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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,  
Plaintiff,  
-against- Index No.  
10CIV-6005 (RWS)

THE CITY OF NEW YORK, DEPUTY CHIEF  
MICHAEL MARINO, Tax Id. 873220,  
Individually and in his Official  
Capacity, ASSISTANT CHIEF PATROL  
BOROUGH BROOKLYN NORTH GERALD NELSON,  
Tax Id. 912370, Individually and in his  
Official Capacity, DEPUTY INSPECTOR  
STEVEN MAURIELLO, Tax Id. 895117,  
Individually and in his Official  
Capacity, CAPTAIN THEODORE LAUTERBORN,  
Tax Id. 897840, Individually and in his  
Official Capacity, LIEUTENANT JOSEPH  
GOFF, Tax Id. 894025, Individually and  
in his Official Capacity, stg. Frederick  
Sawyer, Shield No. 2576, Individually  
and in his Official Capacity, SERGEANT  
KURT DUNCAN, Shield No. 2483,  
Individually and in his Official  
Capacity, LIEUTENANT TIMOTHY CAUGHEY,  
Tax Id. 885374, Individually and in his  
Official Capacity, SERGEANT SHANTEL  
JAMES, Shield No. 3004, 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. LILIAN ALDANA-BERNIER,  
Individually and in her Official Capacity  
and JAMAICA HOSPITAL MEDICAL CENTER  
EMPLOYEES "JOHN DOE" # 1-50, Individually

(Continued)

1 S. MAURIELLO

2 A. Yes, you hear that on the tape.

3 Q. You understand that to mean  
4 that there was a time that Schoolcraft  
5 was performing well and now he is not  
6 performing; is that right?

7 A. Yes.

8 Q. I want to show you what's been  
9 marked as the next exhibit. It's a  
10 series of roll call transcripts.

11 MR. SMITH: For the record this  
12 is Bates NYC 10357 through -- it's not  
13 through 359 and then 10366, 10365, and  
14 10350.

15 [The document was hereby marked  
16 as Plaintiff's Exhibit 50 for  
17 identification, as of this date.]

18 Q. So, Inspector, these are  
19 transcripts of various recordings. I  
20 think mostly of roll call. I believe you  
21 mentioned some of these before as being  
22 transcripts that you heard playing at the  
23 Floyd case or during the Floyd case.

24 The first one is dated October  
25 31, 2008, and there is a reference there

1 S. MAURIELLO

2 attributable to you to how you expect any  
3 groups to be brought in that you want  
4 them cuffed, this is at the top of page,  
5 and that you have overtime; and, quote, I  
6 want them herded in here like New Year's  
7 Eve. And that's on line 18 and 19.

8 Do you see that reference, sir,  
9 on the first page?

10 A. Yes, I do.

11 Q. Is that a statement that you  
12 made during a roll call about wanting  
13 individuals brought in like New Year's  
14 Eve?

15 A. Yes, I did.

16 Q. What did you mean when you were  
17 saying "like New Year's Eve," can you  
18 explain that to me?

19 A. Certain days of the year are  
20 very radio backlogged. A good thing to  
21 say, Halloween, Fourth of July, New  
22 Year's Eve. I have to slow down when I'm  
23 talking.

24 What happened is there is a  
25 parade going on in Manhattan. A lot of

1 S. MAURIELLO

2 times they can't go up to the do the  
3 warrant checks so it's hard to do it over  
4 the radio so they have to bring the  
5 people in to do the warrant checks.

6 New Year's Eve again is a very  
7 violent night as is Halloween.

8 I got to go into this, the  
9 whole thing.

10 We got a lot of intelligence  
11 talking about Halloween. Here I got  
12 intelligence from the gang division came  
13 down and talked to the officers about  
14 initiations they're hearing.

15 Most of these officers probably  
16 I would say probably all have experience  
17 on Halloween at the 81st Precinct.

18 Gang initiation going to cut  
19 people in the face to get into the Bloods  
20 and Crips.

21 You're hearing about knock out  
22 punch. Back then it was a group doing  
23 the knock out punch. Now it's one person  
24 walking up to somebody and punching them  
25 in the face. Back then it was groups

1 S. MAURIELLO

2 jumping one person, beat them up, and go  
3 over to the next victim. That's what  
4 gang heard.

5 With that community board  
6 president called me up, community,  
7 counsel president called me up. They  
8 were all worried. The politicians, all  
9 worried, Halloween, how where they were  
10 getting feedback from the people in the  
11 community.

