

PLAINTIFF'S MOTION  
EXHIBIT 3

1 S. MAURIELLO

2 CO, and then I went to become executive  
3 officer at 81st Precinct in 2006.

4 Q. Did you consider the move from  
5 being a CO at the borough crimes unit to  
6 the XO of the eight one to be a demotion?

7 A. No.

8 Q. Lateral transfer?

9 A. No, I chose it because I want  
10 to become a commanding officer of a  
11 precinct. At the time I thought it was  
12 in line being a commanding officer at  
13 borough crime, but there were other  
14 people ahead of me I guess with less  
15 time. I wanted to go back to be an XO  
16 and earn my way back up again.

17 Q. Who were the lieutenants that  
18 reported to you when you were the  
19 commanding officer at the Brooklyn North  
20 borough crimes unit?

21 A. Lieutenant Furiello [phonetic]  
22 and Lieutenant Galazzo [phonetic].

23 Q. What about the sergeants, what  
24 were the names of the sergeants?

25 A. Smith, Zefferin [phonetic],

1 S. MAURIELLO

2 Q. Am I correct that the first  
3 time you worked with Lieutenant  
4 Delafuente is when you went to the eight  
5 one as the XO?

6 A. Yes, sir.

7 Q. Am I correct that the first  
8 time that you got to know Lieutenant  
9 Caughey was when you reported as the XO  
10 to the eight one in 2006?

11 A. Yes, sir.

12 Q. How long were you the XO at the  
13 eight one?

14 A. I believe a year.

15 Q. What was your next assignment?

16 A. Commanding officer at the 81st  
17 Precinct.

18 Q. Who made that decision?

19 A. One Police Plaza.

20 Q. You don't know who in  
21 particular had any role in that?

22 A. No.

23 Q. Do you recall the date that you  
24 became the CO?

25 A. I think December 1, 2007. I

1 S. MAURIELLO

2 Q. What about Lieutenant Caughey,  
3 when is the last time that you spoke with  
4 him?

5 A. I haven't talked to him since I  
6 left the precinct.

7 Q. What about Chief Marino, when  
8 was the last time you spoke with Chief  
9 Marino?

10 A. I think I might have seen him  
11 at a COMPSTAT a year ago.

12 Q. When was the last time that you  
13 spoke with him about the case or about  
14 the situation or about Officer  
15 Schoolcraft?

16 MS. PUBLICKER METHAM:

17 Objection.

18 A. I guess after the newspaper  
19 article, the Daily News article.  
20 February 2010 I know it came out. It was  
21 public knowledge then. We all didn't  
22 know.

23 Q. What did you discuss with Chief  
24 Marino about the Daily News article?

25 A. You know, it was that he don't

1 S. MAURIELLO

2 believe, you know, hang in there.

3 Q. Chief Marino told you he didn't  
4 believe the statements that were in the  
5 February 2010 Daily News article; is that  
6 what you're saying?

7 A. Yes.

8 Q. What were the statements that  
9 to your understanding Chief Marino was  
10 saying he didn't believe?

11 A. The whole article in general.  
12 It was a character assassination, you  
13 know, again, it wasn't -- a commanding  
14 officer being at the borough and then  
15 afterwards everybody's leaving. It was  
16 in the newspaper that day, had to go down  
17 there. Everybody read it. Everybody  
18 read the Daily News, so, you know...

19 Q. What was it about the Daily  
20 News article that cast you in bad light?

21 A. It was a two-page article. It  
22 was a front page, you know, didn't know  
23 it was coming, you know, and some of the  
24 stuff was inaccurate. I think they  
25 should have done a retraction.

1 S. MAURIELLO

2 Two of the complaints that  
3 Officer Schoolcraft brought to the  
4 attention of the quote/unquote, Daily  
5 News and QAD really had nothing to do  
6 with the 81st Precinct. It really had to  
7 do with other commands first had the  
8 opportunity to take the report. They  
9 have should have took the report.

10 Somehow I don't know anything  
11 about these incidents until I go down to  
12 QAD in May and I'm reading articles I  
13 don't know anything about these people.  
14 I never heard of this stuff, so, you  
15 know.

16 Q. I'm not sure I asked a clear  
17 question.

18 Can you tell me what is it  
19 about the February 2010 article that cast  
20 you in a negative light?

21 A. Listen, he said I was purposely  
22 misclassifying reports. We purposely  
23 were throwing them in the garbage pail.  
24 I got -- from there, you know, I got to  
25 read the report. I haven't looked at

1 S. MAURIELLO

2 that article in a long time. There's  
3 been other articles afterwards.

4 Q. When the article came out, you  
5 remember having a discussion with Chief  
6 Marino about the subject of the article,  
7 right?

8 A. Because it was a -- not only  
9 Chief Marino, there was other people.  
10 This was the front page of the Daily  
11 News. When you open up the paper, it's  
12 two pages -- my picture was in it.  
13 Officer Schoolcraft's picture in it, you  
14 know, so how you not going to talk about  
15 it. My family sees it. Everybody sees  
16 it.

17 Q. Mr. Marino?

18 A. Mr. Marino?

19 Q. Inspector Marino -- Mauriello.  
20 Two mistakes.

21 A. It wasn't me.

22 Q. Mr. Mauriello, I don't know how  
23 you want to be addressed. I will try to  
24 get it correct.

25 I understand there was an

1                   S. MAURIELLO

2       article in the Daily News with a picture  
3       of you in it. I'm sure a lot of people  
4       talked about it and you talked to a lot  
5       of people about it including your wife,  
6       kids, friends, everybody else.

7                   I'm just focussing on the  
8       conversation that you had with Chief  
9       Marino about the Daily News article, can  
10      we just stay on that?

11                  MR. KRETZ: You then asked him  
12                  what cast him in a bad light so he  
13                  told you the brief conversation with  
14                  Marino.

15                  MR. SMITH: Now we are going to  
16                  go back to the brief conversation with  
17                  Chief Marino.

18                  Q.       Can you tell me what it was  
19                  that you said to him, what it was that he  
20                  said to you?

