

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2 -----X

3 ADRIAN SCHOOLCRAFT,

4

5 -against-

PLAINTIFF,
Case No:
10 Civ. 6005

6 (RWS)

7 THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO,
Tax Id. 873220, Individually and in his Official
8 Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN
NORTH GERALD NELSON, Tax Id. 912370, Individually
9 And in his Official Capacity, DEPUTY INSPECTOR
STEVEN MAURIELLO, Tax Id. 895117, Individually and
10 In his Official Capacity, CAPTAIN THEODORE
LAUTERBORN, Tax Id. 897840, Individually and in his
11 Official Capacity, LIEUTENANT WILLIAM GOUGH, Tax Id.
919124, Individually and in his Official Capacity,
12 SGT. FREDERICK SAWYER, Shield No. 2576, Individually
and in his Official Capacity, SERGEANT KURT DUNCAN,
13 Shield No. 2483, Individually and in his Official
Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id.
915354, Individually and in his Official Capacity,
14 LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374,
Individually and in his Official Capacity, SERGEANT
SHANTEL JAMES, Shield No. 3004 and P.O.'s "JOHN DOE"
15 #1-50, Individually and in their Official Capacity
(the name John Doe being fictitious, as the true
16 names are presently unknown) (collectively referred
to as "NYPD defendants"), JAMAICA HOSPITAL MEDICAL
17 CENTER, DR. ISAK ISAKOV, Individually and in his
Official Capacity, DR. LILIAN ALDANA-BERNIER,
18 Individually and in her Official Capacity and
JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN
19 DOE" # 1-50, Individually and in their Official
Capacity (the name John Doe being fictitious, as
20 The true names are presently unknown),

21 DEFENDANTS.

22 -----X

23

DATE: October 11, 2012

24

TIME: 10:20 A.M.

25

(Continued ...)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DATE: October 11, 2012

TIME: 10:20 A.M.

VIDEOTAPED DEPOSITION of the
Plaintiff, ADRIAN SCHOOLCRAFT, taken by the
Respective Parties, pursuant to a Notice and
to the Federal Rules of Civil Procedure, held at
the offices of the New York City Law Department,
100 Church Street, New York, New York 10007, before
Nathan MacCormack, a Notary Public of the State of
New York.

A. SCHOOLCRAFT

1 Q. Now, you said "lock people up." That would be an
2 arrest, correct?

3 A. Correct.

4 Q. I am asking specifically about summonses, so I
5 ask that you please confine your answers just with
6 summonses. Have you been trained to issue summonses
7 without probable cause?

8 A. It's difficult for me to discern the difference
9 between the two. Summonses are issued in lieu of an
10 arrest. Summonses specifically, I believe -- I don't
11 recall any exact incident.

12 But again, I know there are recordings that
13 probably state that; summonses, arrests, 250's, what they
14 deemed activity.

15 Q. And these recordings, you recall them stating
16 that a summons should be issued, even in the absence of
17 probable cause?

18 MR. NORINSBERG: Objection.

19 A. That's how I took some of the instructions.

20 Q. Have you ever personally observed another officer
21 issue a summons, without probable cause?

22 A. It's hard to go back to and give an exact time
23 and date. But yes, I have seen it.

24 Q. How many times?

25 A. It's hard to approximate how many times. There's

A. SCHOOLCRAFT

1 A. I don't know if I did, specifically. But I was
2 aware other officers that wanted overtime would have to
3 adhere to the policy in order to explain how they could
4 have that overtime.

5 Q. But you personally, do you, sitting here today,
6 recall ever losing overtime for failing to issue a certain
7 number of summonses?

8 A. As I sit here today, I don't recall losing
9 overtime.

10 Q. What officers did you observe lose overtime for
11 failing to issue a certain number of summonses?

12 A. I don't recall any specify officer. I just
13 recall that that was the general -- if an officer wanted
14 overtime, they would have to explain it. And when there
15 was overtime, I recall being addressed by supervisors. It
16 was understood.