12 It's a very violent night.  
13 They were worried about the safe -- if  
14 it's a weekday, kids coming home school  
15 zones to you have to put cops out there  
16 making sure they're all right coming to  
17 and from. Cops out there for people  
18 coming home from work the subway.  
19 Transit beefs it up. Housing beefs it  
20 up. This is all related.

21 When I meant herd it, if I have  
22 a group if there is an arrestable  
23 situation or summonsable situation, you  
24 can't go up citywide go over the radio,  
25 bring them in the house and do the

1 S. MAURIELLO

2 investigation in the house and run them  
3 for warrants in there if they have ID.  
4 If they don't have ID, you have to wait  
5 for someone to come in the house to say  
6 they are who they say they are and go  
7 back out on the street.

8 Q. Is the reason why you can't do  
9 the warrants more quickly in the ordinary  
10 course is because this is a particularly  
11 busy night?

12 A. Two prong, busy night and the  
13 frequency they go up to is being used for  
14 the Halloween parade, New Year's Eve  
15 detail in Manhattan, and the Fourth of  
16 July in Manhattan. They take the  
17 frequency over.

18 At one time you can go up to  
19 the radio and say, central, I want to do  
20 a warrant check. What is your location?  
21 And they will tell you 1018 or 1019. Now  
22 they can't do it. They were backlogged  
23 with written 911 radio runs so they bring  
24 them in the house on the computer and do  
25 it there.

1 S. MAURIELLO

2 A. No.

3 Q. Are you familiar with the term  
4 "blue wall of silence"?

5 A. Yes.

6 Q. What is it?

7 MR. KRETZ: Objection.

8 You may answer.

9 A. I guess a book or was in the  
10 paper that cops don't rat on other cops  
11 which is a lie.

12 Q. What is the term blue wall of  
13 silence or code of silence, what is that  
14 a reference to? I want to know what your  
15 understanding is; whether or not you  
16 think it's a fair or accurate  
17 representation?

18 A. I don't believe in the blue  
19 wall of silence. If someone does  
20 something wrong, you report it, that's  
21 it.

22 Q. What is the blue wall of  
23 silence?

24 A. Just what it says, that  
25 officers won't rat out another officer or

1 S. MAURIELLO

2 won't retaliate against another officer;  
3 just protect the other officer which I  
4 don't agree with.

5 Q. Do you agree there is an  
6 attitude within some members of the  
7 service that officers shouldn't rat out  
8 other officers?

9 A. I don't know.

10 Q. You don't know?

11 A. You are asking me to think  
12 there is a population on this job that no  
13 matter what happened, they are not going  
14 to rat out another officer, I don't  
15 believe that.

16 Q. I think you are characterizing  
17 my question in a way that suggests it  
18 unfairly so I'll rephrase the question.

19 Do you believe there are  
20 pressures in the job that are systemic or  
21 institutionally part of the job that  
22 inhibit officers from reporting  
23 misconduct that they otherwise might be  
24 required to report?

25 MS. PUBLICKER METHAM:



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. What happened next?

3 A. We were outside Chief Marino  
4 comes up, huddles everybody up, gets an  
5 update. At the time the landlord the  
6 husband and wife were there talking.  
7 They gave a key I think to Captain  
8 Lauterborn and discussing what was going  
9 on. They were pretty adamant that  
10 Officer Schoolcraft was home.

11 Q. Who was adamant?

12 A. The landlord.

13 Q. Did you have any discussions  
14 with either the landlord or the landlady?

15 A. No.

16 Q. Were you present when anybody  
17 else had any discussions with either the  
18 landlord or the landlady?

19 A. After they gave the key to  
20 Captain Lauterborn, they stepped back.  
21 Chief Marino was handling the scene. He  
22 was the highest ranking.

23 Q. Were you present when  
24 Lauterborn was discussing getting the key  
25 from the landlord?

1 S. MAURIELLO

2 Q. When you went into the  
3 apartment, you saw he was laying on his  
4 bed and he hadn't hurt himself, right?

5 MS. PUBLICKER METTHAM:

6 Objection.

7 A. We still have to do an  
8 investigation why he left, yes.

9 Q. Going to that, what authority  
10 can you point me to that authorizes you  
11 or anybody else in the apartment to  
12 direct him to go back to the precinct to  
13 conduct some sort of investigation?

14 A. That's what was said. Chief  
15 Marino said we were going to conduct an  
16 investigation and bring him back to the  
17 precinct so....