21                  A.       If I remember, it was after  
22                  commanding officer being at the borough.  
23                  It was over. He came up to me, he said,  
24                  "Keep your head up there. I have been in  
25                  the paper before. Don't worry about it.



1 S. MAURIELLO

2 I don't believe it." That was it. I  
3 left.

4 I didn't want to interact with  
5 too many people that day because, you  
6 know, it's kind of -- especially when,  
7 you know, you do things by the book in  
8 life. I do. I base myself on honor and  
9 integrity. I was raised the right way.  
10 When you read an article with this false  
11 -- so that day I really didn't want to  
12 talk to anybody. That was it.

13 Q. Do you recall anything that you  
14 said to Chief Marino?

15 A. "Thank you." That's it.

16 Q. So is it fair to say that Chief  
17 Marino came up to you unsolicited and  
18 said, I support you, don't worry about  
19 it?

20 A. It's fair to say everybody in  
21 that room came up to me unsolicited and  
22 said they supported me. So you want to  
23 talk about 35 people in that room so not  
24 only Chief Marino, everybody in that  
25 room.

1 S. MAURIELLO

2 A. They both have to sign it.

3 MR. KRETZ: Whose handwriting is  
4 this?

5 THE WITNESS: I don't know.

6 MR. LEE: What is the Bates  
7 number?

8 MR. SMITH: 126.

9 THE WITNESS: He is asking about  
10 the signature.

11 Q. No. I was asking about the box  
12 underneath, 7, whose handwriting is that?

13 A. I don't know. I assume  
14 Sergeant Stukes.

15 Q. When was the first time at that  
16 you saw this document?

17 A. Honestly, right now.

18 Q. As of the time of this meeting,  
19 is it correct that Officer Schoolcraft  
20 said he wanted to appeal his evaluation?

21 A. Yes, I think 30 days before.  
22 He had 30 days to appeal it.

23 Q. So can you turn your attention  
24 back to Exhibit 51.

25 [Witness complying.]

1 S. MAURIELLO

2 Q. Which is the 2008 performance  
3 evaluation for Schoolcraft.

4 Do you have that from front of  
5 you?

6 A. It's 70.

7 Q. Yes, 70 through 72.

8 A. Yes.

9 Q. Do you have that document in  
10 front of you?

11 A. Uh-huh.

12 Q. This is the 2.5, right?

13 A. Yes.

14 Q. In the upper right-hand corner  
15 there is a reference to a recommendation  
16 of a transfer, what is that?

17 A. Sergeant Stukes recommended to  
18 transfer him. He wasn't taking well to  
19 instructions. I reviewed and agreed. We  
20 went with that evaluation to transfer him  
21 to another precinct.

22 Q. What happened with -- so you  
23 tried to transfer Schoolcraft?

24 A. What the evaluation says, what  
25 is your recommendation, transfer him.

1 S. MAURIELLO

2 They have an appeal board like I went the  
3 year before with people that get 2.5.

4 Chief Marino has an appeal  
5 board with borough inspectors and they  
6 bring in ICO and the CO. I guess that  
7 was the recommendation when they went in  
8 to transfer him.

9 Q. I'm not sure I understand. I  
10 will try to ask a more clear question.

11 Is that your signature on the  
12 last page of that document?

13 A. Yes.

14 Q. Did you sign this document on  
15 April 27th, 2009?

16 A. Yes. I believe I signed the  
17 document the day he appealed it, you  
18 know, we all signed it that February.

19 Q. So why is it -- is that your  
20 handwriting --

21 A. Yes.

22 Q. -- next to your signature where  
23 it gives the date 4/27/09?

24 A. Yes.

25 Q. Why did you date it 4/27/09?

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S. MAURIELLO

A. It was dated I believe back in February. When you appeal you send the evaluation over to the borough 'cause the higher borough has to do it. It was sent over to the borough. I don't know the reason why another one had to be done.

We also give Officer Schoolcraft the information to do what he had to do to write a letter. The first time he wrote a letter was September. I don't know why. This is dated April. I don't know if they lost the letter, didn't want to do it over again, whether it was dated. He signed it in the office. Everybody signed it. He's appealing it. It was well known he was going to appeal it. And we sent to the borough. It's out of my hands now.

Q. As of February 2009, the paperwork was sent to the borough?

A. Yes.

Q. As of February 2009, you were recommending to the borough that Schoolcraft be transferred; is that

1 S. MAURIELLO

2 correct?

3 A. As a reviewer, yes.

4 Q. You signed off on the request  
5 that Schoolcraft be transferred, right?

6 A. Yes.

7 Q. And that was initially a  
8 reference or a suggestion by Stukes that  
9 you agreed with?

10 A. And Delafuente.

11 Q. So both you, Stukes, and  
12 Delafuente believed that Schoolcraft  
13 should be transferred as of February  
14 2009; is that correct?

15 A. Yes.

16 Q. Why didn't that happen?

17 A. I don't know. I got a lot of  
18 other people who were transferred into me  
19 for the same evaluation so....

20 Q. You see the number 2.5 in the  
21 lower left-hand corner for overall  
22 evaluation?

23 A. Down here?

24 Q. You see that 2.5?

25 A. Yes, sir.

1 S. MAURIELLO

2 Q. How is that calculated?

3 MS. PUBLICKER METHAM:

4 Objection.

5 A. By the points, by his quarterly  
6 points added up. There is a patrol guide  
7 procedure. I forget the number that  
8 states if you have less than 40, it's 2.5  
9 or below.

10 If for any reason you have less  
11 than 40 and you get higher than a 2.5,  
12 you have to be able to justify it in the  
13 comments and performance monitoring will  
14 not take it unless you can justify why  
15 you're getting the lower points rating  
16 and you're going to give him the higher  
17 rating.

18 Q. The six and the nine that I  
19 showed you for the second and third  
20 quarter 2008, those are the two numbers  
21 that come into play in calculating this  
22 2.5; is that correct?

23 A. Yes.

24 Q. So you agree with me that since  
25 the quarterly ratings are subjective but

1 S. MAURIELLO

2 this overall rating is also subjective,  
3 right?

