS~~  
~~1212 10-67 PSAS~~  
~~1312 10-98: BEST CHANGE~~  
~~TO C/D UNTIL 1430~~  
~~1352 10-54 AIDED 30 PALA~~  
~~10908 1356 of [unclear] by~~  
~~P/O 30 Pal. MVO~~  
 1700 9093



~~1419 10-56 EMS~~  
~~1510 10-10 mall w/ GUN~~  
~~E 104 ST AND 3RD AVE~~  
~~1516 10-90X~~  
~~1527 10-59 BASEMENT~~  
~~OF 50 E 104 ST~~  
~~1533 12-91 11~~  
~~1540 EST 1515; PO. SECURED #5922~~  
~~TUESDAY 06-10-09 RDO~~



ROLL CALL

Page 4

DATE: 06/09/08

FOUR: 2

DESK / TS

UNFINALIZED

EMPLOYEE NAME

(EXC) ASSIGN-VEHICLE TR RG MEAL C O M M E N T S

FAULKES

DE

CRAN

CR.R./0800X1423

GT ENCARNACION

JA

DVO

DV SGT/0800X1657

SCHEDULED

WORK-TIME: 0000-0001 (H)

PRA CORDERO

F

PRAA

1500 OFF MNG/1000X1000

SCHEDULED

WORK-TIME: 0500-1323 (D)

PO ORSINI

L

UTIL

1000 VEHICLE COORDINATOR

- 10687 ✓

SCHEDULED

WORK-TIME: 0600-1400 (A)

SPA VEGA

C

PM5C

\*F

1200 TIMEKEEPING

CPG SALTERS

NI

PM5C

1200 TIMEKEEPING

SCHEDULED

WORK-TIME: 0600-1423 (E)

PO HILATRE

R

APG

1230 APG

- 10689 ✓

R 7 7 3 4 7 3 3  
R 0 1 1 0 4 1 1

*Deval*  
*Green*

05/05/08 15.15  
PAGE: 1

005 DATE: 06/09/08 TOUR: 2

DESK / IS UNFINIALIZED

EMPLOYEE NAME (EXC) ASSIGN-VEHICLE TR RG-MEAL C O M M E N T S

*Green 8/6/08*

SCHEDULED WORK-TIME: 0000-0000 (A)

OPT COLASUONNO	DS	PLTC	10691 ✓	EXECUTIVE OFFICER
DE CAPASSO	S	XOCC	10672 ✓	COMMANDING OFFICER
LT FONTAN	JE	PLTC	(9719) 10691 ✓	PLT. SUPV/0655X1552
LT LORD	CL	ICC	10691 ✓	I.C.O.
LT SCHOFIELD	C	ADMN	10697 ✓	ADMINISTRATIVE LIAISON
SGT PERUSIO	C	DESK	10698 ✓	DESK OFF./0655X1552
SGT HERNANDEZ	G *	SUPV	9817 <del>10691</del> 106700 ✓	PLT. SUPV/0655X1552
SGT CAMPOS	R	ICC	10702 ✓	ICC ASSISTANT
SGT HONG	M	TRS	10703 ✓	TNG SGT/0903X1800

SQUADS WORKING ON: 06/09/08 01 , 02 ,

EMPLOYEE NAME	LEAD	POSITION	STATUS	LOCATION
DERLENZO	33	CUST	*F	1100 CUSTODIAN

SCHEDULED WORK-TIME: 0600-1635 (R)

*As made*  
 PO SCOTT KE CLRK [REDACTED] - 10/10 ✓ ECAB  
 PO BARNES KE CLRK [REDACTED] 10/10 ✓ ECAB  
 PO SCOTT, V [REDACTED] - LT @ 1400hrs ECAB-Live  
 PO LI [REDACTED]

SCHEDULED WORK-TIME: 0900-1730 (U)

[REDACTED] LCA RODRIGUEZ	I	CUST		1100 CUSTODIAN
--------------------------	---	------	--	----------------

SCHEDULED WORK-TIME: ~~1100-1900~~ (M) *1130 X 1930*

[REDACTED] SPA KING	WA	ARCS		1600 ROLL CALL CLERK
---------------------	----	------	--	----------------------

SCHEDULED WORK-TIME: 1200-2023 (S)

[REDACTED] PO RAMOSTILLMON	S	CREL		1500 C.A. <i>1000 x 1833</i>
----------------------------	---	------	--	------------------------------

