

*** CONFIDENTIAL ***

ROCHESTER, NEW YORK

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IN RE INDEPENDENT INVESTIGATION :
 INTO THE CITY OF ROCHESTER'S :
 RESPONSE TO AND HANDLING OF THE :
 RPD'S MARCH 23, 2020 USE OF :
 FORCE AGAINST DANIEL PRUDE :

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STENOGRAPHIC REMOTE VIRTUAL
 DEPOSITION OF LORETTA SCOTT
 Thursday, December 10, 2020
 1:09 p.m.

Taken by and before:
 Josephine H. Fassett, CCR, RPR
 Job No. 21224

HUDSON COURT REPORTING & VIDEO

1-800-310-1769

1 *** CONFIDENTIAL ***

2 Thursday, December 10, 2020

3 1:09 p.m.

4
5 T R A N S C R I P T of the stenographic remote
6 virtual deposition of LORETTA SCOTT, held remotely
7 on Thursday, December 10, 2020, commencing at
8 approximately 9:33 a.m., before Josephine H.
9 Fassett, a Certified Court Reporter, Registered
10 Professional Reporter, and Notary Public of the
11 State of New Jersey and New York.
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1 *** CONFIDENTIAL ***

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2 (Whereupon, on the stenographic
3 record.)

4 THE COURT REPORTER: The attorneys
5 participating in this deposition
6 acknowledge that I am not physically
7 present in the deposition room and that I
8 will be reporting this deposition remotely.

9 They further acknowledge that, in lieu
10 of an oath administered in person, the
11 witness will verbally declare her testimony
12 in this matter under penalty of perjury.

13 The parties and their counsel consent
14 to this arrangement and waive any
15 objections to this manner of reporting.

16 Please indicate your agreement by
17 stating your name and your agreement on the
18 record.

19 MS. ROSENFELD: Katie Rosenfeld, and
20 we agree.

21 MS. SCIOCCHETTI: Tina Sciocchetti on
22 behalf of President Scott, and we agree.

23 THE WITNESS: Loretta Scott on behalf
24 of myself, and I agree.

25

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2 LORETTA SCOTT

3 the witness, having been duly sworn remotely, was
4 examined and testified under oath as follows:

5 EXAMINATION

6 BY MS. ROSENFELD:

7 Q. Good afternoon, President Scott. We met
8 briefly off the record.

9 My name is Katie Rosenfeld. I'm a law
10 partner of Andy Celli at the Emery Celli law firm.
11 And, as you know, we've been retained to conduct
12 an investigation on behalf of the city council
13 into the city's response and the aftermath of the
14 incident involving the death of Daniel Prude.

15 Thank you for being here today to give
16 us your testimony on this matter. I will try to
17 be as efficient as possible with your time. I
18 appreciate that you're a busy person.

19 I will ask you to let me finish my
20 questions before you answer even if you know what
21 I'm going to say.

22 A. Yes.

23 Q. Thank you.

24 So just a few questions for the record.

25 President Scott, you're currently the

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2 President of the Rochester City Council; is that
3 correct?

4 A. That's correct.

5 Q. And how long have you been a member of
6 the Rochester City Council?

7 A. It's been nine, ten -- ten years.

8 Q. Okay. And how long have you been the
9 president of the city council?

10 A. Nine years.

11 Q. And how long have you known Mayor Lovely
12 Warren?

13 A. Probably about 20 years.

14 Q. I'm sorry?

15 A. Probably about 20 years, before she came
16 onto the city council.

17 Q. Okay. Now, most of my questions today
18 are, as you probably anticipated, going to focus
19 on your conversation with Mayor Warren in August
20 and then subsequent developments after that. So I
21 think we'll just go ahead and just jump in.

22 From reading the media reports, I
23 understand that you had a conversation with Mayor
24 Warren in August of 2020 about the incident
25 between Mr. Prude and the police. So I'm going to

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2 ask you a series of questions about that.

3 So my first question is: In August
4 2020, was there a time where you discussed with
5 Mayor Warren the fact that there had been an
6 incident between an individual and the police that
7 had led to the death of that person subsequently?

8 A. Yes.

9 Q. Okay. And did you have that
10 conversation with the mayor in person or by phone?

11 A. By phone.

12 Q. Okay. And, as you know, we do have your
13 phone records that were provided to us by your
14 counsel, so we can turn to those in a minute. But
15 just off the top of your head, what's your best
16 recollection of when that conversation between you
17 and the mayor occurred?

18 A. Somewhere around August 6th. 5th, 6th,
19 early August, first week of August.

20 Q. Okay. And in August around that time
21 were you working in an office at the city council,
22 at your house or somewhere else?

23 A. I was at home.

24 Q. Okay. And do you remember -- I think it
25 would be helpful to look at the phone records

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2 together, so I'm going to share my screen with
3 you.

4 A. Uh-hum.

5 Q. Okay. President Scott, do you see that
6 I've now shared my screen with you?

7 A. Yes.

8 Q. Okay. So we're going to call this phone
9 record for purposes of today Exhibit 2.

10 Now, this is a piece of the phone
11 records that your attorney provided us in support
12 of your investigation.

13 And so the first call -- you'll see
14 there's a column that says Incoming and Outgoing,
15 right?

16 A. Uh-hum.

17 Q. Then there's a Date column. I'm sort of
18 putting my cursor over that.

19 And then there's a Time of the Call
20 column, and then there's a Duration.

21 All of the calls on this log are calls
22 between you and Mayor Warren --

23 A. Uh-hum.

24 Q. -- just to orient you, that were taken
25 out of your phone records.

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2 A. Okay.

3 Q. So if we look together down we can
4 see -- I'm going to highlight them on the screen,
5 if you can see that.

6 Do you see that there appear to be two
7 calls from Mayor Warren to you in August of 2020?

8 A. Yes.

9 Q. So one of those calls came in on
10 August 6, which is a Thursday. It looks like it
11 came in at 15:48, which would be 3:48 in the
12 afternoon.

13 A. Uh-hum.

14 Q. It was a 5-minute and 23 conversation --
15 5-minute and 23-minute conversation. Do you see
16 that?

17 A. Yes.

18 Q. And then the second incoming call that's
19 reflected on your phone log from Mayor Warren
20 looks like it came in to you on August 8, which
21 would have been a Saturday, at 22:44, so
22 approximately 10:45 at night, and was about three
23 and a half minutes. Do you see that?

24 A. Yes.

25 Q. So just to start in helping us identify

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2 when it was you spoke with Mayor Warren.