4 A. If you added the points up, the  
5 points come up below 40, the patrol guide  
6 procedure says below 40, you get 2.5 on  
7 top of recommendations.

8 Q. I understand that. I'm just  
9 trying to make sure I understand what is  
10 going on here.

11 Am I correct that the 2.5 is  
12 based on the quarterly evaluation  
13 numbers, right?

14 MS. PUBLICKER METHAM:

15 Objection.

16 A. Yes.

17 Q. If you get less than 40 in a  
18 calendar year, that means you get a 2.5,  
19 correct?

20 A. Yes.

21 Q. It's also correct that the  
22 quarterly evaluation numbers are a  
23 subjective assessment by the supervisors  
24 of the performance of the officer, right?

25 A. Yes.



1                   S. MAURIELLO

2           Objection.

3                   MR. KRETZ:  Objection.

4                   You may answer.

5           A.       No.

6           Q.       I'm going to show you what's  
7 being marked as the next exhibit, 57.

8                   MR. SMITH:  This was actually  
9 previously marked as 22, I don't have  
10 a 22.  Let's mark this as 57 as well.

11                   [The document was hereby marked  
12 as Plaintiff's Exhibit 57 for  
13 identification, as of this date.]

14                   This is a two-page document NYC  
15 2846 to 47.  It's a letter from James  
16 Brown to Steven Mauriello, dated March  
17 11th, 2009.

18           Q.       Have you ever seen this  
19 document before?

20           A.       Yes.

21           Q.       When did you see it for the  
22 first time?

23           A.       I guess sometime in March.

24           Q.       Of 2009?

25           A.       Of 2009.

1 S. MAURIELLO

2 Q. Did you review it when you  
3 received it?

4 A. Yes.

5 Q. Did you forward it to anybody?

6 A. Yes.

7 Q. Who did you forward it to?

8 A. I called up Chief Nelson,  
9 two-star chief of the borough. I told  
10 him I got a letter from an attorney from  
11 an officer who is appealing his  
12 evaluation. He said send it to up to the  
13 borough, let it follow up the  
14 evaluation,, and it will go to proper  
15 channels to him, and he will give it to  
16 his review board.

17 Q. How did you send this to Chief  
18 Nelson?

19 MR. KRETZ: Objection.

20 MS. PUBLICKER METTHAM:

21 Objection.

22 A. I had someone hand-deliver it  
23 to his officer in an envelope.

24 MR. SMITH: I'm going to call  
25 for the production of the copy or the

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S. MAURIELLO

original of the document that was delivered to Chief Nelson as testified by Inspector Mauriello.

MS. PUBLICKER METHAM: I

request that you make that request in writing.

I would also ask if you believe there is anything different with this copy than the original?

MR. SMITH: Well, the Witness

said there was an original letter sent but it was misplaced and then another one was sent.

MS. PUBLICKER METHAM: When --

MR. SMITH: That's my

understanding. Apparently there is some sort of file at the borough level that I haven't seen before so that's what I'm looking for.

I understand from all of the commotion, maybe I misunderstood something so that leaves me to some questions.

MR. KRETZ: He said he got the

1 S. MAURIELLO

2 letter and sent it on. That's all.

3 MR. SMITH: Let's just go back.

4 THE WITNESS: The evaluation I  
5 got was sent to the borough before the  
6 letter, the letter came after.

7 Q. Right. In February 2009 you  
8 shipped out paperwork to the borough,  
9 right?

10 A. Yes.

11 Q. Didn't you tell me that some of  
12 that paperwork got misplaced or mislaid;  
13 that's why it had to be resent?

14 A. I said I don't know why we had  
15 to do another one in April 2009 when I  
16 signed another one. That's all I said.

17 Q. Do you agree with me that the  
18 reason for having to resign all of that  
19 documentation has something to do with  
20 the fact there was not adequate  
21 documentation although there was at the  
22 time that you sent this stuff up in your  
23 view of the documentation?

24 MR. KRETZ: Objection.

25 A. Take a look in the computer

1 S. MAURIELLO

2 too.

3 MR. KRETZ: I believe they have  
4 been produced to you. I don't  
5 understand why there is a need for an  
6 original of one you got copied of.

7 MR. SMITH: I'm trying to  
8 explain why. It appears to me there  
9 was not a clear record what was  
10 transmitted to the eight one to the  
11 borough relating to this appeal. If  
12 you're telling me you produced  
13 everything, fine.

14 MS. PUBLICKER METTHAM: My  
15 question is: Do you believe there is  
16 a difference between the original and  
17 the copy that you have been produced?

18 MR. SMITH: I know there is.  
19 This one has an ICO fax transmittal  
20 sheet on it showing this was  
21 photocopied.

22 MS. PUBLICKER METTHAM: Sent to  
23 IAB.

24 MR. SMITH: Right, so there is  
25 another copy hand-delivered according

1 S. MAURIELLO

2 to the borough and there is probably a  
3 file in the borough.

4 MS. PUBLICKER METHAM: Well, it  
5 --

6 MR. SMITH: Let me finish if you  
7 want me to answer your question.

8 There is probably a file in the  
9 borough pertaining that to appeal and  
10 I want a copy of it.

11 MS. PUBLICKER METHAM: That's  
12 been produced. I also state that what  
13 you just said are not mutually  
14 exclusive facts, that there is a  
15 document in the file and the copy we  
16 have has a fax number from the ICO  
17 which was sent to IAB.

18 MR. SMITH: All right. I don't  
19 want to waste anymore time.

20 Q. You called Chief Nelson and  
21 told him you got this letter, right?

22 A. Right.

23 Q. And he told you to send it on  
24 up and you sent it on up, right?

25 A. Yes.

1 S. MAURIELLO

2 Q. Did you have any discussions  
3 with anybody else about this letter?

4 A. No.

5 Q. Did you talk to anybody at the  
6 eight one who reported to you about this  
7 letter?

8 A. Not that I recall, no.

9 Q. So all of these guys who you  
10 met at the appeal meeting, you didn't  
11 tell them about this letter?

12 A. I don't recall.

13 Q. You don't remember?

14 A. No, I don't.

15 Q. The first paragraph of the  
16 letter says that they are writing this  
17 because of the two five that Officer  
18 Schoolcraft got, and we have been asked  
19 by our client to assist him with his  
20 pending appeal. Do you see that?