18 Q. So Chief Marino told you that's  
19 what you guys were going to do?

20 A. That's what he said when they  
21 huddled up. If he's not safe, God forbid  
22 if he is not hurt, if he is not coming  
23 because he wanted to leave work, we were  
24 going to bring him back for an  
25 investigation.

1 S. MAURIELLO

2 Q. What is the authority for that  
3 course of conduct?

4 A. I don't know the authority.

5 Q. What is the authority, the  
6 patrol guide procedure, administrative  
7 procedure, something else that authorizes  
8 commanding officers to go into somebody's  
9 house and take them back for an  
10 investigation into their precinct?

11 A. We went there because we  
12 thought he hurt himself.

13 Q. You're not answering my  
14 question, Inspector.

15 I want know what authority you  
16 believed exists which authorized you,  
17 Marino, or anybody else to go into  
18 Schoolcraft's apartment and order him to  
19 return to the precinct for an  
20 investigation?

21 A. Officially, he's still on duty.  
22 He left work. He's still an on-duty MOS.  
23 He's not off duty. He's on duty. He  
24 left without permission. He's an on-duty  
25 MOS. There is an investigation to be

1 S. MAURIELLO

2 done.

3 Q. Right.

4 A. It's not like he stayed home  
5 and never showed up to work and he was  
6 off duty and never came to work. He  
7 left. He was suppose to be on duty, just  
8 walked out.

9 Q. Do you have a right to arrest  
10 somebody for going off duty?

11 MR. KRETZ: Objection.

12 A. First of all, I don't know what  
13 you're saying about arresting. There was  
14 no arrest there. Second of all, it was  
15 at his apartment. Third of all, we went  
16 there because we thought he hurt himself.  
17 You know that, I know that. You heard  
18 his tapes how he set it up. All right.  
19 You want to come over here and slant to  
20 that, it's the farthest thing from the  
21 truth.

22 Q. I don't want to argue with you,  
23 Inspector, I would like to get some  
24 answers to some of my questions.

25 The question I had on the table

1 S. MAURIELLO

2 that I don't think you answered: Can you  
3 identify any authority in the patrol  
4 guide, administrative guide, or any place  
5 else that authorizes you to or Chief  
6 Marino or anybody else at the scene to  
7 remove or order Officer Schoolcraft to  
8 return to the precinct against his will?

9 A. He is still an on-duty member  
10 of service.

11 Q. I'm sorry?

12 A. He's an on-duty member of  
13 service. He's still on duty.

14 Q. That's your answer to the  
15 question?

16 A. We went there 'cause we thought  
17 he hurt himself. That's it. I don't  
18 know off the top of my head what rule or  
19 procedure. We went there because we  
20 thought he hurt himself.

21 Q. Is that your answer to my  
22 question?

23 A. Yes.

24 Q. During the huddle before the  
25 entry, am I correct there was a

1 S. MAURIELLO

2 discussion about what you are going to do  
3 as a group if Officer Schoolcraft was  
4 inside the apartment and he was  
5 physically seeming fine, right?

6 A. Yes.

7 Q. Who said what about that?

8 A. Chief Marino.

9 Q. What did Chief Marino say?

10 A. We were here to make sure he  
11 didn't hurt himself, God forbid he hurt  
12 himself. If we go in there and we  
13 realize he didn't hurt himself, he was  
14 playing a game, he left work, then he has  
15 to go back to the precinct and conduct an  
16 investigation with GOs.

17 Q. What did you mean by GOs?

18 A. Getting interviewed on the tape  
19 under oath. They get the department  
20 lawyer to come and sit there with you.  
21 They interview you: Why did you leave?  
22 Why this? It's an investigation.

23 Q. Is it your understanding that  
24 the police department has the authority  
25 to compel an officer to go forward with

1 S. MAURIELLO

2 that type of investigation on the spot  
3 against that person's will?

4 MS. PUBLICKER METTHAM:

5 Objection.

6 A. I wasn't in the apartment. I  
7 don't know happened afterward. I'm  
8 telling you we went there to make sure he  
9 was all right.

10 Q. Had you ever before directed an  
11 officer to return to the precinct or the  
12 command for an investigation?

13 A. Yes.

14 Q. How many times did that happen?

15 A. Numerous times: Off-duty  
16 incidents, an allegation a wife said  
17 something MOS did, the husband. You  
18 bring both parties in and you find out,  
19 especially, when there is a weapon  
20 related to it.

