

PLAINTIFF'S MOTION
EXHIBIT 6

1 STEVEN WEISS

2 Q. When did you mention these
3 entries to Lauterborn?

4 A. At some point after this there
5 was an incident where, he, Officer
6 Schoolcraft asked the duty captain to
7 respond directly to his post and sometime
8 between the period that that happened and
9 the period that the captain spoke to him
10 about that bizarre request, it came up, from
11 my recollection, in a conversation.

12 Q. When you had this discussion
13 with Lauterborn you were a sergeant at the
14 81st Precinct, right?

15 A. Yes.

16 Q. So this conversation with
17 Lauterborn happened sometime before
18 April 2009, correct?

19 A. Yes.

20 Q. And the discussions that you had
21 with -- hold on right there -- what do you
22 recall telling Lauterborn about the unusual
23 entries?

24 A. Just that there was bizarre
25 stuff written in his memo book. That there

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wasn't stuff you would generally see in a cop's activity log.

Q. Did you show copies of the unusual entries to Lauterborn?

A. I don't think so, no.

Q. Did you have copies of the unusual entries?

A. I don't think I ever made copies.

Q. Why not?

MR. SHAFFER: Objection.

A. It just -- I don't know.

Q. What is the early intervention unit?

A. The unit that when officers are having issues, sometimes work related, sometimes outside of work, they provide counseling is my best understanding of it.

Q. Who did you speak to at early intervention?

A. A police officer. I don't recall his name.

Q. This was a police officer who worked in the early injury invention unit of

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NYPD?

A. Yeah. That's what I believe it was. The early invention unit.

Q. Where is the early invention unit located?

A. Somewhere in headquarters.

Q. What did you tell the police officer from the early invention unit about Schoolcraft?

A. That I was worried about his -- worried about him, because he -- I had discovered that at some point while he was on that -- apparently, while he was on that leave at some point, that there had been some kind of incident with his father upstate, where his father was hospitalized and that there was a burglary in his father's residence and there was an urn that had Officer Schoolcraft's deceased mother or brother's ashes in it that had been stolen and that he was trying to locate the people that did that and it was causing him some type of mental distress and that kind of coupled with this weird stuff here, I was

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2 concerned for his wellbeing, how he was
3 handling the situation. So I wanted some
4 advice as to what to do.

5 Q. When you're referring to this
6 stuff here in your prior answer, were you
7 referring to -- what were you referring to?

8 A. I mean, the bizarre entries in
9 the memo book and just his behavior calling
10 the duty captain to his foot post. Kind of
11 arguing with me about being off post.

12 Q. Hadn't he already received a
13 failing evaluation by this time, as well?

14 A. You see that's the thing, I
15 would imagine that that evaluation was
16 prepared before that. I don't remember
17 dates when I spoke to this guy at early
18 invention. It was while he still had his
19 gun and shield, but at real short -- within
20 the time I spoke to him, his firearm and his
21 shield were removed within like a week. So
22 it was somewhere -- you figure out the
23 timeframe for me.

24 Q. So it was about a week between
25 the time that you spoke to the police

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2 officer from early intervention and when
3 Schoolcraft had his gun and shield removed?

4 A. It was a week or two 'cause I
5 remember him coming back to the precinct and
6 that's one of the meetings I had spoken
7 about earlier and he wouldn't really
8 elaborate on what had happened, other than
9 he wasn't modified, but he didn't have his
10 firearm anymore.

11 Q. Did you provide any other
12 information to the early intervention unit
13 about Schoolcraft?

14 A. Yeah, I faxed them a copy of a
15 newspaper article that I found on the
16 internet regarding this incident with his
17 father and the missing ashes.

18 Q. Did you send him anything else?

19 A. I don't think so.

20 Q. Was -- it was a him?

21 A. Yes, it was definitely a him.

22 Q. Did you fill out any forms or
23 follow any patrol guide procedures with
24 respect this interaction you had with the
25 early intervention unit?

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2 A. No, that I remember, I don't.

3 (Plaintiff's Exhibit 126,
4 document, was marked for identification
5 as of this date by Mr. Smith.)

6 Q. Showing you what's marked as
7 126. It's a two-page document Bates Stamp
8 Numbers 2844 through 45. Is this the
9 article that you were just referring to?

10 A. Yes.

11 Q. Is that your handwriting on the
12 first page?

13 A. Yes, it is. In relation to the
14 September '07 and January '08 this thing on
15 the bottom --

16 Q. Yeah, you anticipated my next
17 question. The handwriting on the right-hand
18 column on the first page, your handwriting?