21 A. Yes.

22 Q. When you got this letter in  
23 March 2009, you believed there was a  
24 pending appeal and it had been shipped up  
25 to the borough, right?

1 S. MAURIELLO

2 A. Yes.

3 Q. There is also a reference in  
4 the next paragraph to, quote, it is our  
5 understanding, referring to Officer  
6 Schoolcraft's lawyers, it's our  
7 understanding that a final decision from  
8 command has not yet been rendered.

9 Do you have any understanding  
10 as to what that is in reference to?

11 MS. PUBLICKER METHAM:

12 Objection.

13 A. It's an appeal that could be  
14 overturned by the borough. That's what  
15 he's trying -- that's why they are  
16 appealing.

17 Q. In the next page of this  
18 document, the first full paragraph, the  
19 lawyer for Schoolcraft says that they are  
20 concerned that the two five negative  
21 evaluation he got related to the number  
22 of arrests and summonses that he issued.

23 Do you see that reference?

24 A. Yes, sir.

25 Q. Is it fair to say that's an



1 S. MAURIELLO

2 MR. SMITH: Mark the next  
3 exhibit as Exhibit 58.

4 [The document was hereby marked  
5 as Plaintiff's Exhibit 58 for  
6 identification, as of this date.]

7 MR. SMITH: I have multiple  
8 copies of Exhibit 58.

9 This for the record is a  
10 one-page document NYC2626. It's a  
11 memo from Officer Schoolcraft to  
12 Deputy Inspector Mauriello dated  
13 September 2, 2009.

14 Q. Have you ever seen this  
15 document before, Inspector?

16 A. Yes.

17 Q. When did you see it for the  
18 first time?

19 A. Sometime in September.

20 Q. Of '09?

21 A. '09, yeah. Sorry.

22 Q. Did you review it when you  
23 received it?

24 A. I was kind of surprised because  
25 the evaluation was in February. If he

1                   S. MAURIELLO

2       wanted to appeal it, I figure he sent a  
3       letter already up. Now it's September.  
4       I was a little taken aback by this.

5           Q.       You were taken aback because  
6       you believed that Officer Schoolcraft  
7       wanted to appeal this in February '09,  
8       right?

9           A.       That's what the patrol guide  
10      states, that's what he said. We gave him  
11      the patrol guide and he's supposed to --  
12      within 30 days he was supposed to send it  
13      up to the borough above us for the appeal  
14      so I thought it was already taken care  
15      of. I don't understand this.

16          Q.       What was it that you gave  
17      Officer Schoolcraft that would lay out  
18      his appeal process?

19          A.       I believe that Lieutenant  
20      Mascol handed him over how to appeal an  
21      evaluation. He handed that document over  
22      and also a document of the patrol guide  
23      where the points add up to what your  
24      score is.

25          Q.       Is the document about how to

1 S. MAURIELLO

2 appeal an evaluation, is that a patrol  
3 guide procedure?

4 A. Yes.

5 Q. And at the appeal meeting, you  
6 saw Lieutenant Mascol hand Officer  
7 Schoolcraft copies of those procedures?

8 A. Yes. You can actually hear it.  
9 He was reading it off. You hear him.

10 Q. Because you listened to the  
11 tape recording and you are telling me you  
12 can actually hear it being done. I  
13 understand that.

14 My question is: You actually  
15 saw Mascol do that, hand the patrol guide  
16 procedure to Schoolcraft; is that right?

17 A. Yes.

18 MS. PUBLICKER METTHAM: For the  
19 record it's Mascol?

20 MR. SMITH: Thank you.

21 THE WITNESS: Mascol.

22 M-A-S-C-O-L. You thought it was a W.

23 MR. SMITH: I don't think  
24 anymore. It's almost five.

25 Q. When you got this letter, you

1 S. MAURIELLO

2 were surprised to get it because you  
3 thought he already had taken the steps  
4 necessary to appeal his evaluation?

5 A. Yeah. The patrol procedure  
6 says within 30 days you have to send it  
7 up.

8 Q. What did he have to do other  
9 than check the little box in the  
10 performance evaluation to appeal it?

11 A. I believe, if you have it front  
12 of you, the patrol guide says he has to  
13 write a letter to the borough saying he's  
14 appealing it.

15 Q. And the little box is  
16 insufficient?

17 A. The patrol guide procedure says  
18 you are supposed to send a letter up  
19 there so it wasn't.

20 Q. Do you know what happened to  
21 his appeal?

22 A. Sent to the borough.

23 Q. What did they do with it?

24 A. I thought they already came up  
25 with something. I don't know.

1 S. MAURIELLO

2 Q. You have no idea what happened?

3 A. I don't know why he waited five  
4 months to send it too.

5 Q. I didn't ask you that question.

6 A. I don't know what happened with  
7 the evaluation, no.

8 Q. Did you take any steps after  
9 receiving this memo?

10 A. I called up the borough, talked  
11 to Sergeant Devino, and I said, "I got  
12 something in the mail. You guys should  
13 have already have this already."

14 THE REPORTER: Sergeant?

15 THE WITNESS: Devino.

16 MS. PUBLICKER METTHAM:

17 D-E-V-I-N-O.

18 Q. Who is Sergeant Devino?

19 A. I think the personnel sergeant.  
20 I think she handles the stuff for the  
21 chief, appeal for Chief Marino or Chief  
22 Silks, one of the two.

23 Q. Devino reports to Silks and  
24 Marino?

25 A. Actually, she reports to

1 S. MAURIELLO

2 Nelson, but when she's the personnel  
3 sergeant on that side when it comes to  
4 appeals, she goes to one of those two  
5 other chiefs handling those appeals.