21 Q. On any of those occasions, did  
22 any of members of service refuse to go?

23 A. No.

24 Q. Am I correct this is the first  
25 time that an officer was ordered to go .



1 S. MAURIELLO

2 told Lieutenant Brosschart to go with him  
3 in the ambulance.

4 Q. Did Officer Schoolcraft say  
5 anything that you heard?

6 A. No.

7 Q. Did anybody say anything to  
8 him?

9 A. Not that I know of.

10 Q. What happened next?

11 A. Everybody came out. We got in  
12 the car, went back to the precinct to  
13 start the investigation.

14 Q. Am I correct that it was back  
15 at the precinct, it was Brooklyn North  
16 investigations, those three officers; is  
17 that correct?

18 A. Yes.

19 Q. And Chief Marino?

20 A. Yes.

21 Q. And Captain [sic] Brosschart?

22 A. No. Captain Lauterborn.

23 Q. Captain Lauterborn was there?

24 A. Yes.

25 Q. Is that correct?

1 S. MAURIELLO

2 A. Yes.

3 Q. And who else?

4 A. Myself.

5 Q. And was Crawford also at the GO  
6 or the PG afterwards?

7 A. No.

8 Q. Who else was at the  
9 investigation at the precinct?

10 A. I think they interviewed two  
11 people: Sergeant Hoffman or Officer  
12 Rodriguez or Reyes.

13 Q. Was anybody else interviewed?

14 A. Not that I know of.

15 Q. It was at that meeting there  
16 was a discussion about the fact that  
17 Officer Schoolcraft had a tape recorder;  
18 is that correct?

19 A. Yes.

20 Q. Who mentioned that?

21 A. Brooklyn investigations might  
22 have mentioned it.

23 Q. That was the first time that  
24 you heard anybody discuss the fact that  
25 Officer Schoolcraft had a tape recorder?

1 S. MAURIELLO

2 A. Yes.

3 Q. How long did this PG or GO  
4 last?

5 A. I don't recall, not too long.  
6 They have to wait for union  
7 representation and lawyers to show up.  
8 Once the interviews were over, I left.

9 Q. And these are lawyers for the  
10 people being interviewed?

11 A. Yes.

12 Q. Did you have any discussions  
13 either during that day or that night with  
14 Lieutenant Caughey?

15 A. I believe Lieutenant Caughey  
16 calls me up on Sunday afternoon when I  
17 was off.

18 Q. The next morning?

19 A. Afternoon.

20 Q. The next afternoon?

21 A. Or night, yeah.

22 Q. But that day you did not speak  
23 to him?

24 A. No.

25 Q. Did you speak to anybody at IAB

1 S. MAURIELLO

2 that day, October 31, 2009.

3 A. No.

4 Q. You didn't speak to Astor?

5 A. No.

6 Q. Did you ask anybody to speak to  
7 Astor on your behalf?

8 A. No. I have no relation with  
9 Astor.

10 Q. What did you discuss with  
11 Caughey Sunday afternoon?

12 A. He called up. He said he heard  
13 what happened. I said, "Officer  
14 Schoolcraft left work. He didn't feel  
15 well. He just left without permission.  
16 He went back to his house. He was AWOL.  
17 He was physically restrained by  
18 investigations, and he went to the  
19 hospital."

20 Q. That's what you told Caughey?

21 A. Yeah.

22 Q. What did Caughey tell you?

23 A. He said that day he scratched  
24 him and took his memo book, scratched him  
25 and handed it back to him later on.

1 S. MAURIELLO

2 Q. Did Caughey say anything else  
3 to you?

4 A. He said -- with that he said,  
5 "I wondered because I scratched him. Did  
6 that have an effect why he left the  
7 precinct?"

8 I said, "No, he left because he  
9 said he was sick." That was it.

10 Q. What did you understand Caughey  
11 to be saying when he said did the  
12 scratching have an effect on why Officer  
13 Schoolcraft left the precinct?

14 A. I don't understand. I said,  
15 "He went sick. It was a bizarre night."  
16 And that was it. He hung up.

17 Q. Did Caughey tell you that he  
18 thought that maybe he intimidated  
19 Schoolcraft?

20 A. No, he did not say that.

21 Q. Did he suggest that to you?

22 MS. PUBLICKER METHAM:

23 Objection.

24 A. No.

25 Q. Did Caughey tell you that he

1 S. MAURIELLO

2 threatened Schoolcraft?

