

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Jonathan Corbett,  
Plaintiff

v.

City of New York,  
Raymond Kelly,  
Officer Does 1 through 4  
Defendants

**11-CV-3549 (CBA) (JMA)**

**FIRST AMENDED COMPLAINT  
FOR VIOLATIONS OF 42 USC §  
1983, THE FOURTH AND FIFTH  
AMENDMENTS TO THE UNITED  
STATES CONSTITUTION, AND  
RELATED CLAIMS**

**JURY DEMANDED**

**SUMMARY**

1. Plaintiff Jonathan Corbett (“CORBETT”) was detained by four New York Police Department (“NYPD”) officers (the “OFFICERS”) for no reason other than that the OFFICERS found it “suspicious” for a white male to be in a neighborhood primarily inhabited by black residents.
2. Upon exercising his constitutional right to decline to answer questions regarding from where he was coming and to where he was going, CORBETT was non-consensually and unlawfully searched by the OFFICERS in a manner that did not meet the criteria for a “Terry search” and exceeded the bounds of the same.
3. The NYPD conducts nearly seven hundred thousand (700,000) of these “stop-and-frisk” searches annually<sup>1</sup>. While the U.S. Supreme Court requires that an officer conducting a stop-and-frisk have reason to believe an individual is armed and dangerous, here in New York, not even two percent of stop-and-frisks result in the recovery of a weapon. It is clear that either NYPD training is so poor that its officers are mistaken on their predictions of weapons possessions 79 out of 80 times, or that NYPD custom and/or policy allows and encourages officers to utilize stop-and-frisk searching for purposes other than ensuring the safety of its officers (such as quotas), or for no purpose at all.

**JURY TRIAL**

4. CORBETT demands a jury trial.

---

<sup>1</sup> This number is based on self-reported statistics by the NYPD. However, as the NYPD has reported to CORBETT that they have no record of him being searched, there is evidence that the actual number – including “undocumented” stop-and-frisks – may indeed be much higher.

## **PARTIES**

5. Plaintiff CORBETT is an individual residing in the State of Florida.
6. Defendant City of New York is a city incorporated under the laws of the State of New York which operates and employs all officers of the New York Police Department.
7. Defendant Raymond Kelly is, and was at all times relevant, the commissioner of the New York Police Department, and is named in his individual capacity. Upon information and belief, this defendant does not reside within the State of Florida.
8. Defendant Officer Doe 1 is an unnamed police officer with the New York Police Department named in his individual capacity, and for identification purposes occupied the driver's seat of a police vehicle that approached CORBETT. Upon information and belief, this defendant does not reside within the State of Florida.
9. Defendant Officer Doe 2 is an unnamed police officer with the New York Police Department named in his individual capacity, and for identification purposes is the officer who physically searched CORBETT. Upon information and belief, this defendant does not reside within the State of Florida.
10. Defendant Officer Doe 3 is an unnamed police officer with the New York Police Department named in his individual capacity, and for identification purposes is the first of two officers who neither drove the police vehicle nor physically searched CORBETT. Upon information and belief, this defendant does not reside within the State of Florida.
11. Defendant Officer Doe 4 is an unnamed police officer with the New York Police Department named in his individual capacity, and for identification purposes is the second of two officers who neither drove the police vehicle nor physically searched CORBETT. Upon information and belief, this defendant does not reside within the State of Florida.

## **JURISDICTION & VENUE**

12. This Court has subject matter jurisdiction under 28 USC § 1331, on the basis of there being a federal question relating to the U.S. Constitution. See *Bivens v. Six Unknown Narcotics Agents*, 403 U.S. 388 (1971).
13. This Court also has subject matter jurisdiction under 28 USC § 1331, on the basis of there being a federal question relating to 42 USC §§ 1981 and 1983.

14. This Court also has diversity jurisdiction, as the amount of the controversy exceeds US\$75,000.00 and the plaintiff, upon information and belief, resides in a state different from all defendants.
15. This Court has supplemental jurisdiction over all state law claims.
16. Venue is appropriate because the incident that gave rise to this complaint occurred within the district boundaries for this Court, because Defendant City of New York is a city largely within the district boundaries for this Court, and because all of the remaining defendants are employed by the City of New York and thus there is a high probability that all remaining defendants live in or near this Court's district boundaries.

### **ALLEGATIONS OF FACT**

17. On or about June 17th, 2011, at or around 12:35 AM, at or around the northeast corner of Schenectady Ave. & Sterling Pl., Brooklyn, NY, CORBETT walked out of a deli after purchasing a bottle of water.
18. A group of four men (the OFFICERS) occupying an unmarked vehicle parked at the corner identified themselves to CORBETT as police officers of the New York Police Department.
19. Based on CORBETT's knowledge and belief that plain clothes officers with the New York Police Department often drive similar unmarked vehicles, often have exactly two or four men occupying said vehicles, the presence of electronic equipment between the occupants of the front seats, and the tone, demeanor, and appearance of the four men, CORBETT believed, and still believes, that these men correctly identified themselves.
20. There was nothing that stood out about CORBETT's appearance, clothing, behavior, or demeanor at the time he was confronted and at all times immediately prior.
21. Officer Doe 1 began by asking CORBETT, "What are you doing in this neighborhood?"
22. CORBETT is a light-skinned Caucasian.
23. The neighborhood in which this incident took place is primarily inhabited by black residents, and indeed CORBETT noticed no other persons that appeared to be white in his vicinity at the time of the incident.

24. The OFFICERS implied to CORBETT through their questioning and tone of voice that it was unusual for white people to be in that neighborhood, and that this was their reason for questioning CORBETT.
25. Other than the incident described herein, CORBETT has never felt that a police officer has taken any action relating to him based on his race.
26. Officer Doe 1 continued to ask CORBETT why he was where he was, including asking questions as to where he was coming from and where he was going.
27. CORBETT respectfully and calmly declined to describe his past and future whereabouts to Officer Doe 1.
28. Officer Doe 1 asked CORBETT to produce identification.
29. CORBETT respectfully and calmly declined to produce identification.
30. CORBETT asked Officer Doe 1 if he was being detained or if he was free to go.
31. Officer Doe 1 responded that he was being detained and was not free to go.
32. Officer Does 2 and 3 exited the vehicle; Officer Doe 2 approached CORBETT while Officer Doe 3 remained further away from CORBETT.
33. Officer Doe 2 informed CORBETT that the area is a “high drug trafficking area,” that the OFFICERS were conducting an investigation, and that CORBETT was the subject of their investigation.
34. Officer Doe 2 then informed CORBETT that he would be searching CORBETT.
35. CORBETT replied to Officer Doe 2, loudly enough that the other OFFICERS would be able to hear, that CORBETT did not consent to the search but would not physically resist the search.
36. One of the officers responded to CORBETT that his consent was not necessary.
37. CORBETT asked the OFFICERS if this was to constitute a “Terry search.”
38. Officer Doe 1 responded that this would not be a “cavity search.”
39. CORBETT clarified for Officer Doe 1 that he said “Terry” and not “cavity.”

40. The OFFICERS seemed confused at this question, and eventually one of them gave CORBETT an answer that was, substantially, “yeah, whatever.”
41. There was nothing regarding CORBETT’s appearance, clothing, behavior, or demeanor that would have suggested that he was armed or dangerous.
42. A reasonable individual would have had no reason to fear that CORBETT was armed or dangerous, or about to cause physical violence in any way.
43. CORBETT was alone at the time of the incident.
44. The OFFICERS were all armed with handguns, clubs, and pepper spray.
45. Officer Doe 2 proceeded to search CORBETT using a “frisk” method of search whereby he moved his hands over the clothing of CORBETT.
46. Officer Doe 2 concentrated on the pockets of CORBETT’s jeans for approximately one full minute, carefully palpating soft objects he could feel inside of them.
47. There were no hard objects that could have even vaguely resembled a weapon in the areas on which Officer Doe 2 was concentrating.
48. The contents of the pockets on which Officer Doe 2 was concentrating consisted solely of cash and receipts.
49. At no point during this evening was CORBETT in possession of any weapons, drugs, or contraband of any kind.
50. Officer Doe 2 completed his search and instructed CORBETT to remove the contents of his pockets.
51. CORBETT declined to remove the contents of his pockets.
52. The OFFICERS continued their questioning and repeatedly threatened CORBETT with spending the night in jail if he did not answer their questions and produce identification.
53. CORBETT continued to decline to produce identification and to answer all questions, except for his name, date of birth, and place of residence.

54. After approximately 10 minutes, the OFFICERS, without explanation to CORBETT, decided to discontinue their questions and “investigation” and told CORBETT to “have a nice night.”
55. At no point during this encounter did CORBETT ever see any indication that any of the OFFICERS were uncomfortable with initiating or continuing the unlawful detention of CORBETT.
56. On or about June 20<sup>th</sup>, 2011, CORBETT served upon the City of New York a “Notice of Claim<sup>2</sup>” that detailed this incident.
57. The NYPD’s practice, and abuse, of “stop-and-frisk” searches has occurred for no less than decades, and the NYPD has been on notice of such.
58. Statistics released by the NYPD, year after year, admit to over 500,000 stop-and-frisks conducted annually, reaching an all-time high in 2011 of 684,330. *See* Exhibit A, “Critics Assail NYPD Stop-and-Frisk Tactics,” The Wall Street Journal. <http://blogs.wsj.com/metropolis/2012/02/14/critics-assail-nypd-stop-and-frisk-tactics/>, Exhibit B, “NYPD Stop-and-Frisk Statistics, 2009 and 2010,” Center for Constitutional Rights. [http://ccrjustice.org/files/CCR\\_Stop\\_and\\_Frisk\\_Fact\\_Sheet.pdf](http://ccrjustice.org/files/CCR_Stop_and_Frisk_Fact_Sheet.pdf).
59. The population of New York City is approximately 8,000,000 people.
60. Based on the above, one’s odds of getting stopped-and-frisked by the NYPD in a given year are approximately 1 in 12.
61. However, those odds are drastically changed when taking race into account -- black people, for example, are nearly ten times as likely to be stopped-and-frisked as white people. *See* Exhibit B.
62. The high number of stop-and-frisk searches can be explained, at least in part, by NYPD supervisors setting quotas or quota-like “performance goals.”
63. These quotas are often times treated as more important than respecting the rights of the public, by both supervisors and “street cops.”

---

<sup>2</sup> The service of a Notice of Claim is required prior to bringing state law claims against a New York government entity, such as the City of New York. *See* N.Y. GMU § 50-e. No such service is required to bring the federal law and constitutional claims brought herein. The city assigned CORBETT’s claim #2011PI024362.