17 The number was "two and two"; two summonses and
18 two 250's. If the officer made a collar, they wanted the
19 -- the supervisor wanted that collar, that arrest to be
20 250'd. And I think they -- you still weren't required to
21 do the summonses. But it was "two and two," that was the
22 phrase.

23 Q. When you say "two and two," what do you mean?

24 A. Two summonses, two 250's, two stop, question and
25 frisks.

A. SCHOOLCRAFT

1 Q. Per month?

2 A. Per that overtime, per when you are -- that
3 mandated overtime, or if you requested it.

4 Q. So if I understand you, an officer who was given
5 overtime, was required to issue two summonses and make two
6 arrests during that overtime shift?

7 MR. NORINSBERG: Objection.

8 A. As a minimum, yes.

9 Q. At a minimum.

10 MR. NORINSBERG: I think you misjudged. He
11 said two -

12 MS. PUBLICKER: He just said yes.

13 MR. NORINSBERG: No, but he said two
14 summonses and two 250's.

15 MR. COHEN: He said it two times.

16 MR. NORINSBERG: He said it two times, then
17 you rephrased it the wrong way.

18 MS. PUBLICKER: And then he said "yes." I
19 am sorry if I misphrased it, but --

20 MR. NORINSBERG: Do you want to clarify,
21 Adrian?

22 THE WITNESS: What was the question?

23 Q. When you say "two and two," you are saying -- if
24 I misstated you, then -- two summonses and two 250's, or
25 two summonses and two arrests per overtime shift?

A. SCHOOLCRAFT

1 A. Two summonses and two 250's, two and two.

2 Q. Okay. What happened if they did not make that
3 two and two during their overtime shift?

4 A. I don't believe they would -- they would not be
5 able to ask for overtime anymore.

6 Q. Can you name a single person who was subject to
7 that policy?

8 A. Not specifically. But I believe you can -- the
9 overtime is documented very well. You could see a pattern
10 of certain officers that have become dependent on overtime.

11 Q. But have you ever seen an officer be refused
12 overtime because they did not hit the quota policy for
13 summons, you referred to earlier?

14 A. I don't specifically -- I don't specifically
15 recall any officer or exact time. But that was general
16 knowledge.

17 Q. Did you ever suffer a tour change as a result of
18 failing to issue a certain number of summonses per month?

19 A. No. I don't -- I was on the same tour for --
20 maybe three years straight.

21 Q. Do you observe another officer suffer that
22 penalty?

23 A. I don't recall any specific officer. But I
24 recall officers getting in trouble. In order to get back
25 to their desired tour, they would have to produce summonses

A. SCHOOLCRAFT

1 know what number to give.

2 Q. More than 10?

3 A. I believe it was a lot. But I don't remember any
4 specific number.

5 Q. And when did these conversations begin?

6 MR. NORINSBERG: Objection.

7 A. I don't recall any specific time or -- the
8 specific supervisor. But again, the recordings, I can
9 identify -- I can identify those, and the supervisors I
10 noted in the Complaint.

11 Q. So aside from the recordings in this matter, did
12 you have any conversations, one on one, with the supervisor
13 about your summons activity, prior to your 2008 performance
14 evaluation?

15 MR. NORINSBERG: Objection.

16 A. I believe so, yes.

17 Q. How many?

18 MR. NORINSBERG: Objection.

19 A. I couldn't even approximate the number of times
20 the supervisors would approach us or me, the number of
21 summonses and arrests and 250's.

22 Q. What supervisor spoke to you about your summons,
23 arrests and 250's, personally?

24 A. We are still before the evaluation?

25 Q. Correct.

A. SCHOOLCRAFT

1 has ever been denied their vacation picks, no.

2 Q. While you were assigned to the 81st Precinct,
3 were you aware of officers being required to make a certain
4 number of stop, question and frisks, or UF-250 forms?

