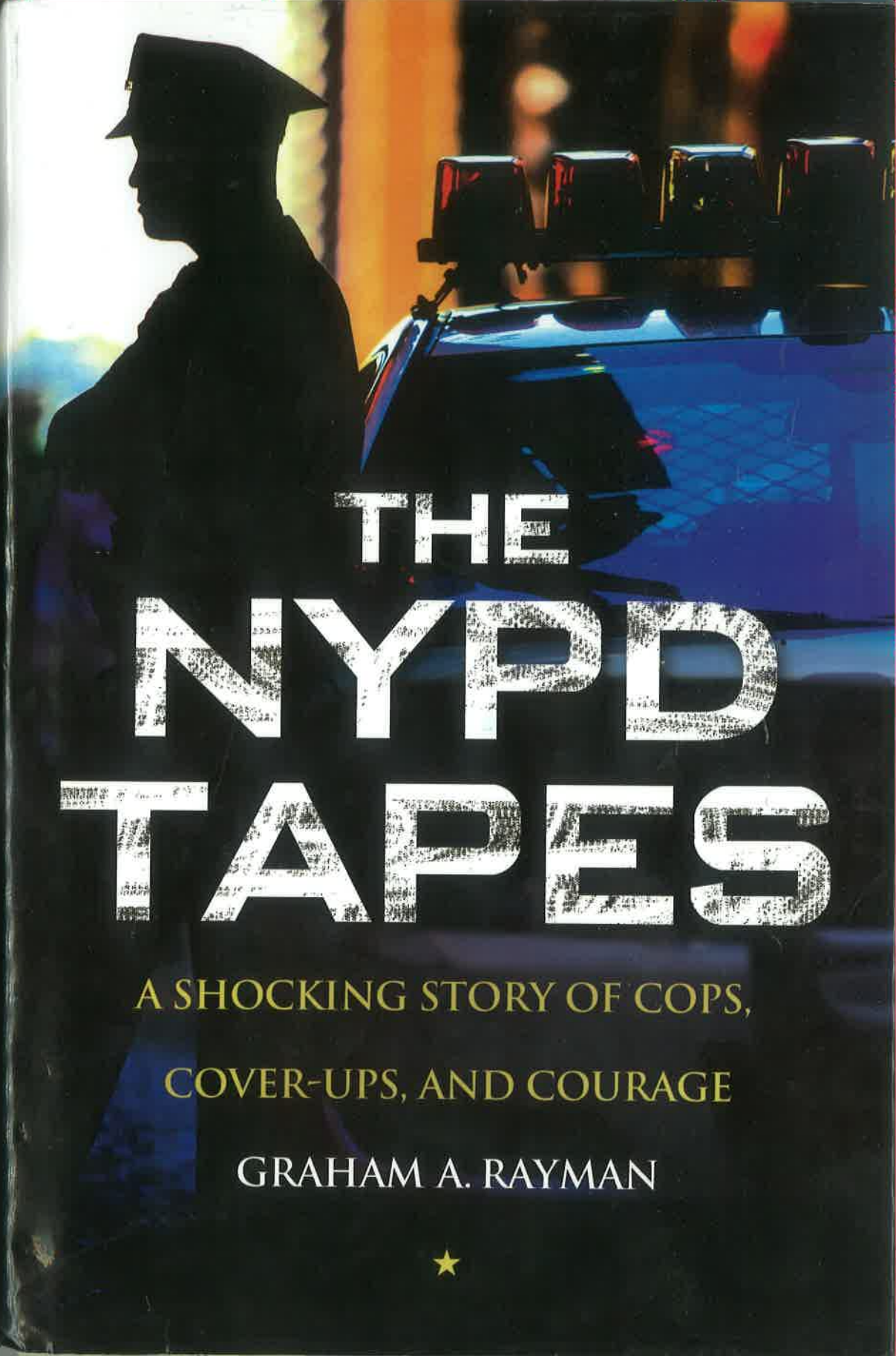


EXHIBIT H

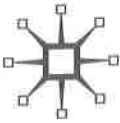


THE
NYPD
TAPES

A SHOCKING STORY OF COPS,
COVER-UPS, AND COURAGE

GRAHAM A. RAYMAN





THE NYPD TAPES
Copyright © Graham A. Rayman, 2013.