64. For example, in 2010, a whistleblower NYPD officer recorded his commanding officer directing him as follows: “Any roving bands – you hear me – roving bands of more than two or three people, I want them stopped. Cuffed. Throw them in here, run some warrants. You’re on a foot post? Fuck it. Take the first guy you’ve got, lock them all up.” See Exhibit C, “Is That a Tape Recorder in Your Pocket, or Are You Just Unhappy to See Me?” This American Life. <http://www.thisamericanlife.org/radio-archives/episode/414/transcript>
65. The same whistleblower also recorded the following statement: “I see eight fucking summonses for a 20-day period or a month. If you mess up, how the hell do you want me to do the right thing by you? You come in, five parkers, three A's, no C's, and the only 250 you do is when I force you to do overtime? I mean it's a two-way street out here.” See Exhibit D, “The NYPD Tapes: Inside Bed-Stuy's 81st Precinct,” p. 3. The Village Voice. <http://www.villagevoice.com/2010-05-04/news/the-nypd-tapes-inside-bed-stuy-s-81st-precinct/3/>.
66. In the above quotation, “250” is a reference to Form UF-250, a report filled out each time a stop-and-frisk is performed.
67. Despite the lawful purpose of a stop-and-frisk necessarily being the detection of weapons, only 1.25% of these searches actually yielded a weapon. See Exhibit B.
68. Approximately 90% of those stopped-and-frisked were not taken into custody or even issued a summons – in other words, were engaged solely in completely lawful behavior – and naturally a portion of the remaining 10% would find their cases dismissed.
69. Following the shooting death of Amadou Diallo, an unarmed man killed by NYPD officers in 1999, the New York State Attorney General issued a detailed report examining NYPD stop-and-frisk tactics which, among other things, concluded that no lawful basis for the stop had been recorded by officers in nearly 40% of the stops examined.
70. Based upon the NYPD-released statistics, published whistleblower reports, and Attorney General report, the NYPD was, or should have been, aware of the abuse of stop-and-frisks, and instead of correcting the problem, the quantity of stop-and-frisks has increased by a rate of 14% in the last year, and over 100% since 2004. See Exhibit A.

## **CLAIMS FOR RELIEF**

### **Counts 1 - 6 – Violations of 42 USC § 1983**

71. The OFFICERS initiated contact with CORBETT without any articulable reason permitted by the U.S. Constitution and/or federal law.
72. As CORBETT refused to answer any questions other than his name, date of birth, and place of residence, the OFFICERS gained no additional reasons to detain CORBETT between the time that they approached CORBETT and the time that they told him he was being detained<sup>3</sup>.
73. CORBETT's detention constitutes a deprivation of "rights, privileges, or immunities."
74. Defendant City of New York is responsible for the training of all New York Police Department officers.
75. Raymond Kelly oversees the New York Police department and was aware of the rampant abuse of stop-and-frisk of which CORBETT became a victim, yet failed to correct it.
76. The fact that none of the four OFFICERS objected to the furtherance of this detention over the course of 10 minutes is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
77. The fact that the four OFFICERS seemed quite confused as to what a "Terry search" is, is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
78. This charge is levied against the New York Police Department (count 1), who is liable for its negligent and reckless failure to train their employees and/or failure to modify department policy (*a la Monell*), against Raymond Kelly in his individual capacity (count 2), and against each of the four OFFICERS in their individual capacities<sup>4</sup> (counts 3 - 6).

---

<sup>3</sup> CORBETT's refusal to answer questions as to his whereabouts and produce identification is protected by the U.S. Constitution, and exercise of a constitutional right can never justify detention and/or search.

<sup>4</sup> While Officer Does 1 and 2 were most culpable as the individuals who informed CORBETT that he was being detained and physically conducted the illegal search of CORBETT, the group of four officers acted as a unit, and the mere presence of Officer Does 3 and 4 constitutes a



**Counts 7 - 12 – Violations of 42 USC § 1981**

79. The OFFICERS initiated contact with CORBETT based solely on his race<sup>5</sup>.
80. As CORBETT refused to answer any questions other than his name, date of birth, and place of residence, the OFFICERS gained no additional reasons to detain CORBETT between the time that they approached CORBETT and the time that they told him he was being detained.
81. CORBETT's detention constitutes an infringement on the "security of [his] person[.]"
82. Defendant City of New York is responsible for the training of all New York Police Department officers.
83. Raymond Kelly oversees the New York Police department and was aware of the rampant abuse of stop-and-frisk of which CORBETT became a victim, yet failed to correct it.
84. The fact that none of the four OFFICERS objected to the furtherance of this detention over the course of 10 minutes is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
85. The fact that the four OFFICERS seemed quite confused as to what a "Terry search" is, is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
86. This charge is levied against the New York Police Department (count 7), who is liable for its negligent and reckless failure to train their employees and/or failure to modify department policy (*a la Monell*), against Raymond Kelly in his individual capacity (count 8), and against each of the four OFFICERS in their individual capacities (counts 9 - 12).

---

contribution to the illegal search and detention. The elevated culpability of Officer Does 1 and 2 is reflected in the elevated damages sought from them in comparison to Officer Does 3 and 4.

<sup>5</sup> Although 42 USC § 1981(a) explicitly states that non-whites must not be treated differently than a white person, the equal protection clause of the Fourteenth Amendment to the U.S. Constitution demands that the reverse must also be true.

**Counts 13 - 17 – The Fourth Amendment to the United States Constitution**  
**(Unlawful Seizure)**

87. The OFFICERS initiated contact with CORBETT without any articulable reason permitted by the U.S. Constitution and/or federal law.
88. As CORBETT refused to answer any questions other than his name, date of birth, and place of residence, the OFFICERS gained no additional reasons to detain CORBETT between the time that they approached CORBETT and the time that they told him he was being detained.
89. Despite not having any articulable reason permitted by the U.S. Constitution and/or federal law to detain CORBETT, the OFFICERS did so anyway.
90. Raymond Kelly oversees the New York Police department and was aware of the rampant abuse of stop-and-frisk of which CORBETT became a victim, yet failed to correct it.
91. The fact that none of the four OFFICERS objected to the furtherance of this detention over the course of 10 minutes is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
92. The fact that the four OFFICERS seemed quite confused as to what a “Terry search” is, is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
93. This charge is levied against Raymond Kelly (count 13) and against each of the four OFFICERS (counts 14 - 17), in their individual capacities.

**Count 18 - 22 – The Fourth Amendment to the United States Constitution**  
**(Unlawful Search Justification)**

94. The OFFICERS approached CORBETT without any articulable reason permitted by the U.S. Constitution and/or federal law.
95. As CORBETT refused to answer any questions other than his name, date of birth, and place of residence, the OFFICERS gained no additional reasons to detain CORBETT between the time that they approached CORBETT and the time that they told him he was being detained.

96. The only type of non-consensual search permitted while both reasonable suspicion and a warrant are lacking is a “Terry search.”
97. A Terry search requires at least some articulable suspicion that the individual encountered by the police is armed and dangerous.
98. Absent from this encounter was any reason to think that CORBETT was armed, dangerous, or in any way about to cause any harm to anyone.
99. Despite the fact that CORBETT was being illegally detained and there was no reason for these officers to fear for their safety, these officers conducted a non-consensual search of CORBETT.
100. Raymond Kelly oversees the New York Police department and was aware of the rampant abuse of stop-and-frisk of which CORBETT became a victim, yet failed to correct it.
101. The fact that none of the four OFFICERS objected to the this search is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
102. The fact that the four OFFICERS seemed quite confused as to what a “Terry search” is, is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
103. This charge is levied against Raymond Kelly (count 18), and against each of the four OFFICERS (counts 19-22), in their individual capacities.

**Count 23 - 27 – The Fourth Amendment to the United States Constitution**  
**(Unlawful Search Intensity)**

104. The only type of non-consensual search permitted while both reasonable suspicion and a warrant are lacking is a “Terry search.”
105. The sole purpose of a Terry search is to find weapons which may be immediately used by the individual being searched to harm the officers but for the Terry search.
106. Any touching, looking, prodding, lifting, or any other variety of contact whatsoever beyond what is necessary to find a weapon is strictly prohibited of an officer conducting a Terry search.

107. Despite this fact, the officer searching CORBETT touched and manipulated soft objects within CORBETT's pockets for an extended period of time.
108. Any manipulation of soft objects is beyond the bounds of a Terry search.
109. Any search that extends more than the amount of time reasonably necessary to determine the presence of weapons – somewhat large, hard objects – is beyond the bounds of a Terry search.
110. Raymond Kelly oversees the New York Police department and was aware of the rampant abuse of stop-and-frisk of which CORBETT became a victim, yet failed to correct it.
111. The fact that none of the four OFFICERS objected to the this search is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
112. The fact that the four OFFICERS seemed quite confused as to what a “Terry search” is, is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
113. This charge is levied against Raymond Kelly (count 23), and against each of the four OFFICERS (counts 24 - 27), in their individual capacities.

**Count 28 - 32 – The Fifth Amendment to the United States Constitution**

114. CORBETT invoked his right to remain silent as guaranteed to him by the Fifth Amendment to the US Constitution.
115. Without any reason other than CORBETT's failure to answer questions that he is lawfully entitled to refuse to answer, the OFFICERS escalated their search and seizure of CORBETT.
116. Depriving a citizen of a right (in this case, his freedom to leave) in response to his invocation of another right (the right to remain silent) is a violation of that latter right.
117. Raymond Kelly oversees the New York Police department and was aware of the rampant abuse of stop-and-frisk of which CORBETT became a victim, yet failed to correct it.

118. The fact that none of the four OFFICERS objected to the this search is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
119. The fact that the four OFFICERS seemed quite confused as to what a “Terry search” is, is *prima facie* evidence that this was not simply a case of an officer failing to use good judgment, but rather four officers who were not properly trained as to the requirements of their duties.
120. This charge is levied against Raymond Kelly (count 28), and against each of the four OFFICERS (counts 29 - 32), in their individual capacities.

#### **Count 33 - 38 – New York State Constitution, Article 1, Section 12**

121. CORBETT re-alleges the details for charges 13 - 27, and are incorporated as if stated in full herein.
122. The New York State Constitution, similar to the U.S. Constitution, similarly prohibits the unreasonable search and seizure described in charges 13 - 27.
123. This charge is levied against the New York Police Department (count 33), who is liable for its negligent and reckless failure to train their employees and/or failure to modify department policy, against Raymond Kelly in his individual capacity (count 34), and against each of the four OFFICERS in their individual capacities (counts 35 - 38).