5 A. What was that time frame again? The same
6 question, you don't have to rephrase it.

7 Q. While you were assigned to the 81st Precinct,
8 okay, yes?

9 A. Please repeat the question.

10 Q. While you were assigned to the 81st Precinct,
11 were you aware of other officers being required to make a
12 certain number of stop, question and frisks, or UF-250's?

13 A. Yes.

14 Q. How many stops were officers required to conduct?

15 A. Again, it would depend on the officer, what unit
16 he is assigned with. Off the top of my head, I don't
17 recall any specific number, but the recordings -- the
18 conversations, the roll calls, that did address the number
19 of 250's. I believe I have recordings that state times and
20 dates and people involved.

21 Q. How many stops was a patrol officer required to
22 conduct in the 81st Precinct?

23 A. I don't recall ever being given a specific number
24 on 250's, other than the -- if you are assigned overtime,
25 it was two and two, two summonses, two 250's. I don't

A. SCHOOLCRAFT

1 recall any specific supervisor or any specific time. But
2 there were times where -- where they wanted a car to bring
3 at least two 250's or even individual officers, at least
4 two 250's for that shift.

5 But I don't believe -- it's possible they are
6 stating that in the recording. But I don't believe they
7 give a -- it's possible that I heard an exact number on the
8 250's, but I don't recall at this time.

9 Q. Did a union delegate ever tell you about a number
10 of 250's that were required to be turned in?

11 A. I don't recall union delegates addressing
12 numbers.

13 Q. Did anyone ever tell you to conduct a stop,
14 question and frisk, even if you did not have reasonable
15 suspicion?

16 A. Yes.

17 Q. How many times?

18 A. I can't approximate the number of times. There
19 were recordings -- I believe there are multiple recordings
20 of supervisors telling officers to articulate a charge
21 later: "If you summons someone, 250 them; if you 250 them,
22 summons them." There is no way to approximate how many
23 times we were instructed to falsify a 250.

24 Q. What is the sum and substance of the recordings
25 you just made reference to?

A. SCHOOLCRAFT

1 MR. NORINSBERG: Objection,
2 mischaracterization of testimony.

3 A. I don't believe so. I don't believe all of them
4 -- they weren't all intended to show just that type of
5 misconduct. There was also the falsifying the training
6 log, when there was no training, in fact.

7 Q. Besides the recordings, were you trained to issue
8 250's or conduct stop, question and frisks, even if you did
9 not have reasonable suspicion?

10 MR. NORINSBERG: Objection to the form.

11 A. I believe so, yes.

12 Q. When did you receive that training?

13 A. Again, I would have to listen to the recordings.

14 Q. Well, my question asked you for "other than
15 recordings"?

16 A. I cannot -- at this time, I cannot give you any
17 specific date or any specific supervisor. But again, the
18 recordings speak for themselves.

19 Q. Did you lose overtime for failing to issue a
20 certain number of 250's?

21 A. I don't believe -- I probably.

22 Q. When?

23 A. To the best -- again, probably. I wouldn't know
24 if I lost overtime, if they didn't give me overtime. I
25 don't know. A supervisor may be able to answer that

A. SCHOOLCRAFT

1 question.

2 Q. How many times did you request overtime but were
3 denied?

4 A. I don't recall ever requesting overtime.

5 Q. Did you observe any other officers lose overtime
6 for failing to issue a certain number of 250's?

7 A. I don't recall any specific officer or any
8 specific time. But it was general knowledge, if you didn't
9 pay the rent, you did not get what you asked for.

10 Q. Have you ever suffered a change of tour, as a
11 result of failing to issue a certain number of UF250's?

12 A. If you include the losing proposition collars, I
13 would say yes.

14 Q. How many times was your tour changed because you
15 failed to issue a certain number of 250's?

16 A. I don't recall how many times.

17 Q. What was the certain number of 250's you were
18 required to issue, when you had your tour changed for
19 failing to reach that number?

20 MR. NORINSBERG: Objection.

21 A. What was that again?

22 Q. So you said that you did suffer a change of tour
23 for failing to issue a certain number of 250's; that is
24 correct?

