Page 1 UNITED STATES DISTRICT COURT 1 SOUTHERN DISTRICT OF NEW YORK \_\_\_\_\_X 2 3 ADRIAN SCHOOLCRAFT, Plaintiff, 4 5 Case No: 10 CV 06005 - against -6 7 THE CITY OF NEW YORK, ET AL., 8 9 Defendants. ----X 10 11 111 Broadway New York, New York 12 May 29, 2014 10:19 a.m. 13 14 15 16 DEPOSITION OF STEVEN WEISS, pursuant to Notice, taken at the above place, date and 17 time, before DENISE ZIVKU, a Notary Public 18 within and for the State of New York. 19 20 21 22 23 24 25

Page 103 1 STEVEN WEISS 2 Α. No, that I remember, I don't. (Plaintiff's Exhibit 126, 3 document, was marked for identification 4 5 as of this date by Mr. Smith.) 6 Showing you what's marked as Ο. 7 126. It's a two-page document Bates Stamp Numbers 2844 through 45. Is this the 8 article that you were just referring to? 9 10 Α. Yes. 11 Q. Is that your handwriting on the 12 first page? 13 Yes, it is. In relation to the Α. 14 September '07 and January '08 this thing on the bottom --15 16 Q. Yeah, you anticipated my next 17 question. The handwriting on the right-hand 18 column on the first page, your handwriting? 19 Α. Yes. 20 What about the handwriting phone Q. 21 number 646-610-4509; is that your 22 handwriting? 23 Α. Yes. What's that a number to? 24 Q. 25 It's a headquarters number, but Α.

Page 104 1 STEVEN WEISS 2 I don't know what it's to. 3 One Police Plaza? Q. 4 Α. Yes. Is this the phone number of the 5 0. 6 early intervention? You have to call. I don't know. 7 Α. You sent this article to the 8 0. 9 early intervention unit at the time that you 10 were a sergeant at the 81st Precinct; is 11 that right? 12 Right. Α. Did you send the early invention 13 Ο. 14 unit any other information about this 15 article? 16 Α. I don't know. I don't remember 17 what else I sent them. Says there's a 12 page to the fax. So obviously I sent 18 19 something else. What was sent with it, what 20 it was, I don't remember. 21 You're saying that it was 12 Q. 22 pages --23 It says at the top. Α. 24 Q. But that's for the fax --25 Α. Right.

Page 105 1 STEVEN WEISS 2 Q. -- line dated January 12, 2010, 3 right? 4 Α. Correct. 5 You were not at the ICO -- you Q. 6 were not at the 81st Precinct on January 12, 7 2010?No, I wasn't. So this wouldn't 8 Α. 9 be the fax. I don't know if I sent them 10 anything else. 11 Q. You got to --I said I don't know if I sent 12 Α. 13 them anything else. 14 MR. SMITH: I am going to call 15 for the production of the file in the 16 early invention unit file pertaining to 17 Officer Schoolcraft including, but not 18 limited to the copy of the article that 19 the witness has identified as being 20 sent to that unit. 21 MR. SHAFFER: You have the 22 article. You just handed it to him. 23 No, I know. MR. SMITH: I want 24 their copy of the article and ideally 25 all of the information reflecting when

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STEVEN WEISS it was transmitted. This copy does not provide that information, but if the witness faxed, as he said, a copy of this newspaper article to that unit, then there may be information in their files about when it was faxed. There may be also information about what else was sent to the unit and what action, if anything, the unit took with respect to Schoolcraft. So I am making a request for the entire file. MR. SHAFFER: Put it in writing. We will take under advisement.

15 You found this article, Q. 16 Exhibit 126, on the internet? 17 Α. Yes. 18 Why were searching on the Ο. 19 internet for Schoolcraft? 20 It was -- I was -- like I said, Α. 21 I was worried about the guy a little bit. Why specifically I did it, I don't recall. 22 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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Page 107 1 STEVEN WEISS 2 to do it. 3 Q. He was not within your line of supervision at that time, was he? 4 As the ICO, everybody is in my 5 Α. 6 line of supervision. 7 Did Mauriello ask you to do a Q. search for information about Schoolcraft on 8 the internet? 9 10 Α. No. 11 Did Lauterborn ask you to do a Q. search on Schoolcraft? 12 13 Α. No. 14 Did Caughey ask you to do a Q. search on the internet for Schoolcraft? 15 16 Α. No. 17 Q. So you did this on your own initiative? 18 19 My best recollection, yeah. Α. 20 Do you recall speaking with Q. 21 Caughey about speaking to the early intervention unit? 22 I don't recall specific 23 Α. 24 conversation we had about it, no. Do you recall generally talking 25 Q.

Page 108 1 STEVEN WEISS 2 about Officer Schoolcraft with Caughey? 3 Α. We spoke about Officer Schoolcraft, yes. 4 What did you speak with Caughey 5 Ο. 6 about Officer Schoolcraft? 7 Everything from the memo book to Α. 8 the CD I gave him, to this, he appealed his evaluation. 9 10 When you say referring to this Q. 11 12 Α. To the article. 13 I mean the Leader Herald Q. 14 article? 15 Α. Correct. He appealed his evaluation, he all of sudden had no gun and 16 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 Did it come up in conversation Q. 22 contacting the early intervention unit? MR. SHAFFER: Objection. 23 24 Α. I don't have a specific 25 recollection of speaking to about it. It

Page 128 1 STEVEN WEISS 2 That's my recollection. Past that, I'm not 3 a hundred percent sure. 4 What do you recall about your Q. 5 discussion with Lauterborn about the request 6 for a duty captain? 7 Α. Just how bizarre and unusual it 8 was and how it pointed towards the fact that there was something perhaps not right with 9 10 this guy at this point. That we needed to 11 -- I felt we needed to, at least, have 12 somebody talk to him on a level that they 13 could evaluate his psychological wellbeing 14 to make sure that he was okay. That he 15 wasn't, for lack of a better term, crazy. 16 Did you have that discussion Q. 17 with Lauterborn the same day he made his 18 request? 19 Α. Yes. 20 The same day that Schoolcraft Ο. 21 made the request for the duty captain? 22 Α. Yes. 23 Do you recall anything that you Ο. discussed with Lauterborn? 24 25 I don't specifically remember Α.