#### **Count 39 - 44 – Common Law False Arrest**

124. CORBETT re-alleges the details for charges 13 - 17, and are incorporated as if stated in full herein.
125. This charge is levied against the New York Police Department (count 39), who is liable for its negligent and reckless failure to train their employees and/or failure to modify department policy, against Raymond Kelly in his individual capacity (count 40), and against each of the four OFFICERS in their individual capacities (counts 41 - 44).

#### **Count 45 - 50 – Common Law Battery**

126. CORBETT re-alleges the details for charges 18 - 27, and are incorporated as if stated in full herein.

127. In effecting their unlawful search, CORBETT was subjected to unwanted physical contact by the OFFICERS.

128. This charge is levied against the New York Police Department (count 45), who is liable for its negligent and reckless failure to train their employees and/or failure to modify department policy, against Raymond Kelly in his individual capacity (count 46), and against each of the four OFFICERS in their individual capacities (counts 47 - 50).

#### **Count 51 - 56 – Common Law Assault**

129. CORBETT re-alleges the details for charges 18 - 27, and are incorporated as if stated in full herein.

130. The presence of four men making illegal demands while openly carrying handguns was an offensive contact that caused CORBETT apprehension for his safety.

131. The OFFICERS intended for CORBETT to feel intimidated, as evidenced by their threats to arrest CORBETT.

132. This charge is levied against the New York Police Department (count 51), who is liable for its negligent and reckless failure to train their employees and/or failure to modify department policy, against Raymond Kelly in his individual capacity (count 52), and against each of the four OFFICERS in their individual capacities (counts 53 - 56).

### **PRAYER FOR RELIEF**

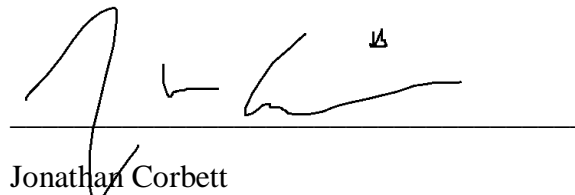
WHEREFORE, the Plaintiff prays for the following relief:

- a) Compensatory and punitive damages against the City of New York totaling US\$500,000.00.
- b) Compensatory and punitive damages against Raymond Kelly totaling US\$500,000.00.
- c) Compensatory and punitive damages against Officer Does 1 and 2 of \$50,000.00 each.
- d) Compensatory and punitive damages against Officer Does 3 and 4 of \$25,000.00 each.
- e) Cost of the action.
- f) Reasonable attorney's fees, should CORBETT retain an attorney<sup>6</sup>.
- g) Any other such relief as this Court deems appropriate.

Dated: New York, NY

February 24<sup>th</sup>, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan Corbett', is written over a horizontal line. The signature is stylized with a large initial 'J' and a long horizontal stroke.

Jonathan Corbett

Plaintiff, *Pro Se*

100 Lincoln Road, #726

Miami Beach, FL 33139

E-mail: jcorbett@fourtentech.com

---

<sup>6</sup> CORBETT is presently representing himself in this action *pro se*, and is not seeking attorney's fees for any *pro se* work. CORBETT only seeks attorney's fees in the event that he retains an attorney at a later point, and only for the work completed by said attorney.

**Exhibit A**



FEBRUARY 14, 2012, 6:25 PM ET

# Critics Assail NYPD Stop-and-Frisk Tactics

Search Metropolis

SEARCH

Article

Comments (5)

METROPOLIS HOME PAGE »

Email

Print

Like 24

Send

Twitter

Facebook

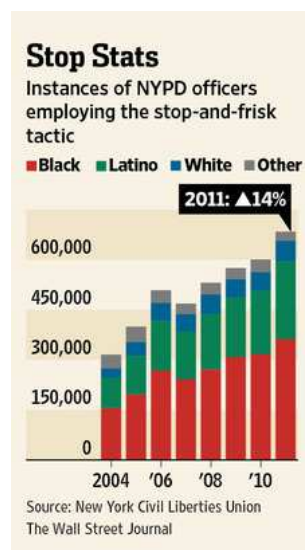
+ More

Text

By Pervaiz Shallwani

Joseph Midgley, who identifies himself as a homeless New Yorker, is no stranger to the New York Police Department's stop-and-frisk policy.

"I have been stopped and frisked four times," said Midgley, who volunteers with the advocacy group Picture the Homeless. In each instance, he said, police asked if he had anything illegal and proceeded to search him even after he said no. "I was never ever charged, never even given a ticket."



Midgley joined a group of critics who turned out Tuesday to challenge police tactics on the steps of City Hall. The event came in the wake of [The Wall Street Journal's report](#) that police performed a record-high 684,330 stops last year.

The number of stops jumped by 14% over 2010 totals — a pattern of increases that has been repeated nearly every year since Mayor Michael Bloomberg took office in 2002, said Darius Charney, lead attorney in a lawsuit challenging the stop-and-frisk policy. In Bloomberg's first year, the number of people stopped by police was under 100,000, he said.

Civil rights advocates, Manhattan Borough President Scott Stringer and City Council members participated in the press conference, calling on the Bloomberg administration to change the way stop-and-frisks are used and charging that the current system is racially biased.

"Acknowledge that this is a problem," said City Council Member Jumaane Williams. "I am not against stop and frisk as a police tactical tool, but it is being abused in my community in a way that would never be allowed."

Critics noted, as the Journal reported, that 84% of those stopped in 2011 were black and Latino. "Little wonder, then, that police in New York City is a tale of two cities," said Donna Lieberman, executive director of the New York Civil Liberties Union.

She said blacks are stopped more than six times as often as whites, while Latinos are stopped by police four times more frequently than whites. Men of color between the ages of 14 and 24 make up 7.2% of the city's population but account for 41% of the stops, Lieberman said.

Lieberman put the stop-and-frisk policy in the context of Bloomberg's philanthropic efforts to address the hurdles faced by young, underprivileged men in New York City. Police stops "are a significant part of the problem," she said.

The NYPD has said the practice has helped to bring down crime numbers and save lives. Homicides dropped 4% in 2011 compared to the low tally from the year before, and in total remained under 600 for the 10th straight year. Major crime, which includes violent offenses and serious theft, ticked up by less than 1% last year.

On Monday, NYPD spokesman Paul Browne estimated that over the past 10 years, there were 5,628 fewer homicides than in the decade before Bloomberg took office — as a result, in part, of the stop-and-frisk policy.

"There is no empirical data that shows stop and frisk reduces crime," Charney countered on Tuesday.

Councilman Williams, who represents Brooklyn, echoed that skepticism. "We cannot feel comfortable with these numbers," he said. "We cannot feel comfortable with a mayor who says just we don't care what you are saying, a commissioner who says we just don't care about what you are saying — we are going to do what we want anyways."

**Exhibit B**



# NYPD Stop-and-Frisk Statistics 2009 and 2010

The Center for Constitutional Rights (CCR)<sup>1</sup> has long been active in the movement to address racial profiling, particularly in New York City.<sup>2</sup> CCR filed *Floyd, et al. v. City of New York, et al.*, a federal class action lawsuit against the New York City Police Department (NYPD) and the City of New York that challenges the NYPD's practices of racial profiling and unconstitutional stops-and-frisks.<sup>3</sup> Stop-and-frisk is the practice by which an NYPD officer initiates a stop of an individual on the street allegedly based on so-called reasonable suspicion of criminal activity. Stop-and-frisks occur at an alarming rate in communities of color, who often feel under siege and harassed by the police.

In 2009, a record 576,394 people were stopped, 84 percent of whom were Black and Latino residents — although they comprise only about 26 percent and 27 percent of New York City's total population respectively.<sup>4</sup> The year 2009 was not an anomaly. Ten years of raw data from the NYPD reveal that stops-and-frisks result in a minimal weapons and/or contraband yield. Moreover, the practice contributes to continued mistrust, doubt and fear of police officers in communities of color that are already scarred by systemic racial profiling and major incidents of police brutality and torture. There is a clear need for accountability, independent oversight and reform in the NYPD's use of stops-and-frisks.

## 2009 Total Stops



Black: 306,965  
Latino: 178,690  
White: 53,278

## 2009 Arrests Made during stop-and-frisk



Black: 18,022  
Latino: 10,959  
White: 3,255

## 2009 Summons Given during stop-and-frisk



Black: 18,842  
Latino: 11,847  
White: 3,114

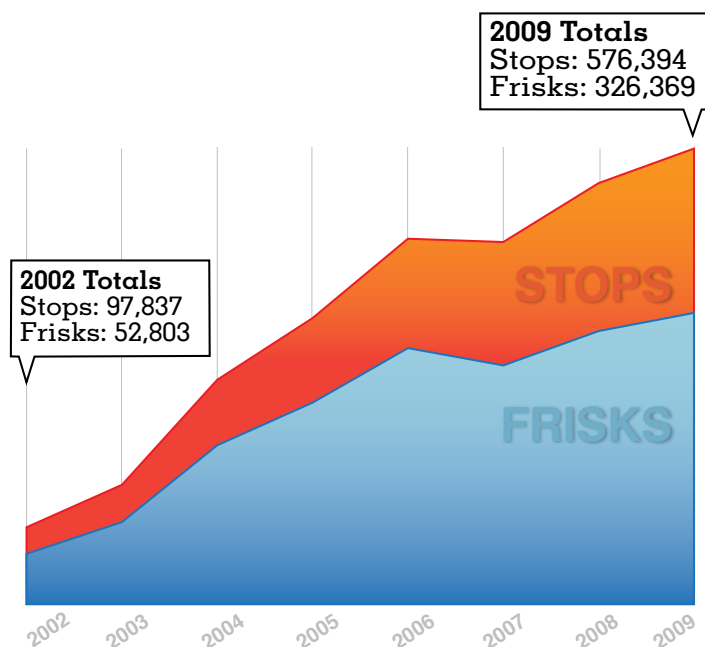
## 2009 Times Force Used during stop-and-frisk



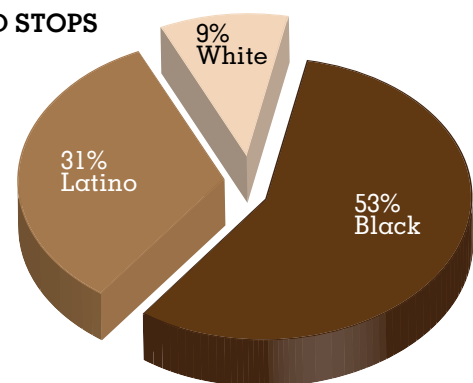
Black: 75,424  
Latino: 48,607  
White: 10,041

**The NYPD's use of stops-and-frisks is still on the rise.** In 2008, the number of people stopped and frisked was 540,302. In 2009, it was 576,394. This is a 6.7% increase in one year and almost a 600% increase since 2002.