6 Q. When you called up Devino, what  
7 did she tell you?

8 A. She said, "They have it."

9 Q. They have what?

10 A. They have the evaluation, his  
11 appeal.

12 Q. So --

13 A. I don't --

14 Q. -- you took that to mean that  
15 Schoolcraft did take the steps necessary  
16 to appeal it, right?

17 A. I took it they have the  
18 evaluation that you said you don't know  
19 where it went, they had it.

20 Q. Let's back up. You got this  
21 memo, you said to me you were surprised  
22 because he had already taken steps to  
23 appeal it, right?

24 A. Yes.

25 Q. You contacted Sergeant Devino,

1 S. MAURIELLO

2 A. No.

3 Q. So you didn't discuss it with  
4 anybody at the appeal meeting?

5 A. The appeal meeting was back in  
6 February '09. This is September '09.  
7 This is five months before this.

8 Q. Five months after this?

9 A. This is after. Everybody in  
10 the appeal meeting heard he wanted to  
11 appeal. There was nothing to discuss  
12 about it. He said he wanted to appeal.  
13 They told him what to do. This is five  
14 months later. After.

15 Q. Did you ever discuss Officer  
16 Schoolcraft's appeal with Chief Marino?

17 A. I think there came a time we  
18 did talk.

19 Q. When was that?

20 A. I think right after when he  
21 appealed it.

22 Q. When was that?

23 A. February or beginning of March.

24 Q. What did you discuss?

25 A. Officer appealing his

1 S. MAURIELLO

2 evaluation part of the 2.5. I said, "We  
3 think he might need a change of scenery  
4 to benefit him. He seems not to be happy  
5 in the 81st Precinct. He doesn't take  
6 well to his supervision. We think maybe  
7 he can go to Greenpoint, nine four  
8 precinct, may be better for him, maybe he  
9 will like the work over there better."

10 Q. What did Chief Marino did?

11 A. He will look into it.

12 Q. Did you have any other  
13 discussions with Chief Marino about the  
14 appeal?

15 A. No.

16 Q. Do you recall any discussions  
17 that you ever had with Chief Marino about  
18 Officer Schoolcraft other than that one?

19 A. No. The night of.

20 Q. The Halloween night?

21 A. Halloween night.

22 Q. Other than this discussion  
23 about the appeal and other than Halloween  
24 night discussions, you never had any  
25 other discussions with Chief Marino about



1 S. MAURIELLO

2 mind that Officer Schoolcraft had been  
3 tape recording at the eight one?

4 MR. KRETZ: Objection.

5 A. No. On the appeal meeting if  
6 you listen to the tape, Sergeant Weiss  
7 asked him, "Are you tape recording this?"  
8 when it was all over. At no time did I  
9 think an officer would be tape recording  
10 a fellow officer, so no.

11 Q. You would agree with me there  
12 were some individuals at the February  
13 appeal meeting that believed that Officer  
14 Schoolcraft was taping, right?

15 MR. KRETZ: Objection.

16 MS. PUBLICKER METTHAM:  
17 Objection.

18 A. He kept saying, "What is the  
19 number? What's the standard?" So we  
20 didn't understand what he meant by that.

21 Q. I understand that. But my  
22 question to you is: At the conclusion of  
23 that meeting, you understood that certain  
24 members of the service who participated  
25 in that meeting believed that Officer

1 S. MAURIELLO

2 Q. At that PG or meeting, Chief  
3 Marino and Brooklyn North investigations  
4 personnel were there, right?

5 A. Captain Lauterborn, yes.

6 Q. Captain Lauterborn, you, and  
7 other people, correct?

8 A. That was about it.

9 Q. That was in the context of that  
10 meeting that the subject of Officer  
11 Schoolcraft having a tape recorder came  
12 up?

13 A. Yes, along with complaint  
14 reports and calling a criminal.

15 Q. Inspector, when was the first  
16 time that you became aware that QAD was  
17 doing any kind of investigation of the  
18 eight one?

19 A. I believe there was a telephone  
20 message near the end of October calling  
21 down two cops to QAD.

22 Q. How did you become aware of  
23 that telephone message?

24 A. I believe my crime analysis  
25 sergeant asked me what this is about.

1 S. MAURIELLO

2 Q. Who is your crime analysis  
3 sergeant?

4 A. Sergeant Seymour [phonetic].

5 Q. What did you tell Sergeant  
6 Seymour?

7 A. I said, "Let me make a phone  
8 call over there."

9 Q. Who did you call?

10 A. I spoke to Inspector Cronin,  
11 who is now Chief Cronin.

12 Q. What did Cronin tell you?

13 A. I just asked her, "There is a  
14 telephone message here. Anything I  
15 should worry about?" She said,  
16 "Anonymous letter. They're going to  
17 investigate. No big deal."

18 Q. She didn't tell you what the  
19 investigation was about?

20 A. Nope.

21 Q. Did she tell you anything about  
22 the investigation?

23 A. No, she didn't.

24 Q. Was there a time before that  
25 conversation that you had with somebody

1 S. MAURIELLO

2 at QAD where you suspected that maybe QAD  
3 was with doing an investigation into the  
4 eight one?

5 A. No.

6 Q. So the first hint that you had  
7 of any kind of QAD investigation at the  
8 eight one was sometime near the end of  
9 October when a crime analysis sergeant  
10 brought to your attention the fact there  
11 were these phone messages, right?

12 A. Yeah, telephone messages.  
13 That's the first.

14 Q. Do you know what day that was,  
15 whenever that came down?

16 A. It had to be whenever it came  
17 down. Whenever I was working. I don't  
18 know if I was at PMI or whenever I first  
19 went back.

20 Q. Who were the officers being  
21 called down?

22 A. I think Deck [phonetic] and  
23 maybe Santana.

24 Q. When were you at PMI that  
25 month?

1 S. MAURIELLO

2 in?

3 A. They went in first. Chief  
4 Marino was behind them. Myself and Teddy  
5 walked in. It's a small apartment.  
6 Chief told me to handle it so myself and  
7 Captain Lauterborn walked around  
8 everybody into a small room where he was  
9 sitting on the bed. He was sitting up on  
10 the bed. And I said, "Adrian, what  
11 happened today? We were all worried  
12 about you."