3 Does that refresh your recollection at
4 all as to whether you spoke to the mayor on
5 August 6 in the afternoon, Thursday, August 6, in
6 the afternoon about the Prude incident or on
7 Saturday at around 10:45 on August 8 in the
8 evening?

9 A. Not really. And the reason it doesn't
10 really is because I was in bed but I wasn't
11 asleep, so I don't know. I don't know.

12 Q. Okay. So when you spoke with Mayor
13 Warren you were in bed, is that your memory?

14 A. Yes.

15 Q. Okay.

16 A. Because I've been having health issues
17 off and on and I know I was in bed when I talked
18 with her on the phone, but I was not asleep.

19 Q. Okay.

20 A. So it could have been the afternoon. I
21 was sort of in bed quite a bit.

22 Q. Okay. Sorry to hear that.

23 So that doesn't really help you in terms
24 of knowing you were in bed, it could have been
25 10:45 on Saturday, it could have been 3:45 on

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2 Thursday; is that right?

3 A. Yeah, it doesn't.

4 Q. Okay. So in terms of the content of
5 that discussion, you were in your house and you
6 received a call from Mayor Warren. Can you share
7 with me, to the best of my recollection, what you
8 said to the mayor and what the mayor said to you?

9 A. What I recall is that she said, "We have
10 been served with a notice of claim." There was an
11 individual who died. He was in police custody,
12 but he didn't die in police custody, he was in the
13 hospital, and he died of a PCP overdose. That's
14 like the sum and substance of that call, as I
15 recall it.

16 Q. Okay. What did you say in response to
17 the mayor?

18 A. I said, "That's not good." Basically,
19 "That's not good. Sorry. Really hate to hear
20 that."

21 Q. And what did she say to you, if
22 anything?

23 A. I don't -- you know, I was just sort of
24 exchanging that kind of commentary.

25 Q. So was it typical for the mayor to call

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2 you and update you with this type of information
3 about a death in police custody?

4 A. I can't say it's typical to update me
5 about a death in police custody because I don't
6 know when that's happened before. But to update
7 me about significant occurrences, yes. But what
8 sounded significant about this was that we had
9 been served with notice of claim. That was sort
10 of like the highlight, it's sad to say, of the
11 conversation, we'd been served with notice of
12 claim. And that it should be held in confidence
13 for now because it's in the hands of the attorney
14 general, the New York State Attorney General.

15 Q. Is there anything else that you can
16 remember that the mayor mentioned to you during
17 that conversation other than that you had been
18 served with a notice -- that the city had been
19 served with a notice of claim, there had been an
20 individual in police custody who had subsequently
21 died in the hospital of a PCP overdose, it was in
22 the hands of the attorney general and therefore
23 should be kept in confidence?

24 A. That's it.

25 Q. Okay. Now, in terms of the issue of the

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2 mayor updating you about significant occurrences,
3 had there ever been a time before this call where
4 the mayor had called you to update you about an
5 event involving the Rochester Police Department?

6 A. Yeah, I -- see, I don't quite know how
7 to answer that, because we talked about
8 significant events, but I don't know that the
9 mayor had necessarily called me about it.

10 Q. Okay.

11 A. It often was something that had
12 occurred, you know, a media story would come up.

13 Q. Okay.

14 A. And I would call her or one of our
15 colleagues would -- the vice president would call
16 her or call the chief. So I don't recall whether
17 the mayor is the one who -- well, I know she
18 called me when there was a policeman that was
19 shot, something along those lines, yeah.

20 Q. I see. Did you have a regular standing
21 meeting with the mayor?

22 A. Yes.

23 Q. And how often would you meet with the
24 mayor?

25 A. We met monthly in what we called our

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2 one-on-one.

3 Q. Okay. And would those be sort of
4 general meetings to update each other on events
5 involving the city?

6 A. Yes, and upcoming legislative items that
7 were -- upcoming items that might involve
8 legislation or policy direction.

9 Q. Okay.

10 A. Significant events or upcoming events or
11 activities, yes.

12 Q. Did you have a one-on-one meeting with
13 Mayor Warren in August 2020?

14 A. Probably.

15 Q. As you sit here today, do you remember
16 the date that that one-on-one meeting occurred?

17 A. No. Those were typically around the
18 third -- second or third week of the month, and
19 they got moved often because our schedules got a
20 little funky, but. So I'm saying probably but not
21 sure because things got a little dicey.

22 Q. Okay. Would a meeting that you had, a
23 one-on-one meeting with Mayor Warren, be reflected
24 in your calendar somewhere if it had occurred?

25 A. Yes.

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2 Q. Okay. So it would be possible to go
3 back and look through your calendar to determine
4 whether you did have an August 2020 one-on-one
5 with the mayor?

6 A. Yes, and I would have notes.

7 Q. From that meeting?

8 A. Yes.

9 Q. Okay. But as we're talking today, you
10 don't specifically remember having an August 2020
11 meeting?

12 A. I don't.

13 Q. Is that right?

14 A. That's right.

15 Q. Okay. So, other than the one-on-one
16 meeting, did you have any other formally scheduled
17 regular meetings with Mayor Warren?

18 A. Formally scheduled regular were meetings
19 of the entire council or particular committees.

20 Q. Okay. So turning back to this
21 conversation that was either on August 6 or
22 August 8, 2020, did the mayor tell you the name of
23 the individual who had been in police custody and
24 had then passed away?

25 A. No, not that I recall.

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2 Q. Okay. And you mentioned that the mayor
3 had, sort of the headline of the call was that the
4 mayor had told you that a notice of claim was
5 filed?

6 A. Yes.

7 Q. Was it typical for the mayor to reach
8 out to you to specifically advise that somebody
9 had filed a notice of claim about the city?

10 A. I don't -- I wouldn't call it typical
11 because we -- no. We have that conversation but
12 we -- we get a lot of claims, right, and
13 occasionally something is significant enough that
14 it may come up in a phone call, but it's not a
15 typical thing. It's certainly not a frequent
16 occurrence.

17 Q. Can you remember any other example of a
18 time where the mayor specifically reached out to
19 inform you that a notice of claim had been filed
20 against the city?

21 A. Not that I can think of offhand, no.

22 Q. Okay.

23 MS. ROSENFELD: Excuse me one second.

24 (Whereupon, brief pause.)

25 (Whereupon, resumed.)

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2 BY MS. ROSENFELD:

3 Q. Okay. And did the mayor explain to you
4 why the attorney general was involved in handling
5 a case involving a death from a PCP overdose?