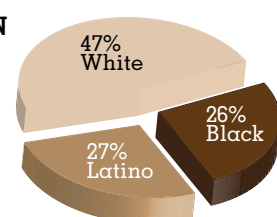
**Blacks and Latinos are disproportionately stopped.** In 2009, Blacks and Latinos represented 84% of those stopped. Blacks and Latinos comprise only 26% and 27% of the NYC population, respectively.



**NYPD STOPS 2009**



**NYC POPULATION 2009**

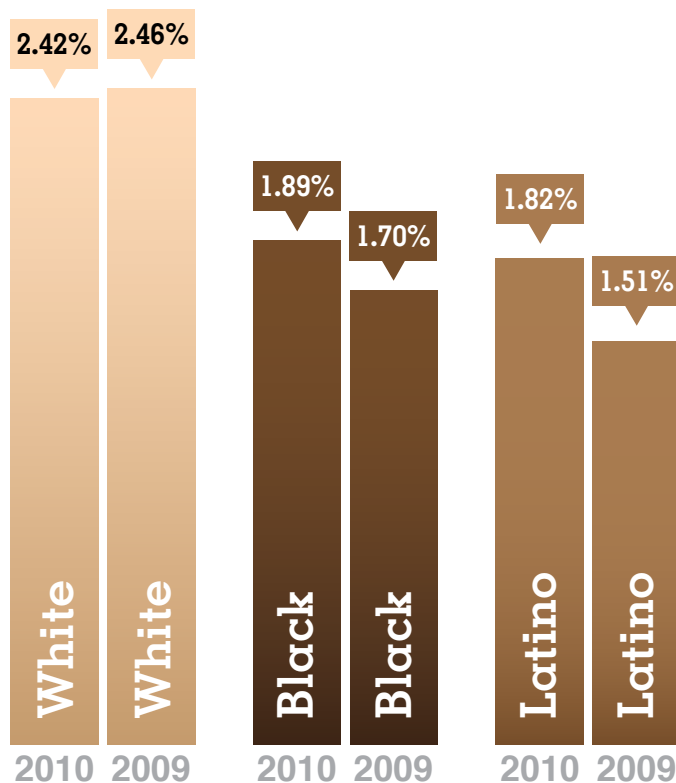




# NYPD Stop-and-Frisk Statistics 2009 and 2010

In a report issued in October 2010, renowned policing expert Jeffrey Fagan of Columbia University confirmed that the NYPD stopped-and-frisk'd New Yorkers without reasonable suspicion and engaged in a pattern of unconstitutional stops that disproportionately affected Black and Latino New Yorkers. The report also concluded that most stops occur in Black and Hispanic neighborhoods, and the main factor for determining who gets stopped, even after controlling for crime rates, is race. Additionally, Black and Latino New Yorkers are treated more harshly, more likely to be arrested rather than issued a summons and more likely to have force used against them than White suspects.

## Contraband yielded during NYPD stops during first half of 2010 and 2009



**Stops resulted in extremely low weapons yields.** Weapons were recovered in 7,201 stops in all of 2009 — which represented only 1.25% of all stops. One of the NYPD's primary talking points regarding their stop-and-frisk policy has been that it keeps weapons off the street. These numbers clearly contradict that claim.

The information contained in this document does not necessarily reflect any of the conclusions, evidence or arguments that will be presented by plaintiffs in the lawsuit *Floyd v. City of New York*, 08 Civ. 1034 (SAS) (SDNY)

1 CCR works to advance and protect the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Learn more about CCR at: <http://ccrjustice.org>.

2 CCR is currently working with a wide range of community groups to develop a comprehensive Police Accountability and Transparency Project, which will advocate for city-wide police-reform efforts. Because of the city's enormous influence, we believe that police reform in New York City has the potential to set a standard for police departments nationwide.

3 The plaintiffs in this case represent the thousands of African American and Latino New Yorkers who have been illegally stopped on their way to work, in front of their homes or just walking down the street, primarily because of their race or ethnicity.

4 Census Bureau (<http://censtats.census.gov/cgi-bin/pct/pctProfile.pl>), Table DP-1. Profile of General Demographic Characteristics: 2000, Geographic area: New York City, New York.



centerforconstitutionalrights

666 Broadway, New York, NY 10012  
212-614-6464  
[ccrjustice.org](http://ccrjustice.org)

**Exhibit C**

---

## Act Two. Is That a Tape Recorder in Your Pocket, or Are You Just Unhappy to See Me?

**Ira Glass** It's This American Life. I'm Ira Glass. Our show today-- Right to Remain Silent. We have two stories of people who very much do not choose to remain silent. We've arrived at act two of our show. Act Two. Is That a Tape Recorder in Your Pocket, or Are You Just Unhappy to See Me? Adrian Schoolcraft is a New York City policeman who decided to secretly record himself and his fellow officers on the job-- all day, every workday, he says for 17 months. Including lots of days when he was ordered to do all kinds of things cops are not supposed to do. It's led to a small scandal, Several people removed from their jobs, and four investigations of the New York Police Department. Though Adrian insists he didn't get into this looking for trouble.

**Graham Rayman** His father is a police officer, and, I would say, he went along with the program for a few years.

**Ira Glass** This is the reporter who broke the story in *The Village Voice* about Adrian and what he recorded those 17 months, a reporter named Graham Rayman. When I asked Graham what Adrian, the person at the center of this scandal, is like, the first thing out of his mouth is--

**Graham Rayman** I would describe him as an extremely earnest person, almost-- in this cynical age-- almost to the point of almost too earnest. He actually believed that he could get the police commissioner to change certain things about how the police department was being run.

**Ira Glass** Adrian Schoolcraft was working in Brooklyn-- precinct 81, in Bedford-Stuyvesant, a rough neighborhood, mostly black, that was slowly gentrifying. The precinct is just seven blocks wide and 20 blocks long, roughly, and had 13 murders last year, which is a third of what it used to be. Adrian's kind of an electronics buff, and he bought himself one of those tiny digital recorders, tucked it in his breast pocket, and started recording-- as he walked his beat, when he talked to other cops--

**Police Sergeant** All right, attention. Roll call.

**Ira Glass** --morning roll calls.

**Police Sergeant** Enison.

**Enison** Here.

**Police Sergeant** Lewis.

**Adrian Schoolcraft** The only reason the thought entered my head was because-- to protect myself.

**Ira Glass** This is Adrian.

**Adrian Schoolcraft** Like any other officer would carry a recorder-- was to protect themselves from any false accusations. Usually from civilians who are upset.

**Ira Glass** How big was the recorder?

**Adrian Schoolcraft** Oh, about the size of a pack of gum.

**Ira Glass** The atmosphere at the 81st precinct was set by its commander, Stephen Mauriello. When Mauriello showed up, Adrian Schoolcraft says, things changed. Offices were told to write more tickets, do more stop-and-frisks, arrest more people for low level offenses that they might otherwise let go-- get their numbers up.

**Adrian Schoolcraft** The pressure definitely increased when he arrived and took over as the commanding officer. The analogy I would use is like having a boot to the back of your heel. It is do this or else. The rent's due.

**Ira Glass** The rent's due?

**Adrian Schoolcraft** The rent is due. Pay the rent. Did you pay the rent last month?

**Ira Glass** Pay the rent means did you get your numbers?

**Adrian Schoolcraft** Correct.

**Ira Glass** Now, it's perfectly legal for police to be told-- like anybody in any job-- here's the amount of work that we expect you to do, number of tickets and arrests that are normal for somebody in your job in this neighborhood. But what's not allowed is to penalize police officers who do not make those targets. We don't want police officers under such pressure to deliver numbers that they make stops and arrests and write summons with no valid reason, just to get their goals. Again, reporter Graham Rayman.

**Graham Rayman** In other words, as a police supervisor I can't tell you, you better give me 20 tickets a month or else I'm going to transfer you to the graveyard shift. There can't be a direct relationship between the two.

**Ira Glass** That's just against the rules.

**Graham Rayman** It's against the law.

**Ira Glass** Oh, it's against the law?

**Graham Rayman** Yeah, there's a state law against that kind of thing. But what was happening in the precinct, and what the tapes show repeatedly, is that they were tying it to disciplinary action. They were threatening the cops. If you don't hit your numbers, you'll get



transferred, you'll lose your assignment, we'll change your partner, you'll go on a foot post, you can be given a worse assignment.

**Ira Glass** On November 1, 2008, one sergeant declares at a roll call, quote "they are looking at these numbers and people are going to be moved. They can make your job real uncomfortable, and we all know what that means." On December 8, 2008, the sergeant tells the officers that if they don't get their activity up, quote, "there's some people here that may not be here come next month."

**Police Sergeant** There's some people here that may not be here come next month.

**Ira Glass** Because officially the NYPD doesn't allow numeric quotas to be tied to job performance, you hear the supervisors in the recording sometimes get into real verbal contortions to get the point across. Like in this excerpt from a roll call the first month that Schoolcraft was recording, June 2008.

**Police Sergeant** The XO was in the other day. I don't know who was here. He actually laid down a number.

**Ira Glass** I'm just going to repeat this because it's hard to hear. "The XO was in the other day," that's a commanding officer, right?

**Adrian Schoolcraft** The Executive Officer.

**Ira Glass** Or, the Executive Officer. --"was in the other day. He laid down a number."

**Police Sergeant** All right. So, I'm not going to quote him on that, because I don't want to be quoted stating numbers.

**Ira Glass** I'm not going to quote him on that, because I don't want to be quoted stating members.

**Police Sergeant** All right. He wants at least three seat belts, one cell phone, and 11 others.

**Ira Glass** "He wants three seat belts, one cell phone, and 11 others." What does that mean?

**Adrian Schoolcraft** He wants three seat-belt summonses, tickets for people not wearing their seat-belt, one cell phone, someone driving in their car talking on the cell phone, and eleven others, there are dozens of other categories of summonses that you can give people.

**Police Sergeant** I don't know what the number is, but that's what he wants.

**Ira Glass** I don't know what the number is, but that's what he wants. That's a really-- what does that mean?

**Adrian Schoolcraft**

He's playing the same game. He knows he's not supposed to state a number, but he wants to get his point across. So it's kind of like, if you remember *All the President's Men*, it's a non-denial denial.