13 Q. Let me just interrupt you if  
14 you don't mind, Inspector. Who was in  
15 the apartment at this time?

16 A. The three ESU, the chief,  
17 myself, the captain, Lauterborn, the  
18 investigations unit, and I think  
19 Lieutenant Brosschart.

20 Q. Ten people; is that right?

21 A. I guess so.

22 Q. Well, let's, I want to nail  
23 this down if you don't mind.

24 There was three ESU people?

25 A. Uh-huh, yes.

1 S. MAURIELLO

2 Q. Marino?

3 A. Yes.

4 Q. Captain Lauterborn?

5 A. Yes.

6 Q. And three people from Brooklyn  
7 investigations?

8 A. Yes.

9 Q. And Lieutenant Brosschart?

10 A. Yes.

11 Q. And yourself?

12 A. Yes.

13 Q. Anybody else?

14 A. I think people, EMS might have  
15 been in the hallway or downstairs, I  
16 don't know.

17 Q. But those ten people including  
18 yourself were in Officer Schoolcraft's  
19 apartment when you were speaking to him  
20 in front of his bed, right?

21 A. As far as I know, yes.

22 Q. Then what happened?

23 A. Myself and Captain Lauterborn  
24 was in his bedroom which connected to the  
25 room when you first walked in. I said,

1 S. MAURIELLO

2 Q. Is that your voice, Inspector  
3 Mauriello, saying that the last you saw  
4 Officer Schoolcraft was back at the  
5 precinct and you were worried about him?

6 A. Yes, we were all worried about  
7 your safety and wellbeing.

8 MR. KRETZ: That's your voice?

9 Q. That's your voice, right?

10 A. Yes.

11 MR. SMITH: I'm going to play  
12 the recording at 2.48.

13 [Whereupon, a recording is  
14 playing.]

15 Q. Did you just hear that part of  
16 the tape which says, "Well, you're gonna  
17 come back to the precinct with us"?

18 A. Yes.

19 Q. Was that your voice?

20 A. Sounded like me, yes.

21 Q. Do you have any reason to think  
22 that wasn't you?

23 A. Who knows if he spliced tapes,  
24 I don't know.

25 Q. You can speculate about a lot

1 S. MAURIELLO

2 of things.

3 Sitting here today, I'm asking  
4 you whether you have any reason to  
5 believe that wasn't your voice?

6 A. That's my voice.

7 Q. So you did tell Officer  
8 Schoolcraft, "Well, you're going to come  
9 back to the precinct with us"; isn't that  
10 right?

11 A. Yes.

12 Q. So playing that piece of the  
13 recording refreshes your recollection  
14 about that; is that fair to say?

15 A. Yes, it does, sir.

16 Q. Why did you tell Officer  
17 Schoolcraft that he was going to come  
18 back to the precinct with you?

19 A. Because he left the precinct.  
20 It was discussed with Chief Marino he was  
21 there and he was AWOL. We were making  
22 sure he didn't hurt himself. He left the  
23 precinct without permission so....

24 Q. Is there some provision in the  
25 patrol guide that authorized you to go



1 S. MAURIELLO

2 into Officer Schoolcraft's home and order  
3 him to return to the precinct because he  
4 was absent without leave?

5 MR. KRETZ: Objection.

6 MS. PUBLICKER METHAM:

7 Objection.

8 A. First of all, we went to the  
9 house to make sure he didn't hurt  
10 himself. You hear me saying that on the  
11 tape. So that was the reason. We're  
12 making sure he was all right. We're  
13 worrying he had his gun and shield taken.  
14 We don't know what's the reason for. He  
15 don't answer the phone. He doesn't  
16 answer anybody's phone calls. He was not  
17 answering the door when they're knocking  
18 on the door. He's not answering the  
19 door. All right, God forbid if he hung  
20 himself, took pills, carbon monoxide, who  
21 knows. We are going there for his well  
22 being.

23 Now, his well being is all  
24 right, now, he's got to answer why you  
25 left the precinct.

1 S. MAURIELLO

2 Q. So when you entered the  
3 apartment and you saw he was watching  
4 television?

5 A. The television was on.

6 Q. Physically, he was fine, right?

7 MR. KRETZ: Objection.

8 MS. PUBLICKER METTHAM:

9 Objection.

10 A. His hair was sticking up, his  
11 eyes were beat red like a possum.

12 Q. Didn't you just testify you  
13 were concerned about his well being and  
14 now you can see he was okay and now  
15 you're moving onto whether or not he's  
16 going to have to answer for leaving?

17 MR. KRETZ: Now you're trying to  
18 get him to make a statement about his  
19 health condition. You're asking too  
20 much.

21 MR. SMITH: I want his opinion.  
22 I appreciate you don't interrupt.

23 A. I went in there. I said that.  
24 He got confrontational in my face. I  
25 removed myself from the situation, and

1 CONTINUED- STEVEN MAURIELLO

2 one you had?

3 A. Yes. Yes.

4 Q. Can you please turn to page 37  
5 of Exhibit 139. On the top of that page  
6 there is a request for any documents  
7 relating to any searches for employment that  
8 you have undertaken since October of 2009.  
9 Do you see that, sir?

10 A. Yes.

11 Q. The response here is "not  
12 applicable." Do you see that?

13 A. Yes, sir.

14 Q. Does this mean that since  
15 October of 2009, you have not made any  
16 efforts to seek any form of employment?

17 A. Yes.

18 Q. Since October of 2009, have you  
19 sought to change your position, either as  
20 the commanding officer of the 81st Precinct  
21 or the executive officer of Transit?

22 A. When you make captain or above  
23 and you get a command, there's no way really  
24 you could put in for another command. It's  
25 all done by the police commissioner. I

1 CONTINUED- STEVEN MAURIELLO  
2 never put in for anything of movement.  
3 Usually when you're a cop, sergeant,  
4 lieutenant, you do career path, you put in  
5 for OCCB.

6 Q. So what you're telling me is  
7 that since October of '09, and maybe even  
8 before that, you haven't made any requests  
9 to the NYPD to be moved; is that correct?

