

**Eric Sanders**

NPD

**From:** EEOC <no-reply@service.eeoc.gov>  
**Sent:** Monday, October 6, 2025 09:39  
**To:** Eric Sanders Esq.; Ms. Jaenice Smith  
**Subject:** Your Attorney-Submitted Charge of Discrimination Is Signed / El cargo de discriminación presentado por su abogado está firmado



**U.S. Equal Employment Opportunity Commission  
New York District Office**

33 Whitehall St 5th Floor New York, NY 10004

(929) 506-5270

Website: [www.eeoc.gov](http://www.eeoc.gov)

10/06/2025

Ms. Jaenice Smith  
[REDACTED]

Re: Ms. Jaenice Smith v. The City of New York  
EEOC Charge Number: 520-2026-00083

Dear Ms. Jaenice Smith,

This is to acknowledge receipt of your EEOC charge of discrimination, which has been filed under the following statute(s):

The Americans With Disabilities Act of 1990 (ADA), The Age Discrimination in Employment Act of 1967 (ADEA) and Title VII of the Civil Rights Act of 1964 (Title VII).

We will contact your attorney when we need more information. A notice of the charge will be sent to the organization you filed the charge against within 10 days of today as required by our procedures. Many states, counties, cities, and towns have their own laws prohibiting discrimination and responsible for enforcing those laws. These agencies are referred to as Fair Employment Practices Agencies (FEPAs). Usually, the laws enforced by these agencies are similar to those enforced by the EEOC. If the charge is initially filed with the EEOC and the charge is also covered by state or local law, the EEOC dual files the charge with the state or local FEPA (meaning the FEPA will receive a copy of the charge), but the EEOC typically retains the charge for processing.

Please use the EEOC charge number listed at the top of this email whenever you or your attorney contact us about this charge. Please notify the EEOC's New York District Office of any change to your or your attorney's contact information or if you either of you will ever be unavailable for a long time. Failure to cooperate may lead to dismissal of the charge.

The quickest and most convenient way for your or your attorney to obtain the status of your charge and to submit documents is to use the [EEOC Public Portal](#).

Sincerely,

The Equal Opportunity Employment Commission (EEOC)

Asunto: Ms. Jaenice Smith v. The City of New York  
Número de cargo de la EEOC: 520-2026-00083

Estimado(a) Ms. Jaenice Smith,

Este documento sirve para confirmar que hemos recibido su cargo de discriminación de la EEOC, que ha sido presentado bajo la(s) siguiente(s) ley(es):

The Americans With Disabilities Act of 1990 (ADA), The Age Discrimination in Employment Act of 1967 (ADEA) and Title VII of the Civil Rights Act of 1964 (Title VII).

Nos pondremos en contacto con su abogado cuando necesitemos más información. Se enviará una notificación del cargo a la organización contra la que presentó el mismo en un plazo de 10 días a partir de hoy, tal como exigen nuestros procedimientos. Muchos estados, condados, ciudades y pueblos tienen sus propias leyes que prohíben la discriminación y son responsables de hacerlas cumplir. Estas agencias se denominan Agencias de Prácticas de Empleo Justas (FEPA, por sus siglas en inglés). Normalmente, las leyes que hacen cumplir estas agencias son similares a las que hace cumplir la EEOC. Si el cargo se presenta inicialmente ante la EEOC y también está cubierto por la legislación estatal o local, la EEOC presenta el cargo ante la FEPA estatal o local (lo que significa que la FEPA recibirá una copia del cargo), pero la EEOC suele conservar el original del cargo para procesarlo.

Utilice el número de cargo de la EEOC que aparece en la parte superior de este correo electrónico siempre que usted o su abogado se pongan en contacto con nosotros en relación con este cargo. Por favor, notifique la New York District Office de la EEOC de cualquier cambio en su información de contacto o en la de su abogado, o si alguno de los dos no va a estar disponible en algún momento durante mucho tiempo. La falta de cooperación puede dar lugar a la desestimación del cargo.

La forma más rápida y cómoda para que usted o su abogado obtengan el estado de su cargo y presenten documentos es utilizar el [Portal público de la EEOC](#).

Sincerely,

The Equal Opportunity Employment Commission (EEOC)

Cc:  
Eric Sanders Esq.  
The Sanders Firm, P.C.  
30 wall street  
8th Fl  
New York, NY 10005

212-652-2782

**Eric Sanders**

NYCPTF

**From:** EEOC <no-reply@service.eeoc.gov>  
**Sent:** Monday, October 6, 2025 09:46  
**To:** Eric Sanders Esq.; Ms. Jaenice Smith  
**Subject:** Your Attorney-Submitted Charge of Discrimination Is Signed / El cargo de discriminación presentado por su abogado está firmado



**U.S. Equal Employment Opportunity Commission  
New York District Office**

33 Whitehall St 5th Floor New York, NY 10004  
(929) 506-5270  
Website: [www.eeoc.gov](http://www.eeoc.gov)

10/06/2025

Ms. Jaenice Smith  
[REDACTED]

Re: Ms. Jaenice Smith v. New York City Police Pension Fund  
EEOC Charge Number: 520-2026-00084

Dear Ms. Jaenice Smith,

This is to acknowledge receipt of your EEOC charge of discrimination, which has been filed under the following statute(s):

The Americans With Disabilities Act of 1990 (ADA), The Age Discrimination in Employment Act of 1967 (ADEA) and Title VII of the Civil Rights Act of 1964 (Title VII).