3 A. No, he did not.

4 Q. Did Caughey tell you that he  
5 made a copy of Schoolcraft's memo book?

6 A. Not that night. He didn't tell  
7 me that night.

8 Q. Did he tell you that night that  
9 he made a photocopy of Officer  
10 Schoolcraft's memo book and put it your  
11 desk drawer?

12 A. Not that night. When I came  
13 into work that Monday.

14 Q. How did you communicate with  
15 Caughey on Sunday afternoon?

16 A. He called me.

17 Q. On your cell phone?

18 A. I believe job phone.

19 Q. Job cell phone?

20 A. I believe.

21 Q. What is the phone number  
22 associated with that phone number?

23 A. I don't know. His cell number  
24 or his home number. I don't even know.

25 Q. But you got it on your

1 S. MAURIELLO

2 department-issued BlackBerry, right?

3 A. Should be.

4 MR. SMITH: I going to call for  
5 the production of the records  
6 pertaining to calls, texts, emails,  
7 received or sent from Inspector  
8 Mauriello's cell phone or BlackBerry  
9 for the days October 31, November 1,  
10 November 2, November 3, and November  
11 4, 2009.

12 MR. KRETZ: Usual instructions,  
13 put it in written, please; and we will  
14 take it under advisement.

15 Q. So am I correct as of the time  
16 that you went into Officer Schoolcraft's  
17 apartment on October 31, you were unaware  
18 that Officer Schoolcraft had made any  
19 reports of misconduct at the eight one to  
20 IAB?

21 A. That's correct.

22 Q. In your statements to IAB,  
23 Exhibit 47, at page 4938 --

24 MS. PUBLICKER METTHAM: Again,  
25 we going into a confidential portion

1 S. MAURIELLO

2 in the transcript.

3 MR. SMITH: Let's label that  
4 part confidential.

5 MR. KOSTER: What time is it?

6 MR. KRETZ: We are at seven  
7 hours. We can finish this line of  
8 questions, but I was just making the  
9 observation if less time was spent on  
10 the color of people's jackets and  
11 shirts and more on matters of  
12 substance. I have done my absolute  
13 utmost not to intrude on your  
14 examination. And so seven hours it is  
15 plus a few minutes to finish this line  
16 of questions.

17 MR. SMITH: I'm not sure I agree  
18 with the seven hours. I certainly  
19 don't agree with the characterization  
20 with less time or more time spent on  
21 other matters, but rather than wasting  
22 more time debating that, I will finish  
23 this line of questioning, and we will  
24 discuss how we want to proceed if we  
25 can reach an understanding.



1 S. MAURIELLO

2 [Whereupon, the following is  
3 deemed confidential:]

4 Q. I direct your attention to page  
5 4938 of your PG it's also page 51. On  
6 line 9 --

7 MS. PUBLICKER METTHAM: This  
8 portion should be confidential.

9 MR. SMITH: Yes.

10 Q. On line 9, aren't you saying  
11 here that Caughey called you that night?

12 A. I got confused. It was the  
13 next night.

14 Q. So what you told IAB is  
15 incorrect, but what you told me is  
16 correct?

17 A. Yes, IAB knows that.

18 Q. How do you know that?

19 A. They know it. They interviewed  
20 other people probably too.

21 Q. Did you correct that statement?

22 A. It happen the next day. He  
23 called me.

24 Q. You're not answering my  
25 question. Did you correct the statement?

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S. MAURIELLO

A. I didn't get a chance to  
correct the statement.

[Whereupon, the following is  
deemed not confidential:]

1 CONTINUED- STEVEN MAURIELLO

2 feeling upset stomach or what.

3 Q. Are you familiar the building  
4 120 Chauncey Street?

5 A. Yes, I am.

6 Q. Is that a dangerous building?

7 A. Yes.

8 Q. While you were at the command at  
9 the 81, there had been shots fired at that  
10 building, right?

11 A. Been shots fired, numerous  
12 people shot, people scared. There was a cop  
13 shot at.

14 Q. When when was a cop shot at?

15 A. It was in the summer. I forget  
16 the date, but --

17 Q. Summer of what?

18 A. '08 or '09. I don't recall.

19 Q. Who was the cop?

20 A. Officer Freanelli.

21 Q. What's an I09?

22 A. Interim order nine, I think it  
23 is.

24 Q. What's is it referring to?

25 A. Something with the -- I don't