25 A. That I stated what?

A. SCHOOLCRAFT

1 Q. That you did suffer a change of tour for failing
2 to issue a certain number of 250's?

3 A. I don't recall making that statement, no.

4 Q. You didn't just state that, no?

5 MR. NORINSBERG: Objection.

6 A. I don't believe so, no.

7 Q. So you have never suffered a change of tour as a
8 result of failing to issue a certain number of 250's?

9 A. Maybe I misheard the question. The losing
10 proposition -- the intent of assigning officers to losing
11 proposition, the assigned arresting officers was to give
12 them more arrests, more bodies.

13 Q. We are talking about 250's, here.

14 A. Then that would have been -- I didn't understand
15 the question at that time.

16 Q. Did you ever have your tour changed as a result
17 of failing to issue a certain number of UF-250's?

18 A. I don't believe so, no.

19 Q. Have you ever observed another officer suffer
20 that penalty?

21 A. I don't recall any specific officer or any
22 conversation.

23 Q. Have you ever been denied vacation days as a
24 result of failing to issue a certain number of 250's?

25 A. Again, if I requested a vacation day that wasn't

A. SCHOOLCRAFT

1 a pick, I don't recall ever requesting a day that wasn't my
2 pick.

3 Q. Have you ever stopped someone without reasonable
4 suspicion?

5 A. No. I don't believe, no.

6 Q. Other than roll call, have you been trained on
7 how to issue UF-250's?

8 A. I don't recall any other training regarding
9 250's, no.

10 Q. Other than roll call, have you received any other
11 training on when you can stop someone, based on reasonable
12 suspicion?

13 A. Perhaps in a law class in the police academy. I
14 am sure they went over stop, question and frisks, and
15 reasonable suspicion and probable cause.

16 Q. And at the academy, what did they teach you
17 about, when you can stop someone?

18 A. I don't recall, specifically. But it was my
19 understanding you can stop someone when you reasonably
20 suspect that they have or are about to commit a crime.

21 Q. Have you personally observed another officer stop
22 someone without reasonable suspicion?

23 A. Yes.

24 Q. How many times?

25 A. I can't approximate. I don't remember every

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

2 -----X
3 ADRIAN SCHOOLCRAFT,

PLAINTIFF,

4 -against-

Case No.:
10 CV 6005

5 THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL
6 MARINO, Tax ID. 873220, Individually and
7 in his Official Capacity, ASSISTANT CHIEF
8 PATROL BOROUGH BROOKLYN NORTH GERALD NELSON,
9 Tax Id. 912370, Individually and
10 in his Official Capacity, DEPUTY INSPECTOR
11 STEVEN MAURIELLO, Tax Id. 895117, Individually
12 and in his Official Capacity, CAPTAIN THEODORE
13 LAUTERBORN, Tax Id. 897840, Individually and
14 in his Official Capacity, LIEUTENANT WILLIAM
15 GOUGH, Tax Id. 919124, Individually and
16 in his Official Capacity, SGT. FREDERICK SAWYER,
17 Shield No. 2567, Individually and
18 in his Official Capacity, SERGEANT KURT DUNCAN,
19 Shield No. 2483, Individually and
20 in his Official Capacity, LIEUTENANT CHRISTOPHER
21 BROSCART, Tax Id. 915354, Individually and
22 in his Official Capacity, LIEUTENANT TIMOTHY
23 CAUGHEY, Tax Id. 885374, Individually and
24 in his Official Capacity, SERGEANT SHANTEL JAMES,
25 Shield No. 3004, Individually and
in his Official Capacity, and P.O.'s "JOHN DOE"
#1-50, Individually and in their Official Capacity,
(the name John Doe being fictitious, as the true
names are presently unknown) (collectively
referred to as "NYPD Defendants"), JAMAICA
HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV,
Individually and in his Official Capacity,
DR. LILLIAN ALDANA-BERNIER, Individually and
in her Official Capacity, and JAMAICA HOSPITAL
MEDICAL CENTER EMPLOYEE'S "JOHN DOE" #1-50,
Individually and in their Official Capacity,
(the name John Doe being fictitious, as the
true names are presently unknown),

DEFENDANT.