**Ira Glass** Adrian Schoolcraft says he isn't exactly sure when, but at some point he had decided that it was important to document the orders that he was given that he thought were out of line. He recorded roll calls where officers were constantly being told to do more stop-and-frisks, even though it's illegal to stop a random person on the street and frisk them without reasonable suspicion. In December 2008, a sergeant tells officers to stop-and-frisk quote, "anybody walking around, no matter what the explanation is." He recorded Stephen Mauriello, the commander the 81st precinct-- and the person Adrian Schoolcraft says really brought the hammer down for higher numbers-- ordering the officers to arrest everyone they see. This happens in a couple of recordings, like this one from Halloween 2008.

**Stephen Mauriello** Any roving bands-- you hear me-- roving bands more than two or three people--

**Ira Glass** He's saying "any roving bands of more than two or three people"-- he's talking about just people going around on Halloween night--

**Stephen Mauriello** I want them stopped--

**Ira Glass** I want them stopped--

**Stephen Mauriello** --cuffed--

**Ira Glass** --cuffed--

**Stephen Mauriello** --throw them in here, run some warrants.

**Ira Glass** --throw them in here, run some warrants.

**Stephen Mauriello** You're on a foot post? [BLEEP] it. Take the first guy you've got and lock them all up. Boom.

**Ira Glass** You're on a foot post? F it. Take the first guy you've got, lock them all up. Boom.

**Stephen Mauriello** We're going to go back out and process them later on, I've got no problems--

**Ira Glass** --go back out and then we'll come back in and process them later on."

**Adrian Schoolcraft** Yes. Yeah, what he's saying is, arrest people simply for the purpose of clearing the streets.

**Ira Glass** Again, Graham Rayman. He says the problem with that is--

**Graham Rayman** There has to be a violation of the law to make an arrest. He's essentially making the arrest before the crime takes place.

**John Eterno** This is an example of something that I would say-- they're going out in the street and just grabbing people-- that's unlawful imprisonment. It's an illegal arrest.

**Ira Glass** That's John Eterno, a former New York City cop, who went up the ranks from officer to sergeant, to lieutenant, to captain. He now chairs the Department of Criminal Justice at Molloy College and researches and writes about police practices with Professor Eli Silverman. And he says that some of the things that Adrian Schoolcraft documented on his recordings were no surprise to anybody-- like sergeants hounding officers to get their numbers up. That's been happening in every precinct for a long time, he says. But for commanders to tell cops, just lock people up and figure it out later-- Eterno says the word for that is kidnapping.

**John Eterno** That's exactly what it is. They're just pulling people off the street. It's an unlawful imprisonment and they're being kidnapped. If they don't have probable cause, you cannot grab people off the street. It is kidnapping. At this point, from what I'm hearing on this tape, it seems to me that this is probably illegal behavior that's taking place on the part of the police department.

**Andre Wade** We were arrested, they take us to the 81st precinct, put us in lock up for maybe an hour or two. And they processed us and checked for warrants. And once they see no warrants, they let us go, but we were still issued a citation.

**Ira Glass** Andre Wade has lived in the neighborhood for over twenty years. He's a commercial driver. One day, he and two friends were picking up his brother to go to work together. They were standing on the sidewalk, and a police officer came over, and said they were trespassing. When his brother came down and confirmed, no, no they were there to pick them up, Andre says the officer wouldn't listen.

**Andre Wade** He was just saying stuff like, you know you're not supposed to be standing here. He started getting upset when we were trying to talk him out of giving us the citations. And it's like he just got out of control. He got real erratic and got on the radio. And the next thing you know, we turn around and there's eight, nine police cars. It was to the point to where you would think that somebody was getting arrested for murder, or something like that. And they were just jumping out of their vehicles, and me and my buddies already knew that we were in for a ride.

**Ira Glass** The citation that the police gave Wade lists his name, the day that he's supposed to appear in court, but in the spot where it's supposed to specify his crime--

**Andre Wade** Yes, in that field of the ticket there was nothing-- no violation. The violation was blank.

**Ira Glass** One of the producers of our radio show lives in the 81st precinct. And she says that it's one of those neighborhoods where everybody has stories of ridiculous tickets. One of her neighbors was

bringing his aunt home from the hospital, and he double parked. Two officers told him to move his car, and when he didn't, he was handcuffed, forced to lie down in the street, and tasered twice-- all in front of a crowd of people, including her, who live on the block and heard him calling for help. One common citation is for having an open container of alcohol. One neighbor says he was walking home from church with his six year old daughter, drinking a small carton of Tropicana orange juice, and he got a ticket for that. Others got tickets for water and Gatorade that was being given away at the park. George Walker has lived on the same block for over 40 years and says older guys like him get a lot of tickets. He thinks maybe they're targeted because they don't give the cops any fuss. He says he's gotten a dozen tickets this past year, nearly all for open container, even though he says he wasn't drinking alcohol.

**George Walker** Every last ticket was dismissed. Every one was not a valid ticket. Because if you see someone drinking alcohol, and you give them a ticket for open container, you have to name what they were drinking. But if they can't name it, they just say cup with alcohol in it. But that's not the name of the alcohol, so it gets dismissed-- because it wasn't alcohol in the first place. But they feel like they can do anything they want to us.

**Ira Glass** So in this police station, where everybody's obsessed with how many tickets they're writing-- where cops are told to pull people off corners and throw them in jail and figure out later what to charge them with-- comes Adrian Schoolcraft, who had no interest in making his numbers.

**Adrian Schoolcraft** No, I never tried to make anything happen. I went out there, and you walk you beat. And whatever happened, happened.

**Ira Glass** When you would talk to other officers in the precinct, did you have friends who felt the same way?

**Adrian Schoolcraft** Yes.

**Ira Glass** And would they not get the numbers, or would they get the numbers?

**Adrian Schoolcraft** They would get the numbers. It's easier. Especially if you have a wife, kids. Then they're devoted to their pension and retiring.

**Ira Glass** Do you not have a wife and kids?

**Adrian Schoolcraft** No.

**Ira Glass** And so you wouldn't go up to people just to give them a ticket?

**Adrian Schoolcraft** No.

**Ira Glass** Because?

**Adrian Schoolcraft**

It just wasn't right. I found I was getting along with a lot of the local business owners, and I started interacting with the residents, and they would tell me who the problems were. Now, if you start messing with the residents, and you start going into the barber shops and writing summonses that I don't feel police officers have any business writing-- they didn't sweep the floor of hair-- these are the same people that could help you perform your job as a patrolman or a police officer. That was my philosophy, and it did work.

**Ira Glass** And so did you get a lot of heat for doing this?

**Adrian Schoolcraft** He [UNINTELLIGIBLE] pressure from supervisors.

**Ira Glass** What would they do?

**Adrian Schoolcraft** Well I think they considered the foot post punishment, but I always enjoyed the foot post. But there's also hospitalized prisoners, prisoner transports.

**Ira Glass** So they would assign you to these lousy posts?

**Adrian Schoolcraft** Yeah. To get my mind right, they would try those, but I accepted those as normal duties as a police officer.

**Ira Glass** But we still haven't gotten to the most disturbing thing documented by Adrian Schoolcraft and his recordings. Schoolcraft shows, over and over, that sometimes when real crimes would happen, serious crimes, the 81st precinct would reclassify them as lesser crimes-- or simply not put them in the system at all-- to make it look like the precinct was doing a better job driving down crime rates than it really was. Again reporter Graham Rayman.

**Graham Rayman** There's a remarkable conversation that Schoolcraft has with another officer. And the other officer is just telling him three anecdotes of how the precinct commanding supervisor basically dumped three criminal complaints that should've been recorded.

**Ira Glass** Yeah, what are the stories that he tells?

**Graham Rayman** One is-- a young woman reports her cell phone was robbed, and the precinct commander basically says--

**Police Officer** --what do you want me to do? What do you want to do with this?

**Graham Rayman** What do you want us to do with this? How are we going to solve this? Are you going to get your phone back? You're not going to get your phone back.

**Police Officer** I mean, he's like, "well, what if we can't get it back?" He's like, "are you going to press charges?"

**Graham Rayman** He basically talks her out of filing a complaint, and that should be a robbery that should go in their numbers. And one of the other ones is-- the precinct commander responds to a report of a stolen vehicle. And his first question is, he asks the victim have you done jail time?

**Police Officer** He's like, "you ever been arrested before?" He's like, "yeah." And he's like, "what for?"

**Graham Rayman** --which is not really a proper question to ask of a crime victim. But he asks it, and the guy says yes. Yeah, I did eight years in prison when I was younger. And the precinct commander says maybe karma stole your car.

**Police Officer** "So you think maybe Karma woke up this morning and took your car?"

**Adrian Schoolcraft** Karma as in the spiritual--

**Police Officer** He was like, "no, I don't think Karma takes cars." He's like, "I think somebody took my car."

**Adrian Schoolcraft** So he didn't take his report because he's a felon?

**Police Officer** Yeah. Basically.

**Ira Glass** In the end, this cop tells Adrian, their supervisor, Stephen Mauriello, told him to file the case as an unauthorized driver.

**Graham Rayman** --meaning that the guy loaned his car to somebody else who now has it.

**Ira Glass** Then when the officer tried to file it that way, because he didn't have a name for the unauthorized driver, he couldn't file it at all. So the robbery went unreported. Rules go into effect in the 81st precinct that make it harder to report serious crimes. Officers are told that if there's a robbery, one of their supervisors has to come out to the scene themselves. And robbery victims are told that if they don't come into the police station, no crime report will be filed at all. After Graham Rayman started publishing these stories about Adrian Schoolcraft, retired cops and some on-duty cops started contacting him with their own anecdotes about crimes being downgraded from serious to much less serious-- the most shocking of these from a high ranking detective name Harold Hernandez.

**Graham Rayman** He's a very distinguished detective. He was working in the 33rd precinct in Washington Heights. And one morning he comes into work and there's a guy who's accused of first degree rape sitting in his interview room. So he sits down and he looks at the guy. And he has a little twinge, and he says, have you ever done this before? And the guy said, yeah. And Hernandez says, how many times? And he says, oh, I don't know, seven or eight. And Hernandez says, where? And he goes, in this neighborhood. And Hernandez is now dumbstruck because there's been no report of a serial rapist-- sexual predator-- working the neighborhood.