*10707 ✓*

DATE: 06/09/08

TOUR: 2

DESK / TS

UNFINALIZED

EMPLOYEE NAME	(EXC)	ASSIGN-VEHICLE	TR	RG	MEAL	C O M M E N T S
PO BISKUP	DW *	110709 ✓		(9294)		ADO plc sector AB <del>1200 SECTOR D</del> 9752 6045 W
PO DACTLAS	ES *	D 10711 ✓		(9294)		Met Hosp prisoner SE-11 <del>1200 SECTOR D</del>
PO GORIS	YA		SGTO	(9719) 10712 ✓		1300 LT'S OPERATOR
PO KENNEDY	PD *		SGTO	9817 <del>(9294)</del> 10713 ✓		1200 SGT'S OPERATOR
PO SACORRO	OP		FOOT	10715 ✓		Belleve Hosp prisoner <del>1200 WASHER #100</del> plc m2 to sector A 9466
PO NEGRON	LA		YUTH	(9431) 10716 ✓		1330 TRUANCY
PO GAZZOLA	G		YUTH	(9431) 10718 ✓		1330 TRUANCY

SCHEDULED WORK-TIME: 0730-1530 (Q)

PAR DANTZLERWILLI BJ DVO 1130 DOMESTIC VIOLENCE

SCHEDULED WORK-TIME: 0800-1600 (L)

PAR HERNANDEZ C ARCS 1400 ROLL CALL CLERK

SCHEDULED WORK-TIME: 0800-1630 (N)



ROLL CALL

DATE: 06/09/00 TOUR: 2 DESK / TD UNFINALIZED

EMPLOYEE NAME (FXC) ASSIGN-VEHICLE TR PD NEAL C O M M E N T S

PO RICHARDO R DVO 1200 DOMESTIC VIOLENCE

SCHEDULED WORK-TIME: 0705-1528 (P)

PO CASTELLANO R ICOC 1230 ICOC CLERK

SCHEDULED WORK-TIME: 0705-1540 (D)

PO RAMOS D DQAS

*Belleve Hosp Prison*  
~~1200 TROOP/BROTHER~~

PO WILLIAMS PA \* A (9256)

~~1000 SECTOR A~~ / B

*9269*

*1300*

PO RUGGIERO G \* A (9258)

~~1000 SECTOR A~~ / B

PO PEREZ WJ \* H (9292)

*THV - EN 3st a Detail Blvd*  
~~1200 SECTOR B~~ *PLC sector A/B*  
*9252 1020m*

PO CRAWFORD JA \* B (9292)

*Belleve Hosp Prison*  
~~1200 SECTOR B~~  
*PLC sector A 9466 @1212*

998 PO VAZQUEZ HL \* C (9752)

*Belleve Hosp Prison*  
~~1200 SECTOR C~~

1227 PO CHOW B \* C (9752)

*PLC sector Belleve Hosp Prison*  
~~1200 SECTOR C~~  
*C10*  
*9292*

*1013L*

ROLL CALL

DATE: 06/09/08 TOUR: 2 DESK / 15 UNFINALIZED

EMPLOYEE NAME (EXC) ASSIGN-VEHICLE TR BG MEAL C O M M E N T S

RIVERA A EPCS [REDACTED] 10733 ✓ 1200 PROPERTY OFFICER

PO DELGADO A CRAN 10734 ✓ 1000 CRIME ANALYSIS

PO ADORNO A CRAN 10735 Smith 1100 CRIME ANALYSIS

PO SMITH KL CRAN [REDACTED] 1100 CRIME ANALYSIS

SMITH S - 10737 ✓

SCHEDULED WORK-TIME: 0600-1435 (F)

PO LEAHY J CRAN [REDACTED] 10738 ✓ 1100 CRIME ANALYSIS

SCHEDULED WORK-TIME: 0700-1500 (C)

PAR LUGO DA PMSC WF 1200 TIMEKEEPING

SCHEDULED WORK-TIME: 0700-1523 (G)

PO GUZMAN WI REPR [REDACTED] 10740 ✓ 1300 PLANNING OFFICER


PO NTEVES LM CLERK 1000 ROLL CALL CLERK

SCHEDULED WORK-TIME: 0700-1535 (D)

PO RAMOS VM DVO 1100 DOMESTIC VIOLENCE

10742 ✓

CITY OF NEW YORK  
POLICE DEPARTMENT  
A 636370

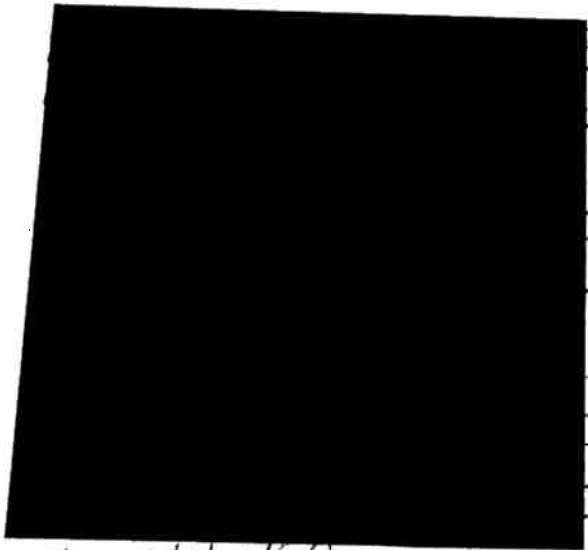
Name Rebecca, Gordon Tax Reg. No. 

