

PLAINTIFF'S MOTION
EXHIBIT 13

1 RASHEENA HUFFMAN

2 exchange between you and Schoolcraft, not
3 the second one. So I was wondering if you
4 know whether or not your copy is different
5 from my copy?

6 MS. PUBLICKER METTHAM:

7 Objection. I will state that the copy
8 that was played for the sergeant was
9 produced in the course of the
10 discovery.

11 A. Can I say something?

12 Q. Yeah, of course.

13 A. Supposedly he passed me a
14 property voucher and a sick report. I don't
15 know which one was on top. So I don't
16 recall saying oh, okay, but if I did say it,
17 it could have been because he passed me a
18 property voucher and then I see a sick
19 report. I don't know.

20 Q. Do you recall him coming up to
21 you that first time and saying I don't feel
22 well, I need to go home?

23 A. Okay. He said that, yes.

24 Q. Do you recall him saying that to
25 you?

1 RASHEENA HUFFMAN

2 A. I believe he said that.

3 Q. Did you say something in
4 response to that?

5 A. I don't remember what I said in
6 response. I know that he put a sick report
7 in my hand. I'm like sick report, you know,
8 that's not what people do. That's not
9 common.

10 Q. I think I have -- we have an
11 excerpt that we're going to play back. See
12 if you can help us in what was said between
13 you and Officer Schoolcraft. While we're
14 opening that up --

15 A. Okay.

16 Q. -- let me ask you some more
17 questions about this entry in the command
18 log. There's an entry here that says I
19 explained that if he's sick a supervisor has
20 to approve. Do you see that reference?

21 A. Yes.

22 Q. Okay. What's that based on that
23 a supervisor has to approve if he's going
24 sick?

25 MS. PUBLICKER METHAM:

1 RASHEENA HUFFMAN

2 Objection.

3 A. Yes, pretty much he can't -- an
4 officer can't just come and say I don't feel
5 well, I'm going sick and just leave.

6 Q. Okay. When you put down this
7 entry a supervisor has to approve, you're
8 referring to yourself?

9 A. Yes, me, sick desk supervisor.
10 When you go sick if you want to go
11 administratively sick then you get
12 permission from the desk. If you go regular
13 sick, then you got to go to the district
14 surgeon, which if you went regular sick to
15 the medical division.

16 Q. I just want to understand. It
17 says here a supervisor has to approve. Were
18 you referring to you having to approve or
19 somebody else having to approve him going
20 sick?

21 A. Depends on what sick you go.

22 Q. No. No. What I want to know is
23 what's in your mind here. You said that you
24 explained to him that a supervisor has to
25 approve his request to go sick? See that

1 RASHEENA HUFFMAN

2 own. The proper way --

3 Q. Didn't he walk up to you say he
4 don't feel well, I need to go home?

5 A. That's not the way you do it,
6 though.

7 Q. But I'm saying he did that
8 though, he said to you I don't feel well, I
9 need --

10 A. He --

11 Q. -- to go home; is that right?
12 It's a yes or no.

13 A. He didn't -- he did it walking
14 away. He did not stand there and have a
15 conversation civilly with me and let me know
16 that he was sick. He did it and walked
17 away. He gave me a sick report and walked
18 away.

19 Q. Okay. So you don't think he was
20 asking you for permission to go sick?

21 A. No. He just said -- he stated
22 I'm sick.

23 Q. And so you didn't approve his
24 request to go sick; is that right?

25 MS. PUBLICKER METHAM:

1 RASHEENA HUFFMAN

2 Objection. You could answer.

3 A. He didn't request to go sick.

4 Q. He didn't request to go sick --

5 A. He stated he was sick.

6 MR. SMITH: So maybe we should
7 play this recording. This is DS 50
8 October 31, 2009 day tour Lieutenant
9 Caughey menacing went sick. It starts
10 at 7:1946.

11 (Whereupon, a tape recording was
12 played.)

13 MS. PUBLICKER METTHAM: What
14 time did it stop?

15 MR. SMITH: It stopped at
16 720.28.

17 Q. Did you hear Officer Schoolcraft
18 say to you I don't feel well, I need to go
19 home?

20 A. I heard him say that there.

21 Q. Did you hear yourself responding
22 oh, okay?

23 A. When I -- if I said oh, okay, I
24 did not --

25 Q. My question is did you hear you

1 RASHEENA HUFFMAN

2 say --

3 A. He dropped it on my lap and kept
4 walking.

5 Q. Ma'am, we are going to be here
6 until next week if you don't answer my
7 questions. Okay. So my question to you is
8 I just played a recording --

9 A. And I --

10 Q. And my question to you is did
11 you hear you saying oh, okay?

12 A. Okay. If I said oh, okay, he's
13 dropping the slip report on my lap and
14 keeping walking away. If you say you wanted
15 to go sick or if you're not feeling well, if
16 you want to go home and I say oh, okay and
17 you dropped the report and keep walking,
18 that's not going sick the proper way.