6 A. No.

7 Q. Okay. Did she mention to you that the
8 medical examiner had deemed the cause of death to
9 be a homicide?

10 A. No.

11 Q. Okay. Did she characterize the death as
12 a death-in-custody?

13 A. She said that an individual who was in
14 police custody had died but he didn't die -- I
15 can't remember what she said -- at the jail or
16 in -- the distinction was he died at a hospital.

17 Q. I see. And did the mayor mention that
18 there had been force used in the interaction with
19 the police and this individual?

20 A. I don't recall that in the conversation.

21 Q. Okay. You testified that the mayor did
22 tell you that this matter was confidential; is
23 that correct?

24 A. That's right.

25 Q. Did she link the fact that it was

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2 confidential to the fact of the pending attorney
3 general's investigation?

4 A. That was how I took the significance of
5 it being confidential for now, because the AG had
6 picked it up.

7 Q. Okay. In your tenure as President of
8 the City Council, have there been prior cases
9 where the attorney general has become involved to
10 investigate a death-in-custody involving the
11 Rochester Police Department?

12 A. I don't recall any other deaths in
13 custody.

14 Q. Okay.

15 A. I remember there was some kind of change
16 in recent years that would draw in the attorney
17 general to any kind of activity like that that
18 involved police. So I don't, I don't recall, no.

19 Q. Okay. And are you thinking of the
20 executive order which gave the attorney general
21 the authority to investigate --

22 A. Yeah.

23 Q. -- situations where unarmed people
24 died --

25 A. Yes.

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2 Q. -- in police interactions? Okay.

3 So you understood the mayor's direction
4 that this should be maintained as confidential to
5 relate to the attorney general's investigation; is
6 that right?

7 A. That's correct.

8 Q. And under normal circumstances when the
9 mayor advises you of an item of this type such as
10 the death of someone following a police department
11 interaction, what would have been your practice in
12 terms of sharing that information?

13 A. What I would consider not normal but
14 more of the routine would be a situation where
15 someone was shot by a police officer and that
16 would have already created a public awareness, a
17 media awareness. So it would be with -- not
18 necessarily with the -- well, the mayor would make
19 the call. But it would have the vice president or
20 I or someone like that would call for a briefing,
21 so it was sort of more like that. It was not --
22 it would not necessarily be like news. It's
23 amazing that it would just be -- there would be
24 something on Twitter or someplace like that and it
25 would usually be related to a shooting or

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2 something along those lines. Because other than
3 that, I don't -- this whole
4 death-in-police-custody thing, I'm not -- I can't
5 think of anything.

6 Q. Okay. So, I guess, with respect to the
7 conversation when the mayor said, you know, this
8 is confidential, who did you understand that she
9 meant this should be held as confidential from?

10 A. The council in general, yeah.

11 Q. So you understood it to be an update to
12 you that at this point should not be shared with
13 the larger council?

14 A. Right. Because oftentimes -- so
15 normally the information -- the idea is for me to
16 inform council and for the mayor or her staff not
17 to have to tell nine different people. But, you
18 know, one of us, me or the vice president or
19 someone, would get the information and we would
20 provide it with council colleagues, so that
21 sharing was not to be done at that moment.

22 Q. I see. And by extension, if your
23 understanding was that it wasn't to be shared with
24 the rest of the council, did you also understand
25 her to be telling you that it shouldn't be shared

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2 with the public?

3 A. Yes.

4 Q. So your understanding was that this
5 information was only for you to know at this time
6 and it should not be shared with anybody else; is
7 that correct?

8 A. That's right. Well, I would -- I'd
9 share it with the vice president. I mean, that
10 would be the expectation probably. But not even
11 necessarily the vice president, and I only say
12 that because of his -- he chairs that public
13 safety committee.

14 Q. Understood. Did you share the
15 information from that call with the vice
16 president?

17 A. I didn't share it with anybody.

18 Q. And is that because you understood the
19 mayor's request to be that in this case it should
20 not be shared with anybody, even the vice
21 president?

22 A. Yes.

23 Q. Understood. And I appreciate that I'm
24 asking you about a short conversation that looks
25 like it happened, you know, over either five

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2 minutes or three and a half minutes, and I
3 appreciate your patience with all of the
4 questions, but I do want to be as precise as
5 possible.

6 Did you consider asking the mayor if
7 this could be shared with the vice president given
8 his role overseeing public safety?

9 A. I did not.

10 Q. Okay. How often has the mayor asked you
11 to hold something as confidential from the council
12 itself?

13 A. I couldn't give you a frequency, I can
14 say periodically.

15 Q. Okay. Is it a relatively unusual
16 occurrence or not?

17 A. Not really, no.

18 Q. Are there other, for example, with
19 respect to the Rochester Police Department, are
20 there other times where the mayor has shared
21 information with you about an RPD issue and asked
22 you not to share it with the general counsel?

23 A. I don't recall.

24 Q. Okay. Were you concerned at all at the
25 time that there had been a death following an

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2 interaction with the RPD that was under the
3 attorney general's investigation and yet you could
4 not apparently share it with others in the council
5 at that time?

6 A. I was not necessarily because I thought
7 that the attorney general involvement was a part
8 of this new order and that was more prescribed.

9 Q. I see.

10 A. He died, as I understand, from a PCP
11 overdose, a drug overdose, so that put it in a
12 different mental space for me.

13 Q. Okay. And, again, just to be clear.
14 Did you ask the mayor any questions during this
15 phone call?

16 A. I did not.

17 Q. You only received information; is that
18 right?

19 A. That's right.

20 Q. Did the mayor tell you anything about
21 how long the AG would investigate or what the next
22 steps would be?

23 A. No.

24 Q. So just to go back to the point that you
25 were making that you hadn't previously had to

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2 address a death in police custody but more
3 commonly what would come up with somebody who was
4 shot by the police, a member of the public, and
5 how to address that issue; is that correct?

6 A. Yes, that would be my recollection. And
7 I can't think of a particular instance where
8 someone got shot. I mean, I know of a number of
9 them but I can't remember how the communication
10 chain went. Well, not a number, a few.

11 Q. Right. So in that unfortunate incident
12 where a member of the public was shot by the
13 police, for example, was there any protocol for
14 the Rochester Police Department to share that
15 information with the city council that you're
16 aware of?