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2	the details of the conversation. I do
3	remember the procedure regarding sending an
4	officer to psych services or having a
5	clinician respond however, exactly the
6	procedure was written, was discussed and the
7	this may have come up also from what I
8	remember. This, being the article, and my
9	concerns about his psychological wellbeing
10	based on what was in the article.
11	Q. You're referring to Exhibit 126?
12	A. Yes.
13	Q. Do you recall anything else that
14	you discussed with Lauterborn?
15	A. It was all related to that.
16	About having him evaluated and the memo book
17	entry from when I issued him the CD. Best
18	of my recollection this happened a couple of
19	days next day after that whole CD
20	incident. So that also came up cause the
21	unusualness of that entry in the in there
22	and some of the other unusual entries that I
23	observed in his book.
24	Q. Do you discuss with Lauterborn
25	who the duty captain was that day?

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Page 130 1 STEVEN WEISS 2 Α. I don't know. 3 Who was the duty captain that **Q**. 4 day? 5 I don't know. Α. Did you have any discussion with 6 Q. 7 anybody else that day about Schoolcraft's 8 request for the duty captain? 9 Α. Other than Lauterborn, my 10 recollection is also, Sergeant Stukes was 11 somebody that I spoke to about it. 12 Q. What did you speak to Stukes 13 about? 14 Α. I believe Stukes went to the --15 seemed to find out why he was asking for the duty captain. So the conversation was 16 17 regarding that. 18 What do you recall about your Ο. 19 discussion with Stukes? 20 Α. Not much. I remember having a 21 discussion with him about it. And then him 22 speaking to the captain about it, I believe. 23 Past that, I don't really remember even 24 partially about the unusualness about the 25 request from what I remember.

Page 131 1 STEVEN WEISS 2 Do you recall speaking with **Q** . 3 anybody else that day about Schoolcraft's request for a duty captain? 4 5 Not that I could remember. Α. 6 When did you discuss 0. 7 Schoolcraft's duty captain request with Caughey? 8 9 Α. Probably, from my recollection, it was right after we -- right after it came 10 11 over then walking into the -- as we walked from our office to the captain's office. 12 13 They were like across the hall -- not across 14 the hall, but across the lobby of the 15 precinct. 16 Ο. So the same day that you had the 17 conversation with Lauterborn, you also had a 18 conversation Caughey about --19 Α. Yeah, this all happened at the 20 same time. 21 0. What do you recall about your 22 discussion with Caughey? 23 Just that I felt that he needed Α. 24 to be evaluated. 25 Was Schoolcraft evaluated? Q.

Page 132 1 STEVEN WEISS 2 Α. No. 3 Q. Why not? The captain's decision. 4 Α. 5 Q. Which captain? 6 Α. Captain Lauterborn. 7 So Lauterborn said I'm not going 0. to do this, is that what happened? 8 9 Α. He interviewed Schoolcraft and 10 then after that there was no further action 11 taken as far as having him evaluated at 12 least that day that I know of. 13 Were you present during this Q. 14 interview with Lauterborn? 15 No. Α. 16 Where did this interview take Ο. 17 place? 18 In the CO slash XO's office. Α. 19 Was this the same day that the Q. request by Schoolcraft for the duty captain 20 21 took place? 22 Α. Yes. 23 Was Mauriello in command and Q. 24 working at that time? 25 Α. He was the CO of the precinct at

Page 133 1 STEVEN WEISS 2 the time. He was not working. 3 Q. Do you recall having any other 4 discussions with anybody else that day about 5 this request? 6 Α. Not that I can recall, no. 7 So am I correct that you looked Q. 8 at the patrol guide procedure for referring Schoolcraft to psychological services and 9 10 you discussed that patrol guide procedure 11 with Lauterborn and ultimately, Lauterborn 12 told you no, we are not following this 13 procedure with respect to Schoolcraft. 14 MR. SHAFFER: Objection. 15 Α. Yes, that would be fair. 16 Did you ever have any Q. 17 discussions with Mauriello about 18 Schoolcraft's request for a duty captain? 19 Α. I don't specifically remember any conversations about it. 20 21 Did you, yourself, have any Q. 22 conversations with Schoolcraft that day? 23 Α. I'm not certain. 24 Did you, at any time after that, Q. 25 have any conversations with Schoolcraft

Page 134 STEVEN WEISS 1 about his duty captain request? 2 3 Α. I'm not sure. I don't know. Was your contact with the early 4 Ο. 5 invention before or after Schoolcraft requested the duty captain? 6 Good question, I don't know. 7 Α. What's the next thing that you 8 Q. remember with regards to Schoolcraft? 9 10 MR. SHAFFER: Objection. 11 Α. I remember when he came back to 12 the precinct after I had spoken with the 13 early invention people at some point and he 14 now he came back and he had no gun, no shield and I had a short conversation with 15 16 him in my office about that. 17 What was that conversation? Q. 18 Basically what happened, how Α. 19 come you have no gun and shield, which he 20 really wasn't able to provide any kind of answer, other than to say that they showed 21 22 up at his house and drove him someplace and took his gun and his shield and brought him 23 24 That's what I remember him back home. 25 telling me.