All rights reserved.

First published in 2013
by PALGRAVE MACMILLAN®
in the United States—a division of St. Martin's Press LLC,
175 Fifth Avenue, New York, NY 10010.

Where this book is distributed in the UK, Europe, and the rest of the world,
this is by Palgrave Macmillan, a division of Macmillan Publishers Limited,
registered in England, company number 785998, of Houndmills,
Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan is the global academic imprint of the above companies
and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States,
the United Kingdom, Europe, and other countries.

ISBN 978-0-230-34227-9

Library of Congress Cataloging-in-Publication Data

Rayman, Graham A.

The NYPD tapes / by Graham A. Rayman.

pages cm

1. Schoolcraft, Adrian. 2. Police corruption—New York (State)—New York—
Case studies. 3. Police—New York (State)—New York—Case studies. I. Title.

HV8148.N5R39 2013
363.209747'1—dc23

2013009901

A catalogue record of the book is available from the British Library.

Design by Newgen KnowledgeWorks

First edition: August 2013

10 9 8 7 6 5 4 3 2 1

Printed in the United States of America.

Meyer's lieutenant, Leighton Myrie, concurred. "P.O. Schoolcraft is a competent member of the 81st Precinct. His disposition is consistently courteous and we expect great things from P.O. Schoolcraft in the future."

By the end of 2005, crime in the 81st Precinct had dropped by 3.5 percent. Commissioner Kelly had sent Impact cops to the area for six months to patrol what was known as the Fulton-Nostrand Avenue business district and then ordered another six-month stint. Community activists started a campaign to change the neighborhood's unofficial motto from "Bed-Stuy Do or Die" to "Bed-Stuy and Proud Of It." The effort failed because the original slogan was so intertwined with the lore of the area.

In April 2006, Schoolcraft made his first formal foray into raising issues in the command, when he wrote a memo to Deputy Inspector Robert Brower about forced overtime. "This 49 is to notify you of a serious problem within the precinct, that I feel has now become a chronic safety issue. The problem that I'm reporting to you is forced overtime. Police officers are being forced to work double shifts and/or give up their regular days off, always at the last moment.

"Forced overtime is issued by department civilians who don't seem to be concerned about the safety of police officers and the public they serve. I'm also concerned that we could be violating department policy and/or state law by working so many days without a day off. I feel that this policy is leading to an increase in civilian complaints, sick days, accidents and injuries."

How the commander reacted to this memo is unclear from the record, but nothing changed. Schoolcraft was tilting at windmills.

Crime dropped in the precinct by 1.9 percent in 2006, and Schoolcraft's bosses gave him a rating of 3.5 on his performance evaluation again. The only black mark in his personnel record was that someone filed a complaint disputing a ticket that he wrote.

His father was impressed. "He was successful in the NYPD because he could deal in these weird, oppressive environments," Larry Schoolcraft said.

Though Schoolcraft was enjoying the good graces of his bosses for the moment, performance evaluations are strange documents. The reality was that much of a police officer's job involved interacting with citizens. Those interactions were difficult to quantify. How, for example, do you put a number to the fact that a cop picked up a child who had fallen off his bike, or helped an old lady cross the street, or diffused a brewing street fight

In October 2006, a new executive officer arrived in the 81st Precinct. His name was Steven Mauriello. When Mauriello was promoted to precinct commander a year later, it would spell the beginning of the end of Schoolcraft's police career.

In June 2007, Adrian had a conflict with a Lieutenant Jones over whether he was properly authorized to leave work to help his wheelchair-ridden father get home from the hospital.

Schoolcraft was so irritated by the exchange that he wrote another notarized letter to the precinct's commanding officer. In the letter, Schoolcraft alleged that Jones threatened to punish the whole shift of officers for what Schoolcraft did.

"Every violation that I usually put in the minor violations I'm writing CD's for, so you can thank somebody for that," Jones said, according to the letter. "Schoolcraft, see me when you're finished."

"This is a formal complaint regarding the conduct of Lt. Jones," Schoolcraft wrote. "His retaliatory threats were intended to create a hostile work environment for myself and other officers."

By December 2007, perhaps because he had begun questioning things, Schoolcraft's rating dropped to a 3, which was still at standards, but teetering on the edge of unsatisfactory. The precinct's crime rate dropped 1 percent.