17 A. I think that that changed over time and
18 I don't recall it as a protocol so much as a
19 practice.

20 Q. Okay. So with respect to the practice
21 of how the Rochester Police Department would share
22 information with others in city government about a
23 shooting, for example, of a member of the public,
24 you know, by the police, how had that worked?

25 A. There was usually like a call from the

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1
2 chief.

3 Q. And who would the chief call typically
4 in that kind of situation?

5 A. He would probably call -- I'm sure he'd
6 call the mayor, the public safety chair, and me,
7 probably. I mean -- and it varied. It was just
8 sort of a series of notifications that developed
9 almost depending on who was in office, who was in
10 the seat.

11 Q. And when you say "who was in the seat,"
12 do you mean who was in the police chief's seat?

13 A. Yeah. Yes.

14 Q. So were there times while you've been
15 President of the City Council where you have
16 received a notification from the police chief
17 about a shooting or another type of serious
18 incident involving the police?

19 A. Yes. It wasn't -- not deaths.

20 Q. I understand. But, for example, I
21 understand there was an incident where a child was
22 placed in handcuffs by the Rochester Police
23 Department. Are you familiar with the incident
24 I'm talking about?

25 A. Yes.

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2 Q. Okay. So, for example, in the case of,
3 you know, a sensitive event like that, were you
4 notified of that incident by the police chief?

5 A. I don't think so.

6 Q. Okay. So the practice that you're
7 referring to of being updated by the police chief
8 in the event of certain sensitive events involving
9 the police, do you have any specific recollection
10 of that happening with regard to an incident, a
11 specific incident?

12 A. Not a clear recollection, let's put it
13 that way, but I do recall having a conversation
14 with the immediate past chief about a couple of
15 situations that had occurred. I don't think there
16 was -- was there death? I'm sorry, I just don't
17 recall.

18 Q. That's okay. This is only just to
19 determine what you do recall, so it's fine.

20 So during your conversation with Mayor
21 Warren in early August 2020, did Mayor Warren
22 indicate to you there was a video of the incident
23 involving this individual?

24 A. No.

25 Q. Did she mention anything about body-worn

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2 cameras?

3 A. Not that I recall, no.

4 Q. Okay. So following that conversation
5 with the mayor on either August 6 or August 8,
6 2020, did you have any other conversations with
7 the mayor before September 2, 2020, when the
8 body-worn camera footage became public as a result
9 of the family releasing it?

10 A. No.

11 Q. What about with anybody else between
12 about August 6 or August 8 and up until
13 September 2 when the footage was publicly
14 released, did you have any conversations with
15 anybody about this incident?

16 A. No.

17 Q. What about emails or text messages, did
18 you have any written communications with anybody
19 about this incident between August 6/August 8 and
20 September 2?

21 A. Not that I recall, no.

22 Q. Okay. And obviously there came a time
23 when this body-worn camera footage was released by
24 Mr. Prude's family to the public.

25 Now, I'm going to show you what I've

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2 marked for this deposition as Exhibit 3. Do you
3 see that, President Scott?

4 A. Yes.

5 Q. So this is an article from the Democrat
6 & Chronicle that was initially published on
7 September 3rd and then updated on September 4th,
8 and the headline is "7 Rochester officers
9 suspended with pay in Daniel Prude death." And
10 the article goes on to quote you. I'll just
11 highlight the information that is attributed to
12 you.

13 Did you provide an interview to the
14 Democrat & Chronicle in connection with this
15 article?

16 A. Probably.

17 Q. Okay. And this is your recounting to
18 this reporter about the conversation you recalled
19 having with the mayor earlier in August; is that
20 correct?

21 A. That's correct.

22 Q. And you subsequently gave testimony --
23 I'm sorry, withdrawn. You did not give testimony.

24 You subsequently were interviewed on the
25 Connections program; is that correct?

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2 A. Yes.

3 Q. Okay. And on that program you talked
4 again about what you and the mayor had discussed
5 in early August about Mr. Prude; is that right?

6 A. Yes.

7 Q. And, I'm sorry, let's just go back for a
8 second.

9 When did you first see the video,
10 President Scott, of Mr. Prude?

11 A. I believe September, I don't know the
12 exact date.

13 Q. But obviously you had seen it before you
14 went on the Connections program?

15 A. Right.

16 Q. Okay. So on that broadcast you
17 mentioned that -- I have a transcript of it but
18 I'll just read it to you right now. This is the
19 transcript of what you said.

20 You said that the mayor called you, and
21 you said, "It was in confidence. It was a phone
22 call with a number of other items that were listed
23 out, and she mentioned it along with other things
24 and said, 'We'll just keep this confidential for
25 now.' I didn't know there was a tape."

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2 Do you remember making a comment like
3 that on the Connections broadcast?

4 A. Yes.

5 Q. Now, do you recall what other items you
6 and the mayor discussed in that phone call on
7 August 6th or 8th?

8 A. I do not. And when I talk about a
9 number of other items, it's because I wanted the
10 text that I exchanged with the mayor --
11 something -- something had come up about this,
12 about the Prude situation. And I asked her, I
13 said, "Didn't you ask me to keep it confidential?"
14 I was trying to reconfirm my understanding.

15 And she said, "I don't know, I may have,
16 we talked about a lot of things."

17 So I was essentially parroting what she
18 had said, we talked about a lot of things. Now,
19 whether we talked about a lot of things during
20 that conversation or over the subsequent period, I
21 don't know, but that was what that tied to.

22 Q. I see. Had you reviewed that -- okay.
23 So I think it would be good to maybe look at that
24 text message while we're speaking.

25 Okay. So for this deposition this is

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2 marked Exhibit 1, and this is a text exchange
3 between you and Mayor Warren. And the first text
4 is, it appears that Mayor Warren has sent you a
5 screenshot of some comments by Evan Dawson the
6 host of Connections; is that correct?

7 A. Is what correct?

8 Q. Did Mayor Warren send you a screenshot
9 of the comment by Mr. Dawson?

10 A. I don't know. Maybe it was a
11 screenshot, but I know that during the interview
12 she had touched back with me, and I don't recall
13 whether it was a screenshot or text, something
14 that's not right, yeah.

15 Q. All right. So just to get oriented
16 here. So this is September 9th of 2020 at 1:50,
17 approximately, 1:49. And this is from Mayor
18 Warren to you; is that correct?

19 A. Okay. Uh-huh.

20 Q. And then there's -- it looks like a
21 screenshot, and then it looks like Mayor Warren
22 says to you.

23 A. Okay.

24 Q. "I'm sorry, this is what's being quoted
25 and that was not the discussion that you and I had

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2 and it definitely wasn't August 20th. I remember
3 calling you right after viewing the video and
4 talking to corporation counsel to update you. I'm
5 sorry, but if you can, please correct this."