19 Q. Did you say oh, okay, yes or no?

20 A. Like I said, I did not hear it
21 clearly just now.

22 Q. Would you like me to replay it
23 again for you?

24 A. -- it wasn't that I approved
25 the sick.

1 RASHEENA HUFFMAN

2 Q. All right, well, we will play it
3 again for you so that you can hear it.

4 MR. SMITH: It starts at 720.20.

5 Q. And my question to you is
6 whether or not you can hear yourself saying
7 oh, okay, and that's the only question I'm
8 asking you.

9 (Whereupon, a tape recording was
10 played.)

11 Q. Did you hear yourself say oh,
12 okay --

13 A. Yes.

14 Q. -- in response to Officer
15 Schoolcraft --

16 A. Yes.

17 Q. -- saying I don't feel well, I
18 need to go home?

19 A. Yes.

20 Q. Thank you.

21 A. He didn't say he wants to go
22 sick. If he says he wants to go home he
23 could fill out a 28 report and go home. You
24 don't have to go sick.

25 Q. You did hear yourself saying oh,

1 RASHEENA HUFFMAN

2 okay to him in response --

3 A. Yes, and he gave me a sick
4 report, not a 28.

5 Q. You did hear yourself saying oh,
6 okay in response to him saying to you I
7 don't feel well, I need to go home; is that
8 correct?

9 A. Yes.

10 Q. Thank you. Can I show you a
11 document that was previously marked as --

12 A. And he kept walking away.

13 Q. -- Exhibit 28. I'm sorry I
14 misspoke. I'm going to show you what's been
15 previously marked as Exhibit 26. Is that
16 the sick report worksheet that Officer
17 Schoolcraft put on your lap on October 31,
18 2009?

19 A. Yeah.

20 Q. Is that your handwriting on the
21 top part of this document?

22 A. Top part, yes.

23 Q. Is that your handwriting on the
24 second page of this exhibit on the
25 right-hand column?

1 RASHEENA HUFFMAN

2 MS. PUBLICKER METHAM:

3 Objection. You can answer.

4 A. If he had called the sick desk,
5 he would still have had to speak to a
6 supervisor and let them know that he was not
7 feeling well and then after that we would
8 call the sick desk and speak to the sick
9 desk and let them know that we have a MOS
10 that's, either A, being treated at the
11 precinct by EMS or going to a hospital and
12 is requesting to go sick.

13 Q. So the answer to my question is
14 no, if he had called the sick desk that
15 still would not have been the proper way to
16 go sick; is that right.

17 MS. PUBLICKER METHAM:

18 Objection. Objection. Asked and
19 answered. You can answer again.

20 A. I still had to check to see if
21 he called the sick desk.

22 Q. What's that based on?

23 MS. PUBLICKER METHAM:

24 Objection. You can answer.

25 A. What happened?

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RASHEENA HUFFMAN

Q. Where does that come from; is there a patrol guide procedure that says he has to call the sick desk?

MS. PUBLICKER METHAM:

Objection. You can answer.

A. Then he have to call the sick desk. When you're home and you're not feeling well, you call the precinct and let them know that you're requesting admin or regular sick. The supervisor at the desk will authorize the admin sick and if you're not feeling well, you just let them know that you're going regular sick and then you go see the district surgeon the following day, if you're going regular sick. The district surgeon is going to determine if you're going to be out sick. Admin sick you don't need to go see the district surgeon.

Q. Is it possible for an officer who is working inside the precinct to become sick and go home or is there some --

A. Yes. It happen all the time, but they usually take lost time. If he don't feel well then they go sick the next

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2 tour, but if they're like having chest pains
3 or they really, really not feeling bad then
4 we call an ambulance of which is the bus to
5 the precinct and they will go to the
6 hospital and they will go sick from there.

7 Q. So one of the ways that Officer
8 Schoolcraft could have properly left the
9 precinct was to have taken lost time?

10 A. He could have took lost time.

11 Q. And that would have been a
12 proper way to leave the precinct; is that
13 correct?

14 A. If they were requesting lost
15 time --

16 MS. PUBLICKER METTHAM:

17 Objection.

18 A. -- from me and I could authorize
19 some lost time because he wasn't feeling
20 well. Which I would have been more than
21 likely have done or if he wanted to go sick
22 then I would have called the bus to the
23 precinct and then contact the sick desk and
24 he would have went sick and he would have
25 got a sick report number, SR number, to put

1 RASHEENA HUFFMAN

2 into the log and let the department know
3 that he's out sick.

4 Q. Didn't you offer him lost time?

5 A. I don't know. He didn't request
6 lost time.

7 Q. I didn't ask you about what he
8 requested --

9 A. -- I do recall --

10 Q. -- I asked you whether or not
11 you offered him lost time?

12 A. I do recall -- I believe I
13 recall offering him lost time when he came
14 back upstairs when P.O. Rudi went to get him
15 and bring him back to the desk --

16 Q. So you did offer him lost time,
17 right?

18 A. I recall that.

19 Q. If he had said yes, I'll take
20 lost time that would have been an
21 appropriate way for him to leave the
22 precinct; is that correct?