**Ira Glass** Like, no crimes have shown up. People haven't shown up saying they've been raped or assaulted.

**Graham Rayman** He hasn't been notified. And he would be notified as a senior detective in the unit. It would be a very big deal. And so he says, can you give me the dates and locations? And the guy says, well, I can try, but you're going to have to take me around and I'll show. I'll show you. So he and a fellow detective get in the car and they drive around. And they look, and the suspect-- whose name is Darryl Thomas-- points out the locations. And then Hernandez takes his notebook and he writes down the locations. And then he goes back and he looks through stacks of crime complaints. And he finds them. And he realizes that they've been classified-- they've been downgraded. They've been classified either as criminal trespassing or criminal possession of a weapon-- both relatively minor crimes, given that the actual conduct in the narrative that the victims are describing is either first degree burglary, robbery, or sexual abuse, sexual assault. And he confronts his bosses about it. He confronts the precinct commander. And he confronts his detective squad commander. And everyone just shrugs. Meanwhile everyone's terrified that it's going to come out-- that these women are going to go to the press, and it's going to be a huge embarrassment, a huge scandal for the department. And if it had come out, it would have been a huge scandal for the department. But the department was able to keep it quiet. The District Attorney's office prosecuted Thomas and he went away for 50 years. But here's the interesting part-- they never publicized the case. There was never a press release issued about it. There was never a news article written about the case.

**Ira Glass** Normally, Graham says, that a case like this-- serial rapist-- they'd try to get some press. But the misclassifications of the crimes would have made the NYPD look bad. No one was ever disciplined for what happened, for downgrading. The precinct commander was promoted twice by Commissioner Kelly.

**Ira Glass** The guy who was in charge of that precinct where all this stuff happened?

**Graham Rayman** Where this stuff happened. He's been promoted twice. It just went on, business as usual. Hernandez-- here's a guy who probably would've stayed in the department for 35 years, 30, 35-- as long as he could. But he was so upset about this incident and about other instances of downgrading and of manipulation of the crime stats that he retired.

**Ira Glass** And so the NYPD has denied that crimes were downgraded like this.

**Graham Rayman** Yeah. Well, they said that it only happens in a very tiny percentage of cases. And they say that the crimes stats are audited very carefully, And if it was a wider problem it would be spotted.

**Ira Glass** The New York Police Department declined our request to come onto the radio or to have the officers who supervised Adrian Schoolcraft, and who are heard on his recordings, to be interviewed about their side of all this. But the pressure on police commanders to get better numbers really goes back to 1994, when New York started tracking crimes with a system called CompStat. CompStat, for the

first time, gave commanders timely, accurate data once a week on what crimes are happening, so they could send more cops to deal with it. Chances are you've heard of all this. It became one of the best known successes in modern policing. Serious crime has dropped an astonishing 77% in New York City since CompStat began in 1994. Other cities very quickly started imitating it-- DC, Philly, LA. Baltimore's version of CompStat ended up in a recurring plot line on the TV show *The Wire*, where street cops are told by the bosses to do anything to pump up their numbers. And the problem with CompStat, says Professor Eli Silverman, who studies the way police forces use numbers, is that the early success of CompStat created the expectation that numbers must get better every single year, no matter what.

**Eli Silverman** In the beginning it was like an orange. You could squeeze juice from an orange in the beginning much more readily than you can as you extract juice from that orange. And now, it gets harder and harder to drive crime down, because you're compared to not how you were in '94, but how you were last year the same week. And when something's pushed to the excess that it is now, and numbers dominate the system, that's when you have negative consequences.

**Ira Glass** As apparently the one person in the 81st precinct who was not obsessed by the numbers, Adrian Schoolcraft, by January 2009, had so displeased his bosses that they gave him a failing job evaluation that covered the entire year of 2008-- which meant one thing, Schoolcraft says.

**Adrian Schoolcraft** They're starting a paper trail, and they'll just keep documenting. They're starting to move you out.

**Ira Glass** He hired a lawyer and appealed the evaluation, but started feeling more pressure than ever to go out and do what his bosses wanted. He began to get stomach pains and tightness in his chest. He had trouble sleeping. Again, reporter Graham Rayman.

**Graham Rayman** I think within the precinct, he was probably seen as a little bit eccentric. And also, he wasn't going with the program. And anyone who doesn't go with the program is automatically marked.

**Ira Glass** Schoolcraft began to feel that he was being retaliated against. He got written up for taking a bathroom break without putting it in his log. Another officer was written up for talking to him. When he went to the duty captain, he was told yes, he was being monitored.

**Duty Captain** Because of your past activity. When people at the same level as you and the same post as you, are doing a lot more than what you do when you're out there, we don't know if you're even out there. That's the problem.

**Ira Glass** If there's a bunch of kids on a stoop and you're walking past, the duty captain asks him, and then named some addresses where that might happen, you just go on your merry way, because you don't see anything going on? Schoolcraft tells him he wouldn't just create fake charges. That's a common practice here, he says. Captain asks him what he means, and says in 19 years, he's never seen anybody create charges. Then he asks Schoolcraft the question again.



**Duty Captain** Those kids on the step. Are you going to keep walking?

**Adrian Schoolcraft** No.

**Duty Captain** Are you going to ask them if they live there?

**Adrian Schoolcraft** You usually won't get a response, but--

**Duty Captain** Right. [BLEEP] you, Schoolcraft. Right?

**Adrian Schoolcraft** That's how it usually happens.

**Duty Captain** Yeah. Are you going to create something there? Because I could tell you that if that [BLEEP] told me to [BLEEP] myself. Yeah, so you go in the handcuffs for telling me that? Yeah. That's it. If you let that go because there's no violation, because he didn't break the law, then I feel bad for you. Because then you have a tough job. And then maybe you should find something else to do, you know? So if you call that creating something? You call that creating something? Or do you call that a matter of keeping the respect, because they'll step all over you when they see you out there. They'll do whatever they want in front of you when you're out there.

**Ira Glass** Schoolcraft says that around this time, the recordings became about trying to keep his job. Somebody tells him that one of his bosses wants to force him out on psychiatric grounds.

**Ira Glass** During this whole time that you were recording, who did you tell?

**Adrian Schoolcraft** My father knew.

**Ira Glass** Friends?

**Adrian Schoolcraft** No.

**Ira Glass** Fellow officers?

**Adrian Schoolcraft** No.

**Ira Glass** Were you tempted to tell anybody ever?

**Adrian Schoolcraft** No.

**Ira Glass** What'd your dad say?

**Adrian Schoolcraft** He would ask me if I heard anything that day.

**Ira Glass**

And when you were getting these orders to get your numbers up and you wouldn't do it, what did your dad say about that?

**Adrian Schoolcraft** He would just reiterate to me how the quota system-- wherever you are, whatever city you're in-- it's unethical and it's illegal.

**Ira Glass** So he was on your side.

**Adrian Schoolcraft** Yes.

**Ira Glass** Finally in April, Schoolcraft takes off a week for stomach and chest pains and is sent to a police department doctor. The doctor finds nothing wrong with him physically.

**Adrian Schoolcraft** And he asked me if I was experiencing stress or anything. I said, well, yes. Matter of fact, this is what's going on. And he said, are you sure you want to tell me this?

**Ira Glass** Schoolcraft says he laid it all out for the doctor-- his bad performance evaluation, the numbers he was asked to hit, and also more personal disputes with his bosses about whether his evaluation was falsified, was the precinct doing training it claimed it was doing. And the police department doctor referred Schoolcraft to see a police department psychologist for an evaluation. And when Schoolcraft tells the psychologist the same things that he told the doctor, she asked him to turn in his gun and shield.

**Adrian Schoolcraft** Well, she made it sound like it was normal. She said, it's not unusual for us to take an officer's gun and shield if he or she is having chest pains. Schoolcraft moves to a job answering phones at the precinct, where he continues to gather evidence. And in October, he finally talks to the people in the police department who investigate unethical practices-- the Internal Affairs Bureau, IAB-- and it doesn't go well. Schoolcraft says that not only did they seem very skeptical, he claims that Internal Affairs left phone messages for him at the precinct. He says this alerted his bosses to the fact that he was talking to Internal Affairs. Internal Affairs does start an investigation, though. And soon, Schoolcraft gets a phone call from the division of the police department whose main purpose is to make sure that crime reporting and statistics using CompStat are accurate. It's called the Quality Assurance Division. And at last, Schoolcraft says, somebody seems to take his accusations seriously. Investigators hear him out, ask lots of questions, and promise to look into it.

**Qad Representative** I appreciate you coming in, and bringing [INAUDIBLE] to our attention.

**Ira Glass** He doesn't tell them that he has recordings. In fact, as you can hear, he secretly records this three hour meeting with them. But he does give them documentation-- real evidence to back up his charges. And what happens next to Adrian Schoolcraft is very, very strange. Just a few weeks after his meetings with Internal Affairs and QAD, he shows up to work. It's the end of October.

**Adrian Schoolcraft**

As soon as I sit down, a lieutenant approaches me and asks for my activity log. Well, this activity log is where I keep a lot of my notes regarding what people are saying and the times they're saying it.

**Ira Glass** And all the things, basically, you're trying to report that you think are going wrong in the precinct.

**Adrian Schoolcraft** Correct. And it wasn't until I got it back that I realized the cat was out of the bag. He had bent the corners on some of the pages, and I saw what piqued his interest. And I became very worried, how he was looming around me-- I felt threatened by it. And again, all these officers are armed. But I left with permission.

**Ira Glass** Because you thought, what was going to happen?

**Adrian Schoolcraft** Well, I wasn't sure. I just felt his behavior worried me. And--

**Ira Glass** But you thought he might provoke you into something, and then he would shoot you, or something?

**Adrian Schoolcraft** That was one of the fears. I'm not just an officer inside. Now I'm an officer that has this psych issue. No one's supposed to know, but everyone knows that when you have your gun and shield taken, you've been psyched. And you have that brand on you. So what's going to happen? Are they going to say I lunged at him? Or are they-- any kind of scenario could play out. And I just didn't feel comfortable, so I left.

**Ira Glass** How he left is in dispute. Schoolcraft says that he told a sergeant that he was feeling sick and went home an hour early. The police say the sergeant never said yes to this request. In any case, Schoolcraft went home and went to bed.

**Adrian Schoolcraft** A few hours later, I received a phone call from my father, and he told me he received a phone call from my XO. He says, look outside your window. And I looked out my window and there were multiple police vehicles, and there seemed to be quite a crowd.