6 And then you respond, looks like a
7 little bit later, about 10 minutes later, "I'm
8 guessing at the date. What you told me was what I
9 said."

10 And then the mayor responds, "You said
11 that we had received --" no, I'm sorry, this is
12 still you.

13 A. Yeah.

14 Q. "You said that we had received no
15 notice," I assume you meant --

16 A. Notice.

17 Q. "-- that we were going to be sued over
18 the death of someone who was in custody who died
19 of a PCP overdose. You stated the person died in
20 the hospital. You asked me to keep it
21 confidential for now. No mention of the video."

22 And then there's this subsequent
23 exchange, which I won't read out loud, but if you
24 could just refresh your memory and take a look at
25 it.

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2 A. Uh-hum. Yep.

3 Q. Okay. And you're describing another
4 text exchange where the mayor said "we talked
5 about a lot of things that day"?

6 A. It was either a text or brief
7 conversation, yeah. But I know that that was said
8 that we talked about a lot of things.

9 Q. Okay. But you don't remember anything
10 else from that conversation that was --

11 A. No.

12 Q. -- that was discussed except for what
13 you testified to?

14 A. That's correct.

15 Q. And is the only cell phone that you were
16 using in August of 2020 the one that is reflected
17 on the screen here, this [REDACTED] number?

18 A. That I was using?

19 Q. I'm sorry. [REDACTED] number?

20 A. Yes.

21 Q. You only had one cell phone in August
22 2020?

23 A. That's right.

24 Q. Okay. So is it correct that the mayor
25 was sending you these text while you were being

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2 interviewed on the Connections program?

3 A. The first one, while I was on the
4 program.

5 Q. I see. Okay. Now, you're aware that
6 subsequently Mr. Roj issued a statement on behalf
7 of the mayor disputing your account of this
8 conversation?

9 A. Yes.

10 Q. Okay. Let's just take a look at that.
11 So this is an article that appeared in
12 WROC on September 9th, and it includes this, it
13 says, "This is what Director of Communications for
14 the City of Rochester, Justin Roj, said in a
15 statement in response to Scott's appearance."

16 And then here's the statement, I won't
17 read it out loud, but you could just take a look
18 at it to remind yourself.

19 MS. SCIOCCHETTI: Katie, while she's
20 reading that, did you say an exhibit number
21 for this?

22 MS. ROSENFELD: It's 4.

23 BY MS. ROSENFELD:

24 Q. Okay. Have you had a chance to read
25 that, President Scott?

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2 A. Yes.

3 Q. Okay. So based on your earlier
4 testimony about the conversation that you had with
5 Mayor Warren, is it fair to say that in your view
6 this statement by Mr. Roj is not accurate in terms
7 of what you and the mayor discussed?

8 A. Right.

9 Q. Okay. So, for example, you already
10 testified that you were never told about the
11 medical examiner's findings, correct?

12 A. That's correct.

13 Q. Is Mr. Roj correct that since body-worn
14 cameras were introduced in Rochester that city
15 council members have occasionally requested and
16 reviewed videos of altercations involving RPD
17 officers?

18 A. Yes.

19 Q. Have you had occasion since 2016 to
20 watch body-worn camera video footage of an
21 incident?

22 A. Yes.

23 Q. And in those circumstances where you
24 have reviewed body-worn camera footage, has that
25 ever occurred before that footage was publicly

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2 available?

3 A. I think so. I believe that we had on a
4 number of occasions seen -- I'm sorry. Let me
5 restate that.

6 Video footage but not from body-worn
7 cameras I may have seen before seeing the
8 body-worn camera footage. And what I'm saying is
9 that everybody's got a phone and they were
10 recording these incidents and often would put them
11 up on Facebook or someplace before we would have
12 an opportunity to see the body-worn camera
13 footage.

14 Q. Okay. I don't think I'm quite
15 understanding your testimony.

16 So sometimes people obviously capture
17 images with their own cell phones, for example, of
18 interactions with the police and you would from
19 time to time yourself view those on Facebook or in
20 a public -- something that had been publicly
21 posted; is that correct?

22 A. Yes.

23 Q. Okay. So -- I understand that. And
24 then in addition to that, was there ever an
25 occasion where the Rochester Police Department

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2 made some body-worn camera footage available to
3 the council for review?

4 A. Yes.

5 Q. I see. And are you saying it would be
6 following an incident coming to your attention
7 because you had seen a member of the public's
8 recording of that incident?

9 A. That's correct.

10 Q. I see. Okay. And do you recall ever
11 specifically requesting to review video of a
12 physical altercation involving an RPD officer?

13 A. I don't recall whether I made the
14 initial request or the subsequent request because
15 it would often be a conversation and we're in a
16 meeting or something and basically we want to see
17 it, we want to see the video.

18 Q. And there would then be a request to the
19 police department to see that video?

20 A. Yes.

21 Q. And would the police department in these
22 circumstances you're thinking about provide a copy
23 of the footage to the council?

24 A. Initially we weren't provided a copy, we
25 would view it.

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2 Q. Would you go to the police department
3 and view it there?

4 A. For one of the early ones we went to a
5 room in city hall. It's the same room where the
6 civilian review board views the videos of that
7 sort. So we went there and viewed it.
8 Subsequently, it may have been more than one we
9 did like that, but since then we have kind of a
10 different practice.

11 Q. What's the different practice that you
12 have since then?

13 A. Well, I believe -- I don't know whether
14 councilmen are now going over to the PSV, that may
15 be it. But I know that I have viewed at least one
16 from a link.

17 Q. Okay. So for those occasions where you
18 had viewed it whether in the city council viewing
19 room or through a link, those were instances where
20 there had been some altercation between a member
21 of the public and the police and you wanted to see
22 for yourself what had happened?

23 A. Yes.

24 Q. Okay.

25 A. Excessive use of force.

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2 Q. Okay. And, to the best of your memory,
3 those incidents had come to your attention because
4 they had been publicly discussed in the media or
5 online and the council had become aware of them
6 through that public discussion already; is that
7 correct?

8 A. Yes.

9 Q. So did you have any discussion before
10 September 2nd when this video came out with Mayor
11 Warren about whether the release of information
12 about the death-in-custody would inflame public
13 demonstrations that were occurring about the death
14 of George Floyd?