-----X
(Continued...)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DATE: SEPTEMBER 26, 2013

TIME: 10:10 A.M

VIDEO DEPOSITION of the Plaintiff, ADRIAN
SCHOOLCRAFT, taken by the respective parties, pursuant to a
Court Order and to the Federal Rules of Civil Procedure,
held at the offices of Scoppetta, Seiff, Kretz &
Abercrombie, Esqs, 444 Madison Avenue, New York New York,
10022 before Elizabeth Forero, a Notary Public of the State
of New York.

A. SCHOOLCRAFT

1 And the rest of that was just is everything's okay,
2 everything will be okay, and just comply.

3 Q. Did Sergeant Myer participate in your 2008
4 evaluation?

5 A. If he did, I am not aware.

6 Q. Prior to receiving your 2008 evaluation the
7 question was: Who told you a specific number?

8 MR. SMITH: That wasn't the question but you
9 can ask that.

10 MR. KRETZ: A while back it was.

11 A. The time -- what were you talking about?

12 Q. Who had told you directly a specific number you
13 had to produce and you mentioned DelaFunte, I believe?

14 A. Correct.

15 Q. That was before your 2008 evaluation?

16 A. I don't remember the date of that.

17 Q. Well, you said --

18 A. It was a roll call.

19 Q. It was a roll call. You said when you received
20 your 2008 evaluation you considered it a retaliation. And
21 then you indicated areas of your activity were highlighted
22 on your activity report.

23 A. I believe it was a document with boxes that
24 looked similar to my activity report. It may have been
25 because I think they sum up all the numbers at the end of

A. SCHOOLCRAFT

1 the year. It may been that document, but it was obviously
2 the areas of summonses and arrests and 250s and it was
3 green highlighter.

4 Q. Did you get the evaluation you got because you
5 were not performing at the level your supervising officers
6 thought you ought to be performing at or they were
7 retaliating against you for something?

8 MR. SMITH: Objection to form.

9 Q. Or are those the same in your mind?

10 A. Well, you just confused me. The question is --

11 Q. You said the evaluation exhibited retaliation
12 against you. Right? And I asked what was the retaliation
13 for? And you told me that your numbers were highlighted on
14 your activity report. So you think they retaliated against
15 you because you didn't have high enough numbers on your
16 activity report?

17 A. I believe that's the reason; correct.

18 Q. As opposed to being critical of you for not
19 performing as fully they think you should have performed on
20 the job?

21 MR. SMITH: Objection to the form.

22 A. Performing at just what their definition of
23 activity or performing as an officer overall? I think I
24 can answer that question. I believe I was performing my
25 duties as a police officer to the best of my ability. That

A. SCHOOLCRAFT

1 is how I feel they should have evaluated me not just based
2 on their narrow highlighted definition of activity.

3 Q. You believe they evaluated you the way they did
4 purely based upon your numbers not being high enough?

5 A. Correct.

6 Q. Did you believe at the time there was a specific
7 number in each category that was required?

8 A. I am not aware of a specific number.

9 Q. You don't know whether your evaluation
10 constituted criticism of you for inactivity or constituted
11 retaliation against you for failing to achieve certain
12 numbers?

13 MR. SMITH: Objection to form.

14 A. I haven't reviewed the evaluation in a long time.
15 On the evaluation there are summaries --

16 Q. This is what I am trying to get at. Was the
17 evaluation a criticism of your performance or was it
18 retaliation for something?

19 MR. SMITH: Wait. Objection.

20 A. I believe it was a retaliation.

21 Q. And the retaliation for something was, you didn't
22 show enough activity?

23 MR. SMITH: Objection to form. This has
24 been asked and answered several times. Excuse
25 me. You are asking him to speculate about why