23 A. Yeah, he fill out a 28 slip, I
24 sign it and then --

25 Q. So the answer to my question is

1 RASHEENA HUFFMAN

2 yes, that would have been a proper way for
3 him to leave the precinct?

4 MR. KRETZ: Objection.

5 MS. PUBLICKER METHAM:

6 Objection. Misstates prior testimony.

7 Q. Is that correct?

8 A. Yes.

9 Q. In your entry in the command log
10 in the next line of the entry that we're
11 referring to, am I correct that you say if
12 he don't feel well do he need a bus or lost
13 time; is that what that entry says?

14 A. Yes.

15 Q. Okay, so did you tell
16 Schoolcraft that he, either should get a bus
17 or take lost time?

18 A. Yes.

19 Q. And a bus refers to an ambulance
20 coming, correct?

21 A. That's the same thing. Do you
22 need a bus.

23 Q. And lost time refers to him
24 filling out a 28; is that correct?

25 A. Yes.

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2 Q. And the effect on the officer
3 taking lost time, do they just get less
4 hours pay for that week?

5 MS. PUBLICKER METTHAM:

6 Objection.

7 A. No. If you have time on the
8 books, then it won't affect your pay at all.

9 Q. It will offset if you have time
10 on the books then you use up that time; is
11 that right?

12 A. Yeah. Depends on if he was
13 leaving 14:00, then he would be taking an
14 hour and a half lost time.

15 Q. Further on the entry, am I
16 reading it correctly where it says I,
17 referring to you, say Schoolcraft, you can't
18 just leave like that. And Schoolcraft, you
19 can't just leave like that is in quotes?

20 A. Yes.

21 Q. So those were words that you
22 spoke to Officer Schoolcraft; is that
23 correct?

24 A. Yes.

25 Q. And you made these entries based

1 RASHEENA HUFFMAN

2 on your recollection of what happened that
3 day, right?

4 A. Yes. I made the entry that day.

5 Q. How much time elapsed between
6 time of the events reflected in the entry
7 and the making of the entry by you?

8 A. I don't recall.

9 Q. You further say in the entry,
10 "he kepted walking and ignores me." Is that
11 correct? Is that what it said?

12 A. Ignores, yes.

13 Q. Did you say anything else to
14 him?

15 A. I don't recall saying anything
16 else. He kept walking.

17 Q. I'm sorry?

18 A. I don't recall saying anything
19 else. He kept walking.

20 Q. I'm not sure I understand that
21 answer. My question is, other than saying
22 you can't just leave like that, did you say
23 anything else to him?

24 A. I asked him for lost time, I
25 asked him do he want a bus, like that.

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2 Those things.

3 Q. Right. I understand. You've
4 already told me about those things --

5 A. Okay. No, I don't recall
6 anything.

7 Q. -- other than that --

8 A. No.

9 Q. And other than this entry here
10 that I just read to you, did you say
11 anything else to him?

12 A. No. He left the precinct.

13 Q. After he left the precinct what
14 did you do?

15 MS. PUBLICKER METTHAM:

16 Objection. You could answer.

17 A. I believe I notified Inspector
18 Mauriello.

19 Q. How you notify Inspector
20 Mauriello?

21 A. I don't recall exactly. I don't
22 think I went into his cell phone. I don't
23 believe I called him on his cell phone. I
24 believe I went into his office and let him
25 know that he left. I'm not sure. Somebody,

1 RASHEENA HUFFMAN

2 I notified a higher boss. I think it was
3 Inspector Mauriello or Captain Lauterborn.

4 Q. Do you remember how you notified
5 whoever it was?

6 A. It was verbally.

7 Q. Was it on the phone?

8 A. Had to be. I didn't call
9 anybody on the phone.

10 Q. You did not call someone on the
11 phone?

12 A. I don't remember calling nobody
13 on the phone.

14 Q. Do you recall having a
15 discussion with somebody one-on-one with
16 Lauterborn or Mauriello that day?

17 A. I don't know. It was five years
18 ago. I don't remember.

19 Q. I understand it was five years
20 ago and I'm not trying to get you to
21 remember things that don't happen. I am
22 trying to get you to tell me what you
23 remember about the events, okay, and to the
24 extent that you have a recollection I am
25 entitled to; okay?

1 RASHEENA HUFFMAN

2 A. Hmm-hmm.

3 Q. Can you remember what the next
4 thing that happened with respect to
5 Schoolcraft?

6 A. I know that I had to have
7 notified a supervisor, who exactly it was
8 and how I did, I don't remember.

9 Q. Did somebody tell you to call
10 the sick desk?

11 A. Yes.

12 Q. Who?

13 A. I believe it was Inspector
14 Mauriello.

15 Q. You remember that part?

16 A. I believe. It could have been
17 Captain Lauterborn. I don't remember
18 exactly who it was, but I had to call to
19 check to make sure that if he went sick, was
20 he out sick, what's going on with him.

21 Q. And what was the next thing you
22 remember doing with respect to Schoolcraft?

23 A. I believe I had to call his cell
24 phone or his house phone and see if can get
25 him back to come to the precinct and do it