15 A. No.

16 Q. Okay. Had you discussed in general with
17 Mayor Warren in August the status of the
18 demonstrations in Rochester about Mr. Floyd's
19 death?

20 A. The status of the demonstrations? I
21 don't remember the August discussions.

22 Q. Okay. So just to go back to this issue.
23 So that you had made these comments on
24 Connections and then Mr. Roj had issued this
25 statement in response that we are looking at, and

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2 then you gave a statement in response to Mr. Roj's
3 statement; is that correct?

4 A. That's correct.

5 Q. And so we have that in front of us,
6 Exhibit 4.

7 And so in your statement here you
8 clarified that the date may have been earlier, in
9 the first paragraph it looks like; is that
10 correct?

11 A. Yes.

12 Q. And then you mentioned, "Had I been told
13 about a gruesome video or use of force by
14 officers, I certainly would have insisted to see
15 the video myself as the council has done in the
16 past." Are you referencing there the type of what
17 we were just discussing, the fact on some
18 occasions the council had asked to see video?

19 A. Yes.

20 Q. Okay. And then you say that -- you
21 finish this by saying, "The mayor and I have very
22 different recollections of that phone call,"
23 right?

24 What do you attribute the different
25 recollections that you and the mayor have?

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2 A. I'm not able to attribute it to
3 anything, it just is what it is.

4 Q. So I wanted to ask you about an email
5 that the mayor had sent you. This is Exhibit 5
6 for this deposition.

7 So this is an email -- I don't know how
8 it's showing up on your screen. Can you see it
9 clearly, President Scott?

10 A. Yes.

11 Q. Very good.

12 So this is an email that was sent from
13 Mayor Warren to yourself on September 6, and she
14 says, "Below is the information you requested."

15 And then what she has forwarded you --
16 well, we can start from the bottom.

17 What she has forwarded you is the
18 mayor's exchanges with Chief Singletary on
19 August 6.

20 So the first email in the chain is that
21 the mayor emails Chief Singletary and she says
22 that she has met with you this afternoon, meaning
23 the deputy mayor and corporation counsel, and
24 she's outraged by the conduct and attitude of
25 Officer Vaughn. Do you remember reviewing this

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2 email that the mayor sent to Chief Singletary on
3 August 6?

4 A. Yes.

5 Q. Okay. So it looks like on August 6 --

6 A. I don't think we got it then, did we?

7 Q. No, no. So right now this is from Mayor
8 Warren to Chief Singletary sent at 12 a.m. on
9 August 6th about a meeting that looks like it
10 occurred on August 5th, earlier on that Wednesday.

11 And then he responds. He gives a long
12 email back to Mayor Warren on August 6th. Okay?

13 And then a month later after --

14 A. After.

15 Q. -- after this incident has become
16 public, Mayor Warren forwards this exchange to you
17 on September 6, and she says, "Below is the
18 information you requested." Are you oriented to
19 sort of what the document is now?

20 A. Yes.

21 Q. Okay. Why did you ask Mayor Warren to
22 forward you this information on or around
23 September 6?

24 A. I think it was more a question of
25 advising what were the steps taken. How did this

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2 transpire. What was done in relation to this
3 incident. To provide us additional context and
4 background and knowledge of what the police
5 department did.

6 Q. So when I was looking at this, I was
7 struck by the fact that Mayor Warren had sent
8 this, you know, quite upset email to Chief
9 Singletary on August 6. This would have been
10 either after she had spoken to you -- I'm sorry.
11 This would have been before she spoke to you on
12 August 6 or August 8.

13 Do you remember the tone of the
14 conversation reflecting any of this emotion that
15 is in this email from Mayor Warren to Chief
16 Singletary on August 6th?

17 A. I don't, and I tell you, the more I look
18 at this, and the more I think about this in these
19 months, I just don't understand how our -- I can
20 only -- maybe I'm misremembering -- maybe --
21 because I didn't get that. I didn't -- I don't
22 remember getting that, and clearly there was that
23 kind of intensity present.

24 Q. Right. Because in this email she talks
25 about how she's outraged. You know, she's very

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2 greatly concerned. She's insisting on certain
3 things. She's saying certain things are
4 unacceptable. So this is quite an intense email,
5 right?

6 A. Right.

7 Q. And then after this email is sent,
8 either within 24 hours or maybe a day or two
9 later, you and she have this conversation that you
10 both remember differently, right?

11 A. Uh-hum.

12 Q. So I just wondered if looking at this
13 email, which was somewhat contemporaneous to your
14 conversation, might jog your memory a bit about
15 what was discussed.

16 A. No.

17 Q. Okay. Did you, President Scott, did you
18 happen to -- you know, some of us confide in a
19 partner or spouse about things that are going on
20 at work sometimes even if, you know, it's a
21 confidential matter.

22 Did you confide in any family members or
23 anybody in your life outside your professional
24 world about your conversation with Mayor Warren?

25 A. I don't, and I didn't.

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2 Q. Okay. And have you and Mayor Warren
3 subsequently discussed your differing
4 recollections of this call?

5 A. Only at the meeting that we had in early
6 September when there were two meetings of council
7 members and we met in groups of three. And,
8 again, we had the "Yes you did know. No I didn't.
9 Yes you did," we did that kind of conversation.

10 Q. Okay.

11 A. I just -- I don't. And it's troubling
12 to me because I don't recall it, I don't recall
13 this, but -- I don't know. But we didn't have any
14 other conversations after that.

15 Q. So other than the kind of similar back
16 and forth to what we looked at in the text
17 exchanged between you two, you didn't have any
18 further discussion?

19 A. Right.

20 THE WITNESS: Excuse me, let me just
21 close my door.

22 MS. ROSENFELD: Of course.

23 THE WITNESS: All right.

24 Q. So I think just for purposes of our
25 investigation what would be helpful to understand

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2 is, what were the possible actions that you as
3 city council president would have taken in August
4 either 6 or 8 had you been informed at that time
5 that this involved a use of force and restraints?

6 A. I would have asked to view the video and
7 advise the council members of same.

8 Q. In your experience, is the fact that
9 there was a notice of claim filed, does that pose
10 any obstacle to the city council reviewing
11 information relating to the underlying incident?

12 A. Not that I'm aware of.

13 Q. Okay. Have there been times where the
14 city council has asked to review information that
15 relates to a pending investigation by the police
16 department?