**Police Officer** [KNOCKING] [INAUDIBLE]

**Ira Glass** Adrian has no idea what they want, but he knows the situation is bad, so he starts recording.

**Adrian Schoolcraft** 31 October, 2009. [KNOCKING]

**Ira Glass** The officers open Adrian's door with a key they get from his landlord.

**Police Officer** Adrian! Police department, buddy. Let me see your hands.

**Adrian Schoolcraft** They've just entered my home. And they were in their helmets, and gear, and tasers. They had the special weapon-- basically SWAT.

**Police Officer** You all right?

**Adrian Schoolcraft** Yeah, I think so.

**Police Officer** Everybody's worried about you. They haven't heard from you.

**Adrian Schoolcraft** Who's worried about me?

**Michael Marino** Adrian, didn't you hear us knocking on this door for a couple of hours?

**Adrian Schoolcraft** No. Why would I expect anyone to knock on my door?

**Michael Marino** I don't know, Adrian. But if you hear somebody knocking, normally you get up and answer it. They were kicking on that door loud and yelling.

**Adrian Schoolcraft** I wasn't feeling well.

**Michael Marino** All right. Sit down. Sit down.

**Ira Glass** That voice you just heard in Adrian's bedroom is a man of much higher rank than anybody in any of the recordings to this point. He's the number two commander for the NYPD for all of Brooklyn North, Michael Marino. Stephen Mauriello, the head of the 81st precinct, the commander that Adrian contends had been putting pressure on all the officers to deliver better numbers, is also there in the bedroom. He talks next.

**Stephen Mauriello** You've got everybody worried. They're worried about your safety. All right?

**Adrian Schoolcraft** Worried about what?

**Stephen Mauriello** What do you mean, worried about what? They tried calling you. You got - everybody's been calling you. You just walked out of the precinct, you know? That's what we're worried about. Your safety, your well-being.

**Adrian Schoolcraft** All right. I'm fine.

**Ira Glass** Why does he keep saying that he's worried about your safety?

**Adrian Schoolcraft** That's his excuse to come into my home.

**Stephen Mauriello** Get your stuff on. We're going back to the precinct.

**Adrian Schoolcraft** I'm not going back to the precinct.

**Stephen Mauriello** Adrian, we're going to go back to the precinct.

**Adrian Schoolcraft** For?

**Stephen Mauriello** Because we're going to do it the right way. You can't just walk out of command--

**Adrian Schoolcraft** What's going to be done if I go to the 8-1?

**Stephen Mauriello** What's going to be done. We're going to investigate why you left.

**Adrian Schoolcraft** I'm telling you why I left. I was feeling sick.

**Stephen Mauriello** Adrian, that's not the reason why you leave. All right, you know that.

**Ira Glass** Adrian knows the rules and he asks if he's under arrest. He's not under arrest. But the number two commander for Brooklyn North, Michael Marino, tells him he's giving him an order.

**Michael Marino** Listen to me. I'm a chief in the New York City Police Department, and you're a police officer. So this is what's going to happen, my friend. You've disobeyed an order, and the way you're acting is not right, at the very least.

**Adrian Schoolcraft** Chief, if you--

**Michael Marino** Stop right there.

**Adrian Schoolcraft** --open up your house--

**Michael Marino** Stop. Stop right there, son.

**Adrian Schoolcraft** --how would you behave?

**Michael Marino** Son, I'm doing the talking right now, not you.

**Adrian Schoolcraft** In my apartment.

**Michael Marino** In your apartment. You are going--

**Adrian Schoolcraft** Is this Russia?

**Michael Marino** You are going to be suspended. All right? That's what's going to happen. You're suspended son.

**Adrian Schoolcraft** That's when I found out what they-- that's what they were so desperate to accomplish.

**Ira Glass** How many people are in your bedroom at this point?

**Adrian Schoolcraft** In the bedroom, at all times, there's at least four. And then there's a living room-- at least a dozen.

**Ira Glass** If this seems like an extreme response to you, reporter Graham Rayman confirms, it is.

**Graham Rayman** Yeah, it's very extreme for going home from work early-- an hour early.

**Ira Glass** An officer asks Adrian if he wants medical aid-- an EMT to come check him out. Adrian's blood pressure turns out to be sky high. They offer to take him to a hospital, but not his local hospital-- to one that he's never heard of. And he doesn't get what they're up to, and he refuses medical attention. Under the law, they should leave him alone. But for some reason, they will not take no for an answer.

**Stephen Mauriello** Adrian, lie down in the bus and we'll go.

**Adrian Schoolcraft** I can lie down in my own bed. I haven't done anything wrong.

**Stephen Mauriello** Yeah, you have.

**Adrian Schoolcraft** OK, file it. Write it up.

**Stephen Mauriello** Now, it's a matter of your health.

**Michael Marino** Adrian, listen to me. All right, son?

**Ira Glass** Again, this is Deputy Chief Marino, from Brooklyn North.

**Michael Marino** Right now, EMS is saying that you're acting irrational-- this is them, not us-- and that if you go to the hospital, listen to me--

**Adrian Schoolcraft** Yeah, and you're whispering in their ear--

**Michael Marino** Adrian, they are not--

**Adrian Schoolcraft** Chief, do what you've got to do.

**Michael Marino** --listen to me. Now you have a choice. You get up like a man and put your shoes on and walk into that bus--

**Adrian Schoolcraft** Like a man.

**Michael Marino** --like a man. Or son, they're going to treat you as an EDP and that means handcuffs. And I do not want to see that happen to a cop.

**Ira Glass** EDP is?

**Adrian Schoolcraft** Emotionally Disturbed Person.

**Michael Marino** Son, you've caused this.

**Adrian Schoolcraft** I didn't cause anything.

**Michael Marino** You have caused this. Now you have a choice. They're saying you have to go to the hospital. That's EMS. These are trained medical professionals. And if you don't go, then you're not acting rationally. And they say now they're afraid you're emotionally disturbed.

**Adrian Schoolcraft** It was all very surreal. At that point right there, he's very agitated. His face is red, and I knew then that anything could happen. I had no witnesses. No one was living with me.

**Michael Marino** So you have a choice. What is it going to be?

**Adrian Schoolcraft** I'm laying right here until I feel better.

**Michael Marino** OK, son. He's EDP. He's EDP.

**Police Officer** Put your hands behind your back.

**Adrian Schoolcraft** Why am I putting my hands behind my back?

**Michael Marino** Because you have to go to the hospital. All right, just take him. I can't [BLEEP] understand him anymore.

**Police Officer** Adrian, come here. Put your hands behind your back.

**Adrian Schoolcraft** [GRUNTS]

**Police Officer** Get your hands behind your back.

**Adrian Schoolcraft** [GRUNTS]

**Police Officer** Get one hand. Go ahead. Get one hand.

**Adrian Schoolcraft** They pulled me off the bed. They slammed me to the floor. The way they were stomping on my back, they were pressing on my chest in a way that it was affecting my circulation.

**Michael Marino** Adrian stop it.

**Adrian Schoolcraft** My chest. Oh, my chest.

**Ira Glass** During the struggle, as they cuff Adrian, the little recorder falls out of his pocket. Deputy Chief Marino spots it.

**Michael Marino** Absolutely amazing, Adrian. You put your fellow police officers through this. Absolutely amazing. Yeah, it's a recorder. Recording devices, and everything else-- so he's playing a game here. Cute.

**Ira Glass** So if he found that recorder, how are we hearing this tape?

**Adrian Schoolcraft** No, he found the recorder that was in my pocket. There was another recorder. The one that was running was just a recorder on the shelf.

**Ira Glass** In plain sight?

**Adrian Schoolcraft** I had some books around it.

**Ira Glass** Now that Deputy Chief Marino has labeled Schoolcraft EDP, the police take Schoolcraft and commit him to a psychiatric ward, saying he was a danger to himself. Schoolcraft, who had spent months documenting his bosses telling cops to lock people up on contrived pretenses, now found himself locked up on contrived pretenses.

**Adrian Schoolcraft** They told the hospital staff that I left work early, I yelled at my supervisor-- and I swore at my supervisors, cursed at them-- that I ran from them, and I barricaded myself in my home.

**Ira Glass** But the tapes showed that isn't true.

**Adrian Schoolcraft** Correct, no. None of that happened.

**Ira Glass** Schoolcraft's father, the last person Schoolcraft talked to, is unable to find him for days. The last he heard, his son was in an apartment surrounded by police, the next, he just vanished. His father says he called Internal Affairs, the FBI, the press. Finally he located him by calling around the hospitals all over Queens.

**Adrian Schoolcraft** That's the only way I got out, because he confronted the hospital administration and said, here's my son's health care proxy, I'm his father. Why have you imprisoned my son here? And they had no answer, and they had to release me.

**Ira Glass** Why do you think they went so far with you?

**Adrian Schoolcraft** It seemed like an act of desperation. Panic.

**Graham Rayman** You can look at it in a couple of different ways.

**Ira Glass** Again, reporter Graham Rayman.



**Graham Rayman** One is that they put him in the psych ward because he tried to report corruption and misconduct. They literally tried to destroy his reputation.

**Ira Glass** Like, he's literally crazy. That's the message.

**Graham Rayman** Yeah, right. That they were trying to portray him as crazy. You could also look at it-- that the chief lost his temper that night. Just got angry and gave an order that turns out to be a totally inappropriate order. I could see that being the case also.

**Ira Glass** At the time that he led the raid on Schoolcraft's apartment, Deputy Chief Michael Marino was already under a microscope. It was just a month after he had been put on trial inside the department after a sting named him as one of 27 cops who illegally bought human growth hormone, or steroids. Marino claimed that he used the human growth hormone for a medical condition. And back in 2006, an arbitrator found that Marino was in violation of New York labor laws for a very similar situation to the one that Schoolcraft was documenting. The arbitrator ruled that Marino had set up an illegal quota for police officers of four parking tickets, three moving violations, three quality of life summons, and two stop-and-frisk per month and then penalized the officers when they didn't make the quota.

**Adrian Schoolcraft** I didn't figure I would lose my job.

**Ira Glass** Adrian Schoolcraft says that in the end, none of this worked out the way he thought it would during all those months of recording.

**Adrian Schoolcraft** I figured someone would approach the supervisor and say, listen you got caught. Knock it off. And everything's in house, still. Just knock it off. This is getting out of control. I never saw myself as an adversary.

**Ira Glass** Because you assumed that the police commissioner-- the people at the very top of the police force-- that they would be on your side.