Date Opened 4/10/08 Supervisory Officer [Signature]

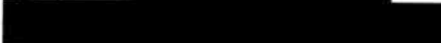
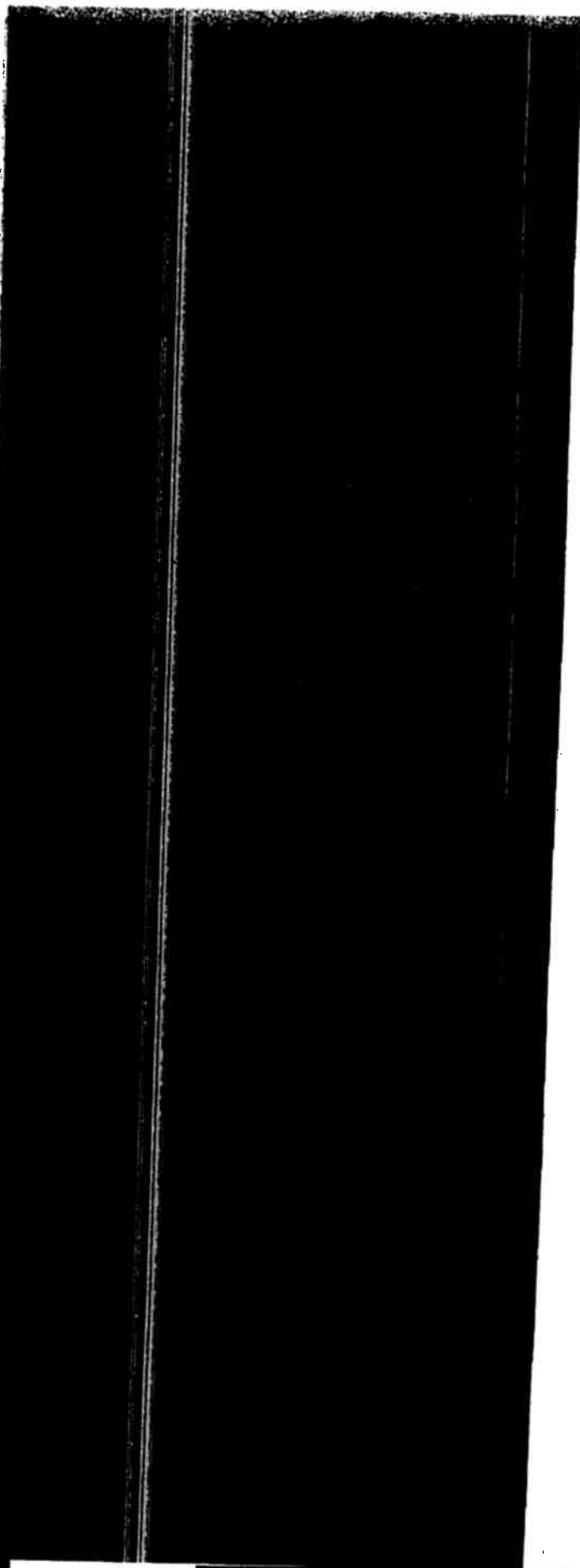
Date Closed 9/11/08 Supervisory Officer [Signature]

PD 1:214513-85 12

**P.S.A. 5 COPY**




MON 8/9/08 0658 X 1552  
0658 PWD 0.0  
188 L 200 87 J P  
TUE 8/10/08 12



CITY OF NEW YORK  
POLICE DEPARTMENT

A 574164

Name W. Williams

Tax Reg No. 