17 A. Yes.

18 Q. Are you thinking of a specific incident
19 or in general?

20 A. Specifically there have been a couple of
21 notable instances where we've done that.

22 Q. Can you give me one of those examples or
23 both?

24 A. Ricky Bryant. Christopher Pate.

25 Q. So with Mr. Bryant the city council

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2 asked to review what information about that
3 incident?

4 A. We listened to or got a transcript, I
5 can't remember exactly how we got that. But we
6 reviewed material that covered the call that came
7 in, so must have listened to that tape or
8 something, or someone had called with a
9 description of a person. And I don't remember
10 what other, what other material, but we did see
11 enough to make us question why the police would
12 have taken on that individual in that manner when
13 as much as the description didn't really fit what
14 the caller had said anyway.

15 Q. And the city council's investigation
16 into Mr. Bryant's incident with the police
17 occurred while the police department itself was
18 also looking at that incident; is that correct?

19 A. I believe that there were -- I think
20 they had already concluded their initial review.

21 Q. Okay. So in that case Mr. Bryant had a
22 bone in his eye broken by the police --

23 A. Yeah.

24 Q. -- is that the case that we're talking
25 about?

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2 A. Yeah. I think his orbital socket or
3 something.

4 Q. So the city council listened to some
5 recordings of the 911 call that came in and
6 perhaps reviewed some other information to gain
7 your own understanding of why the police had
8 reacted to this incident in this manner; is that
9 right?

10 A. Yes.

11 Q. Okay. And were you ever told, was the
12 city council ever told that it could not review
13 information because the police department had a
14 pending investigation?

15 A. No.

16 Q. Okay. There was no impediment to your
17 review based on whatever the police might be doing
18 internally; is that right?

19 A. Right.

20 Q. Okay. And then you mentioned Mr. Pate,
21 Pat Pate; is that right?

22 A. Yeah, Christopher Pate.

23 Q. And so what did the city council review
24 in Mr. Pate's -- with Mr. Pate's situation, do you
25 recall?

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2 A. Reviewed camera, body-worn camera for
3 that.

4 Q. Okay. And do you know whether there was
5 a pending police investigation into the incident
6 at the same time that the council was conducting
7 its review?

8 A. I think there was for that one. Because
9 that came to our attention immediately because it
10 went up on social media. We were requesting the
11 camera footage.

12 Q. Okay.

13 A. So it couldn't have been completed with
14 their review.

15 Q. Okay. And do you recall the police
16 department ever saying to the city council that
17 the city council couldn't review information in
18 the Pate case because of the police department's
19 investigation?

20 A. I don't recall that.

21 Q. Okay. So for Mr. Pate and Mr. Bryant,
22 is it correct to say that both of those incidents
23 were publicly disclosed and that led the council
24 to conduct an inquiry?

25 A. Yes.

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2 Q. So in a certain way the Daniel Prude
3 incident was unusual -- well, not unusual.

4 In a certain way the Daniel Prude
5 incident was different because no member of the
6 public had caught any of the -- well, actually,
7 withdrawn.

8 Are you aware that there was certain
9 Facebook postings that were made about the
10 incident with Mr. Prude at the time that he was
11 interacting with the police?

12 A. No. The first indication I saw of that
13 was when the family -- this was the family that
14 had put that up.

15 Q. Okay.

16 A. That was like September.

17 Q. Okay. So you spoke a little bit about
18 how the vice president of the city council has
19 certain obligations with respect to public safety
20 and oversight for these kinds of incidents.

21 What is the city council's role -- for
22 example, in the Pate or in the Bryant incidents --
23 in terms of oversight of the police department?

24 A. It's more just sort of pressing for
25 response, change, transparency. Because we don't

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2 directly have authority over the police. We can't
3 give them orders about changing their policies and
4 practices, we can just put up a lot of heat.

5 Q. And what about the law department, have
6 there been times where the law department has
7 briefed the city council about a particularly high
8 profile or sensitive notice of claim in your
9 experience?

10 A. Occasionally we have meetings where the
11 corporation counsel will go over outstanding
12 claims that have large, significant impacts in
13 terms of the amount.

14 Q. What would be the kind of context of
15 such a meeting with the council and corporation
16 counsel?

17 A. Not necessarily in response to something
18 that's in the public purview but perhaps as it's
19 getting close to a settlement or something and it
20 would go over what the -- what it was going to
21 look a like and what that impact was. Because
22 there was a fund, a resource that we pay those
23 things out of. And when they're very large
24 amounts, I guess, the corporation counsel would
25 sit and say, "We've got these three coming up and

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2 these are pending," it was that kind of thing.

3 Q. Does the city council have to approve
4 settlements made by the corporation counsel in any
5 way?

6 A. No.

7 Q. So when you say "we have a reserve or a
8 fund," what do you mean?

9 A. Within the context of the operating
10 budget, everything is in a line, it's in a budget
11 line.

12 Q. I see. So it was more of a sort of
13 courtesy notification to the council about the
14 status of funds on that budget line for
15 settlements of lawsuits?

16 A. Yes.

17 Q. So in this case where the mayor had
18 informed you in August that a notice of claim was
19 filed involving the death of somebody in some
20 manner, would you have expected to receive
21 information from the corporation counsel also?

22 A. Not at that time necessarily. There's
23 quite a gap often between the time the lawsuit is
24 filed and certainly between the amount that's in
25 the initial claim and what the settlement becomes.

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2 Q. Sure. And so in this case it appears
3 that there were settlement discussions or some
4 discussions about monetary amounts between the
5 corporation counsel and the family of Mr. Prude.
6 Would you have expected the city council to be
7 briefed about the incident before those type of
8 discussions were held?

9 A. No.

10 Q. So when you say that there have over the
11 years been meetings between the city council and
12 the corporation counsel about a sort of
13 significant set of claims to be paid or something
14 like that, was that just on an ad hoc basis?

15 A. Yes.

16 Q. So in the event that there was a
17 settlement paid to the Prude family or to the
18 family of anyone else who filed a notice of claim,
19 the city council may or may not be informed; is
20 that correct?

21 A. Right.

22 Q. Okay.

23 A. The one, that meeting with the lawyer,
24 with our corporation counsel, it's like there was
25 a settlement for almost a million dollars for

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2 Betty somebody some years ago. It was that kind
3 of thing, you know, when you've had a couple of
4 those great big ones and we would -- they would
5 talk to council and let us know that that was the
6 settlement amount. And in the course of that
7 there might be information about others that may
8 have large amounts, but nothing, not a lot of
9 million-dollar ones but certainly some significant
10 sums.