19 A. Yes.

20 Q. What about the handwriting phone
21 number 646-610-4509; is that your
22 handwriting?

23 A. Yes.

24 Q. What's that a number to?

25 A. It's a headquarters number, but

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I don't know what it's to.

Q. One Police Plaza?

A. Yes.

Q. Is this the phone number of the early intervention?

A. You have to call. I don't know.

Q. You sent this article to the early intervention unit at the time that you were a sergeant at the 81st Precinct; is that right?

A. Right.

Q. Did you send the early invention unit any other information about this article?

A. I don't know. I don't remember what else I sent them. Says there's a 12 page to the fax. So obviously I sent something else. What was sent with it, what it was, I don't remember.

Q. You're saying that it was 12 pages --

A. It says at the top.

Q. But that's for the fax --

A. Right.

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Q. -- line dated January 12, 2010, right?

A. Correct.

Q. You were not at the ICO -- you were not at the 81st Precinct on January 12, 2010?

A. No, I wasn't. So this wouldn't be the fax. I don't know if I sent them anything else.

Q. You got to --

A. I said I don't know if I sent them anything else.

MR. SMITH: I am going to call for the production of the file in the early invention unit file pertaining to Officer Schoolcraft including, but not limited to the copy of the article that the witness has identified as being sent to that unit.

MR. SHAFFER: You have the article. You just handed it to him.

MR. SMITH: No, I know. I want their copy of the article and ideally all of the information reflecting when

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2 it was transmitted. This copy does not
3 provide that information, but if the
4 witness faxed, as he said, a copy of
5 this newspaper article to that unit,
6 then there may be information in their
7 files about when it was faxed. There
8 may be also information about what else
9 was sent to the unit and what action,
10 if anything, the unit took with respect
11 to Schoolcraft. So I am making a
12 request for the entire file.

13 MR. SHAFFER: Put it in writing.

14 We will take under advisement.

15 Q. You found this article,
16 Exhibit 126, on the internet?

17 A. Yes.

18 Q. Why were searching on the
19 internet for Schoolcraft?

20 A. It was -- I was -- like I said,
21 I was worried about the guy a little bit.
22 Why specifically I did it, I don't recall.
23 I imagine I was looking for anything he may
24 have posted that was on there. I don't
25 know. I don't really remember what led me

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to do it.

Q. He was not within your line of supervision at that time, was he?

A. As the ICO, everybody is in my line of supervision.

Q. Did Mauriello ask you to do a search for information about Schoolcraft on the internet?

A. No.

Q. Did Lauterborn ask you to do a search on Schoolcraft?

A. No.

Q. Did Caughey ask you to do a search on the internet for Schoolcraft?

A. No.

Q. So you did this on your own initiative?

A. My best recollection, yeah.

Q. Do you recall speaking with Caughey about speaking to the early intervention unit?

A. I don't recall specific conversation we had about it, no.

Q. Do you recall generally talking

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2 about Officer Schoolcraft with Caughey?

3 A. We spoke about Officer
4 Schoolcraft, yes.

5 Q. What did you speak with Caughey
6 about Officer Schoolcraft?

7 A. Everything from the memo book to
8 the CD I gave him, to this, he appealed his
9 evaluation.

10 Q. When you say referring to this
11 --

12 A. To the article.

13 Q. I mean the Leader Herald
14 article?

15 A. Correct. He appealed his
16 evaluation, he all of sudden had no gun and
17 we couldn't find out why, what his
18 assignment would be after he came back to
19 the precinct with no gun. It came up in
20 conversation.

21 Q. Did it come up in conversation
22 contacting the early intervention unit?

23 MR. SHAFFER: Objection.

24 A. I don't have a specific
25 recollection of speaking to about it. It

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2 like I said, it may or may not. I don't
3 know. We spoke about a lot of things.

4 Q. What do you recall occurring at
5 the appeal meeting that you attended?

6 A. His performance was discussed.
7 There was some discussion about how somebody
8 working in a place as busy crime wise as the
9 81st Precinct could go weeks and months on
10 end without having been involved in stopping
11 anybody in regards to robberies that
12 occurred or grand larceny -- it would be
13 impossible to not see any kind of action
14 that would necessitate the police to take
15 criminal enforcement action. He made some
16 statements about the law and he mentioned
17 the FBI at some point and/or the feds or
18 something like that. We talked about when
19 it was proper to stop somebody and we talked
20 about rights, violation, he mention the
21 animal thing again. I believe I told him to
22 send into the employee suggestion that we
23 have an cruelty unit or that there was an
24 ASPCA police department that was probably
25 looking for guys. That's pretty much my

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A. I don't recall, no.