10 A. That's correct.

11 Q. On the next page in response to  
12 request number 37, which relates to the  
13 pending charges and specs against you by the  
14 NYPD, there is a statement here that a "Bill  
15 of Particulars provided to Steven Mauriello  
16 relating to those charges will be provided."  
17 You see that?

18 A. Yes, sir.

19 Q. What is that a reference to?

20 A. I don't -- I think my lawyers  
21 have it and that's with, I guess, the  
22 advocate's office gave to my lawyer for the  
23 charges.

24 Q. I see. So you never seen this  
25 Bill of Particulars?

1 CONTINUED- STEVEN MAURIELLO

2 file and he was, I guess, I think gang -- he  
3 said my reputation precedes me and that I am  
4 very well liked amongst the rank and file.

5 Q. When did you first meet Korakis?

6 A. I think he was a lieutenant in  
7 Brooklyn North Gang. It might have been  
8 2006, the XO or 2007, the CO, but because  
9 they worked upstairs. So it was hello and  
10 goodbye.

11 Q. You just know him on a  
12 professional basis?

13 A. Yes.

14 Q. Is that a yes?

15 A. Yes.

16 Q. You ever socialize with him?

17 A. Never.

18 Q. Do you know what his phone  
19 number is?

20 A. I believe I have it, yes. I  
21 don't have it on me, but I do have it.

22 Q. We skipped ahead in the list.  
23 We were talking about Mary Cronin and that's  
24 what led you to Korakis. Let me go just  
25 back to Cronin. Is the information that

1 CONTINUED- STEVEN MAURIELLO

2 you, Cronin has, to your understanding,  
3 limited to the information that Korakis  
4 provided you about the discussion with  
5 Cronin and Schwartz or is there some other  
6 information that you think Cronin has, as  
7 well, about the nature and extent of the  
8 damages to you?

9 A. I don't know. I don't know if  
10 she has anything. When -- I guess when the  
11 telephone message came down for two cops to  
12 go down to QAD I was off. The sergeant  
13 called me with QAD's number and I talked to  
14 her and it basically was like very brief and  
15 she said -- I just asked her two cops are  
16 going down there, you think I should worry  
17 about it. She said no, just an anonymous  
18 complaint, don't worry about it, don't give  
19 it a second thought. That was it. So she  
20 was very professional.

21 Q. When did you have that  
22 conversation about the two cops being called  
23 down?

24 A. This had to be -- whenever the  
25 telephone message came down for the two

1 CONTINUED- STEVEN MAURIELLO

2 cops, I believe, Sergeant Seymour called me  
3 up and said someone's going down to QAD, do  
4 you know anything about it. No, I don't  
5 know anything about. I was off. And I said  
6 give me the phone number, let me find out  
7 and I just talked to her. She said no,  
8 there's an anonymous complaint, don't worry  
9 about it, don't give it a second thought and  
10 I left it alone.

11 Q. Do you remember when that  
12 conversation with Cronin was?

13 A. It was in October. Whenever the  
14 telephone message came down.

15 Q. Was it in October, before the  
16 October 31st incident with Officer  
17 Schoolcraft?

18 A. Yes.

19 Q. How many days or weeks before  
20 the October 31st incident with Officer  
21 Schoolcraft did you have a conversation with  
22 Inspector or Chief Cronin about the two cops  
23 from the 81 being called down?

24 A. It was definitely before the  
25 cops went down there, Deck and Santana.

1 CONTINUED- STEVEN MAURIELLO  
2 off the record for just a second. It's  
3 11:57.

4 (Discussion off the record.)

5 MR. SMITH: Going back on the  
6 record. It's 11:58.

7 Q. Does Del Pozo have any other  
8 information about your claims or your  
9 damages?

10 A. Not that I know of.

11 Q. The next person on the list is  
12 Bureau Chief Diaz.

13 A. He was the chief of Transit when  
14 I first got transferred.

15 Q. What information does he have?

16 A. He's very highly regarded on the  
17 NYPD. Just that I went to him one time to  
18 see if any way of move up, promotion or move  
19 somewhere else and he said was it's too  
20 soon, we have to wait till this whole case  
21 is over with.

22 Q. When did you approach him?

23 A. Had to be before he left. So  
24 had to be within the first -- I was  
25 transferred there 2010. So it had to be



1 CONTINUED- STEVEN MAURIELLO  
2 anywhere beginning 2011. A year from I was  
3 there.

4 Q. Well, what date were you  
5 transferred to Transit?

6 A. Now I'm getting mixed up here.  
7 2010, July 3rd I think it came down, but I  
8 think July 7th was the official date.

9 Q. Did you know it was coming  
10 before it hit the tape?

11 A. What was coming?

12 Q. The transfer.

13 A. No. I was surprised.

14 Q. How many days or weeks or months  
15 after your transfer to Transit did you have  
16 the conversation with Diaz about another  
17 position or promotion?

18 A. About a year.

19 Q. So it's fair to say the  
20 conversation with Diaz took place sometime  
21 in the summer 2011?

22 A. Yes. Just, I guess, they had  
23 annual meetings or every six months they  
24 would meet, the bureau chiefs would meet  
25 with Commissioner Kelly and go over every

1 CONTINUED- STEVEN MAURIELLO

2 personnel under his jurisdiction --  
3 underneath him, all the executives. And he  
4 said, you know, I said good things to  
5 Commissioner Kelly on your behalf. I said  
6 any way I'm moving up, moving to some other  
7 position. He said too soon. Not until this  
8 whole thing is over with.

9 Q. When he said not until this  
10 whole thing is over with, what was your  
11 understanding of what he was referring to?

12 A. I guess not until these articles  
13 in the newspaper are over with, not until  
14 this lawsuit is over with.

15 Q. What did he tell Commissioner  
16 Kelly about you?

17 A. I don't know.

18 Q. Where is Diaz today?

19 A. He's retired. I think he's --  
20 maybe head of security of MTA.

21 Q. Do you know where he lives?

22 A. No.

23 Q. Purely a professional  
24 relationship with him?

25 A. Professional, yes.

1 CONTINUED- STEVEN MAURIELLO

2 Q. What information does Diaz have  
3 about your claims, other than what you've  
4 already provided me with?

5 A. Just that my career is on hold  
6 until, I guess, or the lawsuit is over and  
7 all the public sensationalism.

8 Q. Did he lead you to believe that  
9 once the lawsuit is over with that your  
10 career would be, get back on track?