11 Q. Okay. So with respect the incidents
12 involving Mr. Pate and Mr. Bryant, did the council
13 hold any kind of public hearings or take any kind
14 of official action with regard to either of those
15 incidents?

16 A. Short of expressing our extreme
17 displeasure on the way that had been handled with
18 the officers involved, no, and it wasn't a public
19 hearing.

20 Q. Are you aware from your experience in
21 the leadership of city government of the practice
22 by the Rochester Police Department in making
23 public certain significant events that happen
24 between the police and members of the public?

25 A. I'm sorry, would you repeat that?

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2 Q. Yeah, I think I asked it in a very
3 confusing way.

4 Is there ever a situation in your
5 experience where the police department would come
6 forward and announce proactively that there had
7 been a significant event involving the police and
8 a member of the public such as an altercation, a
9 shooting, something like that?

10 A. Not in my recollection. And, in fact, I
11 had encouraged one of the chiefs to be more
12 proactive, especially with social media. Because
13 the police department was taking it on the chin.
14 People had the word whether they put it out there
15 or not, so the police department needed to be at
16 the forefront of just acknowledging what everybody
17 knew so that it would not look like we were
18 hiding. So that was a conversation I had, but I'm
19 not sure it happened.

20 Q. Did you ever discuss that with Chief
21 Singletary?

22 A. It wasn't with Singletary, it was with
23 Ciminelli.

24 Q. Okay. So, President Scott, I only have
25 a few more questions and then we'll take a short

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2 break and then we'll be fully done.

3 I just wanted to go back to what you
4 said earlier about the EO, the executive order
5 process.

6 It sounds like this was the first time
7 to your knowledge that the attorney general had
8 exercised its authority under the executive order
9 to take over an investigation regarding a death in
10 police custody in Rochester; is that right?

11 A. You say "in Rochester" or involving the
12 Rochester Police Department?

13 Q. Involving the Rochester Police
14 Department.

15 A. Yeah.

16 Q. Okay. And so -- I guess I'm thinking
17 again about your conversation with the mayor.

18 Were you reluctant to press for
19 information because you were unsure about the
20 parameters of confidentiality because of the
21 attorney general's investigation and this being a
22 new process under the EO?

23 A. No.

24 Q. Okay.

25 A. No. I think it more -- it was more

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2 related to my own state of being at that time --

3 Q. Okay.

4 A. -- that I was not in really good shape
5 at that time. I think it was more me.

6 Q. Okay. Understood.

7 MS. ROSENFELD: Okay. Let's take a
8 five-minute pause and I will just look
9 through my notes and then we can come back
10 together and then conclude. Okay?

11 THE WITNESS: All right.

12 MS. ROSENFELD: Okay. Great. Thank
13 you.

14 (Whereupon, off the record.)

15 (Whereupon, resumed.)

16 BY MS. ROSENFELD:

17 Q. Okay. President Scott, just to really
18 flesh this issue out once and for all.

19 You know, I appreciate that you were ill
20 and it's hard to gauge sort of how when one isn't
21 feeling well it impacts your own memory. But you
22 had sort of indicated that perhaps the fact that
23 you were feeling unwell at the time and that you
24 were in bed dealing with a personal health issue
25 may have impacted your recollection of these

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2 events, and I wanted to ask you about that.

3 Were there other kind of work-related
4 issues or calls around early August that you have
5 a sort of hazier recollection of or is this phone
6 call the only one?

7 A. No, I wouldn't, I wouldn't know whether
8 it was hazy, I mean, because no one is asking me
9 about it.

10 Q. Right.

11 A. So I don't, I don't, that's my answer.

12 Q. Okay. So I guess I'll just leave the
13 question open for you to sort of answer in the
14 best way that you can.

15 Thinking about how you were feeling at
16 that time and then imagining that the mayor had
17 informed you that you were -- you know, that there
18 had been a death-in-custody and that there was a
19 very upsetting video that depicted somebody being
20 restrained by the police that had led to their
21 death, do you think that your illness would have
22 impaired your ability to remember that
23 conversation or do you think that you still would
24 remember such a conversation?

25 A. I can't, I just can't imagine that I

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2 would not have reacted strongly upon hearing that.
3 Having said that, I can't imagine that she -- I
4 don't know. I just don't know.

5 Q. You can't imagine that Mayor Warren is
6 being untruthful, is that what you were going to
7 say?

8 A. Yes. I've never known her to be.

9 Q. I understand. But knowing yourself and
10 thinking about that conversation where somebody is
11 telling you that, you know, there's been this very
12 dramatic and upsetting use of force against an
13 unarmed person, you think, knowing yourself, it's
14 likely that you would have reacted to that?

15 A. I would think so, yeah.

16 MS. ROSENFELD: Well, these are
17 difficult questions and I appreciate very
18 much your time today, President Scott.

19 Thank you.

20 We are, you know, continuing with the
21 work of the investigation, as you know, and
22 it's very helpful to have your thoughts.

23 MR. CELLI: Thank you, President
24 Scott.

25 THE WITNESS: Thank you for your work

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2 on this.

3 MS. ROSENFELD: Thank you.

4 MR. CELLI: Thank you, Tina.

5 MS. SCIOCCHETTI: Thank you.

6 MS. ROSENFELD: Thank you everybody.

7 Tina, I'll send you the exhibits right
8 now.

9 (Whereupon, off the record.)

10 (Whereupon, remote deposition
11 adjourned 2:39 p.m.)

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C E R T I F I C A T E

I, JOSEPHINE H. FASSETT, a Certified Court Reporter, Registered Professional Reporter, and Notary Public within and for the State of New Jersey and New York, do hereby certify that the witness, whose virtual remote deposition is hereinbefore set forth, was first duly sworn by me on the date indicated, and that the foregoing virtual remote deposition is a true and accurate record of the testimony given by such witness.

I FURTHER CERTIFY that I am not employed by nor 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 subscribed my hand this 19th day of December 2020.

JOSEPHINE H. FASSETT, CCR, RPR
CCR License No. 30XI00098400
NCRA License No. 32148
New Jersey Notary Public
New York Notary Public

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CERTIFICATION OF WITNESS

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I, LORETTA SCOTT, hereby certify that I have read the transcript of my testimony taken under oath in my virtual remote deposition of December 10, 2020, and that the transcript is a true, complete and accurate record of my testimony, and that the answers on the record as given by me are true and correct, subject to the corrections, if any, shown on the attached page.

LORETTA SCOTT

Subscribed and sworn to before me this _____ day of _____, 2020.

Notary Public State of

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