Q. Do you recall Schoolcraft asking about whether or not there were any performance goals or quotas?

A. I don't remember that.

Q. Do you recall asking Schoolcraft whether or not he was recording the conversation?

A. I think I did ask him that actually.

Q. Why did you ask him that?

A. Just out of curiosity. See if he was recording.

Q. What made you think that he was recording it?

A. He just -- he just was odd. I don't know how else to describe it. It was something that I could see him doing based on the activity logs. This almost obsessive documentation that every single thing that was going on. It just seemed like a natural progression in my thought processes that he could be recording everything. I don't know how else to...

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2 Q. Was that the first time that you
3 believed that he was recording?

4 A. I don't know when the first time
5 I -- it occurred to me that he might be.

6 Q. On how many occasions did it
7 occur to you that he might be recording?

8 A. I don't know.

9 Q. Did you ever discuss the
10 possibility that Schoolcraft was recording
11 conversations with anybody at the 81st
12 Precinct?

13 MR. SHAFFER: Objection.

14 A. Ever.

15 Q. Ever?

16 A. The possibility that he was,
17 other than meeting, no, I don't believe so.

18 Q. So at the meeting you asked
19 Schoolcraft, are you recording this?

20 A. I believe I did.

21 Q. And he told you what?

22 A. Best of my recollection was he
23 said no.

24 Q. Did you ever have any
25 conversations with anybody after that

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2 exchange where the possibility of
3 Schoolcraft tape recording anything was
4 discussed?

5 A. I don't believe so.

6 Q. So you never had any discussions
7 with Caughey about whether or not
8 Schoolcraft was tape recording?

9 A. I don't have any specific
10 recollection of having a conversation about
11 it.

12 Q. You have a general recollection
13 of discussing it --

14 A. No, I don't have any
15 recollection of it.

16 Q. Let me just ask the whole
17 question, so the reporter has a whole
18 question and you get a whole answer instead
19 of piecemeal.

20 A. All right.

21 Q. All right. So do you have any
22 recollection of having any discussion with
23 Caughey about Schoolcraft regarding
24 recording conversations?

25 A. I don't have any recollection of

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having a conversation with Caughey regarding Schoolcraft recording.

Q. Do you any have recollection of having any discussions with Mauriello about Schoolcraft taping conversations?

A. No.

Q. Do you have any recollection of discussions that you had with Lauterborn about Schoolcraft taping?

A. I don't have any recollection, no.

MR. SMITH: I think this is a good time to break for lunch. It is 12:53. If we can keep it under 45 minutes, I can try and wrap up this up by midafternoon.

MR. SHAFFER: Sounds good to us. We will be back at 1:40.

MR. SMITH: Yeah, that sounds good. 12:53.

(Whereupon, a recess was taken.)

MR. SMITH: We are going back on the record, it's 1:58.

Q. Before we broke for lunch we

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2 A. Sure.

3 Q. Is this the patrol guide
4 procedure for EDPs?

5 A. It is a patrol guide for EDPs.

6 Q. Did you ever look at a patrol
7 guide procedure like this or this one in
8 particular with reference to determining
9 whether or not Schoolcraft was an
10 emotionally disturbed person?

11 A. At one point it was -- I looked
12 over the procedure dealing with removal of
13 firearms and there is a procedure referring
14 or ordering an officer to psych services for
15 evaluation. I don't know the procedure
16 number. It's somewhere in the personnel
17 section, I believe, of the guide, but
18 there's a separate procedure dealing with
19 members of the service, uniformed members of
20 the service that need psychological
21 evaluation.

22 Q. When did you look at that patrol
23 guide procedure?

24 A. The same day that he -- he,
25 meaning Schoolcraft, requested the duty

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1 captain to respond to his foot post.

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3 Q. How did you first become aware
4 that Schoolcraft had requested a duty
5 captain to respond to his post?

6 A. I heard it on the radio.

7 Q. What radio did you hear it on?

8 A. My department radio.

9 Q. And just so the record is clear,
10 the department is a radio frequency that all
11 people listening to that frequency would
12 hear; is that correct?

13 MR. SHAFFER: Objection.

14 A. It's a -- yes.

15 Q. And is that radio frequency that
16 you heard this request by Schoolcraft for a
17 duty captain to come to his post, is that a
18 radio frequency that could be heard beyond
19 the confines of the 81st Precinct?

20 A. Yes.

21 Q. Am I correct in saying that
22 Schoolcraft's request on the radio on that
23 day for a duty captain was something that
24 emanated throughout the patrol borough
25 Brooklyn North jurisdiction?