Date Opened 010408

Supervisory Officer A. Hernandez

Date Closed \_\_\_\_\_

Supervisory Officer \_\_\_\_\_

PD 112-145 (3-88)-12

**P.S.A. 5 COPY**

Mon 6/9/08 Tue 6/10/08 Wed 6/11/08

Agent: Belkove Hypocrite & Prisoner

0700 Roll call in Henderson

0730 10-98 to Belkove CR

0800 10-87 @ Roll call

0917 10-98 to 007 CR

0930 10-87 @ 007

1000 10-98 to MCB

1010 10-87 @ MCB

1130 Lodged Prisoner with for Parole

1140 10-98 to PS45

1212 10-63 @ PM

1310 10-98 to 1-1

1345 10-98 to 1-1

00908 1356 [Signature]

F/O 30 Pal NNO

1540 007 109 [Signature]

Tue 6/10/08 Tom [Signature]

# Exhibit 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FLOYD, et al.,

Plaintiffs,

-against-

**DECLARATION OF  
DETECTIV E SANTOS  
ALBINO**

08 Civ. 1034 (SAS)

CITY OF NEW YORK, et al.,

Defendants.  
-----X

**DETECTIVE SANTOS ALBINO** declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Detective, Third Grade in the New York City Police Department ("NYPD"), and am currently assigned to the Deputy Commissioner, Legal Matters - Special Litigation Support Unit. I make this declaration based upon my review of the New York City Police Department Personnel Information Request database. This database is a computerized record kept in the regular course of business of the NYPD, which contains personnel information concerning New York City police officers such as dates of employment and the commands to which they are assigned while employed by the NYPD.

2. I am informed that during the photo-arrays conducted on August 24, 2009, plaintiff Lalit Clarkson identified two police officers whom he believes may have been present at the scene of an alleged incident that occurred sometime in January, 2006. Based upon a review of the NYCPD Personnel Information Request database, neither of those officers was employed by the NYPD in January, 2006.



3. Plaintiff Lalit Clarkson chose photo # 2 in photo array # 9918. The last four digits of this officer's tax identification number are 5226. Based upon a review of the NYCPD Personnel Information Request database, this officer was not employed by the NYPD in January, 2006. This officer began employment with the NYPD in July, 2007.

4. Plaintiff Lalit Clarkson chose photo # 4 in photo array # 9894. The last four digits of this officer's tax identification number are 1799. Based upon a review of the NYCPD Personnel Information Request database, this officer was not employed by the NYPD in January, 2006. This officer began employment with the NYPD in July, 2006.

5. I am further informed that during the photo-arrays conducted on August 24, 2009, plaintiff David Ourlicht also identified eleven police officers whom he believes may have been present at the scene of an alleged incident that occurred either on June 6, 2008 or June 9, 2008. Based upon a review of the NYCPD Personnel Information Request database, five of those officers were not employed by the NYPD on June 6, 2008 or June 9, 2008.

6. Plaintiff David Ourlicht chose photo # 2 in photo array # 10685. The last four digits of this officer's tax identification number are 7235. Based upon a review of the NYCPD Personnel Information Request database, this officer was not employed by the NYPD on June 6, 2008 or June 9, 2008. This officer began employment with the NYPD in July, 2008.

7. Plaintiff David Ourlicht chose photo # 3 in photo array # 10686. The last four digits of this officer's tax identification number are 7345. Based upon a review of the NYCPD Personnel Information Request database, this officer was not employed by the NYPD on June 6, 2008 or June 9, 2008. This officer began employment with the NYPD in July, 2008.

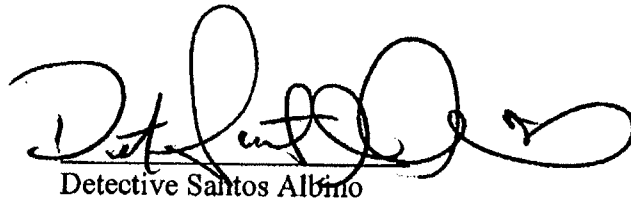
8. Plaintiff David Ourlicht chose photo # 3 in photo array # 10728. The last four digits of this officer's tax identification number are 7293. Based upon a review of the NYCPD

Personnel Information Request database, this officer was not employed by the NYPD on June 6, 2008 or June 9, 2008. This officer began employment with the NYPD in July, 2008.

9. Plaintiff David Ourlicht chose photo # 1 in photo array # 10698. The last four digits of this officer's tax identification number are 2326. Based upon a review of the NYCPD Personnel Information Request database, this officer was not employed by the NYPD on June 6, 2008 or June 9, 2008. This officer retired in May, 2007.

10. Plaintiff David Ourlicht chose photo # 1 in photo array # 10713. The last four digits of this officer's tax identification number are 7211. Based upon a review of the NYCPD Personnel Information Request database, this officer was not employed by the NYPD on June 6, 2008 or June 9, 2008. This officer began employment with the NYPD in July, 2008.

Dated: New York, New York  
October 22, 2009



Detective Santos Albino