11 A. He led me to believe that he'd  
12 push for me, yes.

13 Q. Do you believe that once the  
14 lawsuit's over, that your career will be  
15 back on track?

16 A. Four years ago I thought so.  
17 Right now, I don't know. I really don't.

18 Q. Next person is Bureau Chief  
19 Joseph Fox.

20 A. Yes.

21 Q. Who is that?

22 A. He's the Chief of Transit.

23 Q. Is he in the chain of command  
24 higher than Diaz or lower than or on the  
25 same level as Diaz?

1 CONTINUED- STEVEN MAURIELLO

2 A. Same level.

3 Q. What does Fox know about your  
4 claim and damages?

5 A. Just that, the same thing, that  
6 I went to him and he said the same thing.  
7 When this is all over and the lawsuit's all  
8 over and everything's all over, then he'll  
9 go to push for me. Right now he can't.

10 Q. When did you have this  
11 conversation with Fox?

12 A. I'm going to say I had it -- I  
13 had it twice, twice.

14 Q. When did you have these two  
15 conversations with Fox?

16 A. I would say one when  
17 Commissioner Kelly was still here. One  
18 right around when they named Commissioner  
19 Bratton was coming.

20 Q. Bratton?

21 A. Bratton.

22 Q. Can you provide me with any  
23 greater level of specificity about when you  
24 had a conversation with Fox?

25 A. I believe the second one around

1 CONTINUED- STEVEN MAURIELLO

2 Q. Kind of sort of?

3 A. Yeah, friends going out. I  
4 wasn't really ready to date anybody.

5 Q. She doesn't work for the police  
6 department?

7 A. No. No.

8 Q. She's a nurse in a private  
9 hospital or state or city hospital?

10 A. No, she's like a nurse that  
11 works for a company. She goes to peoples'  
12 houses. She's a nurse that -- RN.

13 Q. You don't know the name of the  
14 company she works for?

15 A. No.

16 Q. The next paragraph you say --  
17 you're identifying your damages --

18 MR. SMITH: Let's take a short  
19 break. It's 15:06. Just going off the  
20 record.

21 (Whereupon, a recess was taken.)

22 MR. SMITH: Going back on the  
23 record. It's 15:26.

24 Q. The next paragraph refers to  
25 damages and there's a statement here that

1 CONTINUED- STEVEN MAURIELLO

2 the total amount of damages are "lost wages  
3 of 8,000 to 9,000 per year, emotional  
4 distress damages and reputational harm, an  
5 unspecified amount not to exceed \$2  
6 million." You see those references, sir?

7 A. Yes, sir.

8 Q. Those are your claimed damages  
9 in your counterclaim?

10 A. Yes, sir.

11 Q. The loss of wages of \$8,000 to  
12 \$9,000 a year, what's that based on?

13 A. Inspector -- I think the  
14 difference between inspector and deputy  
15 inspector.

16 Q. Do you believe that you would  
17 have been promoted to inspector, but for the  
18 media coverage about your career?

19 A. Yes, sir.

20 Q. Did anybody at the NYPD tell you  
21 that you were being considered for promotion  
22 to inspector?

23 A. No.

24 Q. Is the promotion to the position  
25 of inspector a promotion that automatically

1 CONTINUED- STEVEN MAURIELLO  
2 follows from being deputy inspector?

3 MR. KRETZ: Objection to the  
4 form.

5 A. Yes.

6 Q. How many deputy inspectors are  
7 there in the NYPD?

8 A. I don't know.

9 Q. How many inspectors are there in  
10 the NYPD?

11 A. I don't know.

12 Q. How does one receive the  
13 promotion from deputy inspector to  
14 inspector?

15 A. Sometimes it's by longevity.  
16 I've been a deputy inspector for six years  
17 now. Sometimes it's how long you have been  
18 in the command to get another promotion.  
19 Sometimes they move you to another command  
20 or they move you to another spot that's  
21 promotional when you have too much time as  
22 deputy inspector.

23 Q. Can you explain that answer to  
24 me, please?

25 A. Yes. When you're deputy

1 CONTINUED- STEVEN MAURIELLO

2 inspector and run the command, there's a  
3 chance you can make full inspector in the  
4 same command by longevity. If you're still  
5 there for a couple more years, you could be  
6 full inspector if they deem to promote you.  
7 If they move you to another unit, say  
8 narcotics or another precinct, district,  
9 housing, they could promote you again. They  
10 usually try to move people, deputy inspector  
11 to an inspector spot.

12 Q. How many inspector spots are  
13 there in the NYPD?

14 A. I don't know.

15 Q. Who makes the decision to  
16 promote deputy inspectors to inspectors?

17 A. Police commissioner.

18 Q. Does the police commissioner get  
19 any information from anybody else?

20 A. I don't know.

21 Q. Do you have any sense of how  
22 long it takes for somebody who is a deputy  
23 inspector to be promoted to an inspector  
24 position?

25 A. No, but I know for quite a few



1 CONTINUED- STEVEN MAURIELLO

2 people that were captains when I was deputy  
3 inspector, now they're inspectors.

4 Q. Who were those people?

5 A. The list -- I'll recall. I have  
6 to remember. There is a bunch of them. I  
7 look on the sheet all the time.

8 Q. Do you know any deputy  
9 inspectors who became inspectors when you  
10 were deputy inspector and still are?

11 A. And still are?

12 Q. Let me rephrase that question.  
13 You're telling me that there are some  
14 captains that you know of who have, since  
15 you became deputy inspector, they have  
16 achieved title of inspector; is that  
17 correct?

18 A. Yes, sir.

19 Q. If I leave a space in the  
20 transcript, would you provide me with the  
21 names of those?

22 A. Yeah, think about it. Yes.

23 Insert: \_\_\_\_\_

24

25 Q. Can you tell me of any other