**Adrian Schoolcraft** Correct.

**Ira Glass** But now do you believe that, in fact, they would be on your side?

**Adrian Schoolcraft** I don't believe they were, or ever intended to be.

**Ira Glass** That's the question, of course. And there's really no way to know how typical the 81st precinct is. Reporter Graham Rayman has heard from retired cops who say the same things happened where they worked. And he's found a policeman who was secretly recording in the Bronx at the same time as Schoolcraft finding the same things. The guys who study the way CompStat is used by the police, John Eterno and Eli Silverman, say manipulating stats to get better numbers seems to happen in a lot of places where CompStat is used.

**Eli Silverman**

There's evidence of the same kind of distortion-- we've done research, where people have written in our blog-- from other countries, UK, Australia, as well. Commanders attesting to the same phenomenon. This is not unique to New York.

**Ira Glass** Having failed to reach any results working inside the department, Schoolcraft finally went to the press. And Graham's five-part series in *The Village Voice* has been, Adrian says, like a meteor hitting the 81st precinct. The police commissioner transferred Commander Stephen Mauriello, and some of the other senior-level supervisors, out of the precinct. Though he only did that after several weeks of pressure from politicians and clergy. There's now one police investigation into Schoolcraft's allegations, there's another investigation of Deputy Chief Marino's order to put Schoolcraft into a psych ward, another into the charge that serious crimes were downgraded to lesser ones, and a fourth that is just about the misclassification of crimes in Detective Hernandez's sexual assault case. Schoolcraft's recordings will be used in two class action lawsuits, one about stop-and-frisks, one about quotas. Schoolcraft himself is suing the department for \$50 million. Two officers have come forward to back up his charges. A website, schoolcraftjustice.com has been set up looking for more. Schoolcraft himself is suspended without pay, living with his dad, 350 miles away, in upstate New York-- where, he says, a dozen times city police have shown up and pounded on his door, yelling, "NYPD, we know you're in there. Open up." [KNOCKING] Of course, he recorded it.

**Police Officer** Adrian, we know you're in there. Just open the door please, so we can get back to New York.

**Ira Glass** Schoolcraft assumes that he'll never again work as a police officer anywhere.

**Ira Glass** Is it weird not to be a policeman anymore?

**Adrian Schoolcraft** It feels odd. But I still feel like I am a policeman. I'm going forward with this investigation. I just feel like this is my case. This is the one. And I'll go all the way with it.

**Ira Glass** And finally, with the 81st precinct under new supervision, the numbers on serious crime have risen by 10-15%. Are the crimes going up, or that's closer to the true amount of crime that was already there, only now being recorded? [MUSIC - "OFFICER" BY THE PHARCYDE] Well, our program today was produced by me and Sarah Koenig, with Alex Blumberg, Ben Calhoun, Jane Feeldes, Jonathan Menjivar, Lisa Pollak, Robin Semien, and Alissa Shipp and Nancy Updike. Our senior producer is Julie Snyder. Seth Lind is our production manager. Emily Condon's our office manager. Music help from Jessica Hopper. Production help from Shawn Wen. [ACKNOWLEDGEMENTS] This American Life is distributed by Public Radio International. WBEZ management oversight of our program by our boss, Mr. Torey Malatia, who's got no problem with the end of Don't Ask, Don't Tell. Seriously.

**Joe Lipari** No, I have a gay cousin. I am the least homophobic person in the world.

**Ira Glass** I'm Ira Glass. Back next week with more stories of This American Life.

**Exhibit D**

# The NYPD Tapes: Inside Bed-Stuy's 81st Precinct

By [Graham Rayman](#) Tuesday, May 4 2010

Comments (143) [AAA](#)

...continued from page 2

"Pick it up a lot, if you have to," he says. "The CO gave me some names. I spoke to you."

While the NYPD can set "productivity targets," the department cannot tie those targets to disciplinary action: "What turns it into an illegal quota is when there is a punishment attached to not achieving, like a transfer or loss of assignment," says Al O'Leary, a spokesman for the [Patrolmen's Benevolent Association](#).

In the 81st Precinct, however, the tapes indicate that "activity" was routinely tied to direct and implied threats of discipline. The message, relayed down the chain from headquarters, is repeated over and over again in the roll calls by the precinct commander, the lieutenants, and the sergeants.

On October 28, 2008, for example, the precinct commander, Mauriello, tells officers he will change their shifts if they don't make their numbers: "If I hear about disgruntled people moaning about getting thrown off their tours, it is what it is. Mess up, bring heat on the precinct—you know what, I'll give you tough love, but it doesn't mean you can't work your way back into good graces and get back to the detail and platoon you want."

He adds: "If you don't work, and I get the same names back again, I'm moving you. You're going to go to another platoon. I'm done. I don't want to be embarrassed no more."

On July 15, 2008, he says, "I don't want to see anyone get hurt. This job is all about hurting. Someone has to go. Step on a landmine, someone has to get hurt."

On December 8, 2008, he excoriates officers who failed to write enough tickets for double-parking, running red lights, and disorderly conduct, and who failed to stop-and-frisk enough people.



C.S. Muncy



C.S. Muncy

## Details

**Follow continuing coverage of the NYPD Tapes here at our [Runnin' Scared](#) blog.**  
The Voice presents excerpts from "The NYPD Tapes: Inside Bed-Stuy's 81st Precinct," from precinct roll calls between June 1, 2008 and Oct. 31, 2009.

**JANUARY 28, 2009**  
"How Many Superstars and How Many Losers Do You Have"

In this excerpt, the 81st Precinct commander, a lieutenant and a sergeant talk about the constant pressure from bosses, and push cops to "get their numbers."

[View Media](#)

**JUNE 12, 2008**  
"The Hounds are Coming"

"I see eight fucking summonses for a 20-day period or a month," he says. "If you mess up, how the hell do you want me to do the right thing by you? You come in, five parkers, three A's, no C's, and the only 250 you do is when I force you to do overtime? I mean it's a two-way street out here."

Later, he adds, "In the end, I hate to say it—you need me more than I need you because I'm what separates the wolves from coming in here and chewing on your bones."

In the same roll call, Sergeant C. adds: "When I tell you to get your activity up, it's for a reason, because they are looking to move people, and he's serious. . . . There's people in here that may not be here next month."

The pressure is the worst at the end of the month and at the end of every quarter, because that's when the precinct has to file activity reports on each officer with the borough command and police headquarters. (Put another way: If you want to avoid getting a ticket, stay away from police officers during the last few days of the month, when the pressure for numbers is the highest.)

From the tapes, it's not hard to imagine an officer desperately driving to the precinct, looking for someone smoking pot on a stoop or double-parking to fill some gap in their productivity.

In a roll call from September 26, a Sergeant F. notes that the quarter is coming to an end, and a deadline is nearing for applying to take the sergeants' exam. "If your activity's been down, the last quarter is a good time to bring it up, because that's when your evaluation is going to be done," he says. "We all know this job is, 'What have you done for me lately?' "

He goes on to lay on the pressure for more numbers. "This is crunch time," he says. "This is Game Seven of the World Series, the bases are

Precinct supervisors talk about a specific "numbers" quota, warn cops to pick up their numbers, or else, and complain about outside inspections.

[View Media](#)

#### **SEPTEMBER 1, 2009 "Just Knock It Off, All Right? We're Adults"**

In this roll call, a supervisor tells officers to stop drawing penises in each other's memo books and drawing graffiti on the walls. There's also an extended speech on the virtues of personal hygiene.

[View Media](#)

#### **SEPTEMBER 26, 2009 "This Is Crunch Time"**

The pressure for "numbers" (summonses, arrests, stop and frisks and community visits) was worst at the end of each month and the end of each quarter because that's when individual officers had to file their activity reports. In other words, stay away from cops after the 25th of the month.

[View Media](#)

#### **OCTOBER 4, 2009 "It's Not About Squashing Numbers"**

In this roll call, precinct supervisors order officers to be skeptical about robbery victims, and tell the cops that the precinct commander and two aides call victims to question them about their complaints.

[View Media](#)

#### **OCTOBER 12, 2009 "How Do We Know This Guy Really Got Robbed?"**

Police officers are supposed to take crime complaints, but in this roll call, a sergeant tells cops not to take robbery complaints if the victim won't immediately return to speak with detectives. She questions the victim's motives, too.

[View Media](#)

## Related Content

[Barbara Long Gets a Crotch-Full From Joe Namath](#)  
July 23, 2010

[Ray Kelly, NYPD, Sued For Refusing to Release Crime Stats From Scandal-Tainted Brooklyn Precinct](#)  
January 10, 2012

[Al Vann, Brooklyn Councilman, Says NYPD Breaking the Law By Not Releasing Audits of Crime Numbers](#)  
January 12, 2012

[NYPD Hit With Flurry of Bad Raid Lawsuits](#)  
February 15, 2012

[Eterno and Silverman, Criminologists, Say NYPD's Crime Stat Manipulation A Factor In Recent Corruption Scandals](#)  
November 29, 2011

loaded, and you're at bat right now. . . . It's all a game, ladies and gentlemen. We do what we're supposed to, the negative attention goes somewhere else. That's what we want."

And take August 31, 2009. Sergeant Rogers tells his officers, "Today is the last day of the month. Get what you need to get."

Or as Sergeant F. says just a few days before that: "It's the 26th. If you don't have your activity, it would be a really good time to get it. . .

. If I don't have to hear about it from a white shirt [a superior officer], that's the name of the game."

**IT'S ALSO CLEAR FROM THE** recordings that supervisors viewed the constant pressure for numbers as an annoyance, busy work to fill the demand from downtown. "We had a shooting on midnight on Chauncey, so do some community visits, C summonses over there, the usual bullshit," Sergeant A. says in an August 22, 2009, roll call.

The obsession with statistics at police headquarters bleeds out into the borough commands as well. In early 2009, the Brooklyn North patrol command started holding its own CompStat meetings, reviewing everything from crime stats to the number of tickets written by each officer to sick reports.

The move was seen in the precinct as yet another layer of unnecessary oversight. "This job is just getting tighter and tighter with accountability," Lieutenant B. says on January 13, 2009. "So there are certain things I'd like to get away with, but I can't anymore. It just goes down the line and, eventually, it falls on you."

## More About

[Steven Mauriello](#) [Adrian Schoolcraft](#)

[New York City Police Department](#) [Police Robbery](#)

## Like this Story?

Sign up for the Weekly Newsletter: (*Sent out every Thursday*) Our weekly feature stories, movie reviews, calendar picks and more - minus the newsprint and sent directly to your inbox.

[<< Previous Page](#) | [1](#) | [2](#) | [3](#) | [4](#) | [5](#) | [6](#) | [7](#) | [8](#) | [Next Page >>](#)