For the year, he had made 620 radio runs, done 71 vertical patrols, written 34 tickets, written 6 C summonses, and made 9 arrests. Those numbers were lower than his 2006 totals.

In the evaluation Sergeant William Meyer wrote: "He at times needs direction or prompting to resolve problems. He at times needs extra guidance to meet goals and deadlines. He does need extra motivation to perform his assignments and meet performance goals." This is the first time his evaluation sank to pedestrian margins.

Brooklyn North Inspections arranged with TARU to set up more sophisticated video surveillance of the apartment.



At that point, surveillance had been going on for two months. The Schoolcrafts had not been idle. They finally found a reporter willing to listen to their story in Rocco Parascandola, the police bureau chief at the *New York Daily News*. Parascandola was familiar with allegations of downgrading of crime, having helped write a groundbreaking series of articles in *Newsday* on the subject in 2004. Parascandola drove up to Johnstown, conducted interviews with Adrian, and left with Adrian's documentation of individual examples of downgrading and failure to take reports. The reporter then did the difficult legwork, reaching out to the victims in the cases Adrian cited.

Schoolcraft gave Parascandola the same questionable crime reports he gave to QAD in October. The reporter was able to reach five victims who backed Schoolcraft. The rest either couldn't be located or believed police handled their complaints correctly.

"It's just not right," Schoolcraft told the *News*. "They are taking advantage of people. A lot of crime victims don't know any better."

A front-page article was published on February 2 in the *Daily News* with the headline, "Crime What Crime: Cops Probe Whistleblower's Charges Precinct Fudged Reports to Lower Stats."

Mauriello called the allegations "atrocious."

The story was finally out there.

In his on-the-record comments, NYPD spokesman Paul Browne confirmed the existence of a probe into his allegations. "We have received these complaints, and Quality Assurance has undertaken a review. These complaints are being reviewed as to whether or not this is true and whether this was done as a matter of error or intentionally," Browne told the *News*.

Browne's office confirmed that Schoolcraft was admitted to the Jamaica Hospital psych ward but declined further comment.

Parascandola quoted an unnamed source familiar with Schoolcraft's psychiatric assessment that was completed following his release from the hospital. Parascandola wrote that this source told him, "The officer is perhaps too naive and idealistic but does not appear to be unbalanced. This is not

Larry Schoolcraft said. "We lost some momentum there, but we didn't really noticed that until much later."

By October 1, the Schoolcrafts were so frustrated they were talking about firing their lawyers. "They haven't done shit for two years, and now they just want to rush everything," Larry fumed on October 1, a coolish Monday afternoon. "They want to barebones it and shove it in front of a jury. They keep saying this case is not an indictment of the NYPD, but it is."

They were also upset that Norinsberg couldn't stop Sweet from ordering Adrian to be deposed for a third time.

"It all comes down to communication," Larry said. "This case is too important."

Schoolcraft, having already been deposed once, was set to be deposed twice more on October 11 and October 25. Meanwhile, not one of the city's witnesses had been deposed by Norinsberg.

On October 14, after Adrian returned from that second deposition with the city, father and son had had enough of their lawyers. That Sunday afternoon, they sat down and drafted a letter firing Norinsberg, Fitch, and Cohen from the case.

On Thursday, November 7, Adrian finally finished editing the letter to Norinsberg into a single terse paragraph and sent it to his lawyer via certified mail. Larry gave me and Levitt, the highly regarded police reporter and author, a heads up.

Levitt, the next morning, immediately called Norinsberg and asked him for comment. Norinsberg had not yet seen the letter, and he was furious. According to Levitt's subsequent column, Norinsberg said, "The father wants us to go after Kelly [Police Commissioner Ray Kelly], Bloomberg [Mayor Michael Bloomberg], the FBI, everyone under the sun. We've had a complete communications breakdown."

"This comes completely out of the blue," Norinsberg continued, ignoring the conflict of the previous months. "Adrian has stayed in my house and we've never had a bad word. Until I hear otherwise from Adrian, I'm still representing him."

Levitt, paraphrasing, wrote that Norinsberg had told him "the Schoolcrafts' behavior has become increasingly bizarre."