We will contact your attorney when we need more information. A notice of the charge will be sent to the organization you filed the charge against within 10 days of today as required by our procedures. Many states, counties, cities, and towns have their own laws prohibiting discrimination and responsible for enforcing those laws. These agencies are referred to as Fair Employment Practices Agencies (FEPAs). Usually, the laws enforced by these agencies are similar to those enforced by the EEOC. If the charge is initially filed with the EEOC and the charge is also covered by state or local law, the EEOC dual files the charge with the state or local FEPA (meaning the FEPA will receive a copy of the charge), but the EEOC typically retains the charge for processing.

Please use the EEOC charge number listed at the top of this email whenever you or your attorney contact us about this charge. Please notify the EEOC's New York District Office of any change to your or your attorney's contact information or if you either of you will ever be unavailable for a long time. Failure to cooperate may lead to dismissal of the charge.

The quickest and most convenient way for your or your attorney to obtain the status of your charge and to submit documents is to use the [EEOC Public Portal](#).

Sincerely,

The Equal Opportunity Employment Commission (EEOC)

Asunto: Ms. Jaenice Smith v. New York City Police Pension Fund

Número de cargo de la EEOC: 520-2026-00084

Estimado(a) Ms. Jaenice Smith,

Este documento sirve para confirmar que hemos recibido su cargo de discriminación de la EEOC, que ha sido presentado bajo la(s) siguiente(s) ley(es):

The Americans With Disabilities Act of 1990 (ADA), The Age Discrimination in Employment Act of 1967 (ADEA) and Title VII of the Civil Rights Act of 1964 (Title VII).

Nos pondremos en contacto con su abogado cuando necesitemos más información. Se enviará una notificación del cargo a la organización contra la que presentó el mismo en un plazo de 10 días a partir de hoy, tal como exigen nuestros procedimientos. Muchos estados, condados, ciudades y pueblos tienen sus propias leyes que prohíben la discriminación y son responsables de hacerlas cumplir. Estas agencias se denominan Agencias de Prácticas de Empleo Justas (FEPA, por sus siglas en inglés). Normalmente, las leyes que hacen cumplir estas agencias son similares a las que hace cumplir la EEOC. Si el cargo se presenta inicialmente ante la EEOC y también está cubierto por la legislación estatal o local, la EEOC presenta el cargo ante la FEPA estatal o local (lo que significa que la FEPA recibirá una copia del cargo), pero la EEOC suele conservar el original del cargo para procesarlo.

Utilice el número de cargo de la EEOC que aparece en la parte superior de este correo electrónico siempre que usted o su abogado se pongan en contacto con nosotros en relación con este cargo. Por favor, notifique la New York District Office de la EEOC de cualquier cambio en su información de contacto o en la de su abogado, o si alguno de los dos no va a estar disponible en algún momento durante mucho tiempo. La falta de cooperación puede dar lugar a la desestimación del cargo.

La forma más rápida y cómoda para que usted o su abogado obtengan el estado de su cargo y presenten documentos es utilizar el [Portal público de la EEOC](#).

Sincerely,

The Equal Opportunity Employment Commission (EEOC)

Cc:

Eric Sanders Esq.

The Sanders Firm, P.C.

30 wall street

8th Fl

New York, NY 10005

212-652-2782

**UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
CHARGE OF DISCRIMINATION**

---

**Charge Presented To:**

- ☒ FEPA
- ☒ EEOC
- ☒ New York State Division of Human Rights

**Charge No:**

**Charging Party:**

Jaenice Smith



Cellular Telephone



Email Address



**Date of Appointment:** July 11, 2005

**Vested Retirement Date:** July 11, 2025

**Respondents:**

1. **The City of New York – Police Department City of New York**  
Legal Bureau  
One Police Plaza, New York, NY 10038  
(an employer within the meaning of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act of 1967)
2. **New York City Police Pension Fund (Public Benefit Corporation)**  
233 Broadway, 25th Floor, New York, NY 10279  
(a joint employer and agent of the City responsible for administration of terms and conditions of employment benefits, including retirement and service credit)

**Statutes Invoked:**

- Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*
- Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*

- Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. § 621 *et seq.* as amended by the Older Workers Benefit Protection Act (OWBPA), and all related laws enforced by the U.S. Equal Employment Opportunity Commission.

**Protected Bases Alleged:**

☒ Sex (Female)   ☒ Race (Black/African-American)   ☒ Disability / Perceived Disability  
☒ Age (Over 40)   ☒ Retaliation   ☒ Hostile Work Environment   ☒ Other (Interference with Statutory Pension Rights and Coercion in Violation of OWBPA)

**Dates of Discrimination:**

Earliest: February 7, 2024

Latest: Present and Continuing

**Particulars**

This Charge is detailed in order to ensure full preservation of all facts and legal theories reasonably related to the discriminatory, retaliatory, and coercive conduct alleged herein. The events described constitute a continuing violation culminating in ongoing retaliation and interference as of the date of filing.

**A. Background and Employment History**

The Charging Party is a twenty-year veteran of the New York City Police Department, appointed on July 11, 2005. The Charging Party currently holds the civil-service title of Detective Specialist, formerly assigned to the Patrol Borough Brooklyn North (PBBN) wheel under the Patrol Services Bureau. The Charging Party's regular tour was from 1800 to 0600 hours, with three days on and three days off, and involved reporting to the Joint Operations Center (JOC) at One Police Plaza. The Charging Party has always performed her duties honorably, without discipline, and as of July 11, 2025, her right to service retirement vested automatically pursuant to N.Y.C. Administrative Code §§ 13-214 and 13-218.

The Charging Party's mother, now deceased Barbara Ann Smith, was diagnosed with Stage IV cervical cancer in May 2021. She underwent continuous chemotherapy, radiation, and PET-scan monitoring at Wyckoff Heights Hospital, within the confines of the 83rd Precinct. At that time, the Charging Party was assigned to PBBN at 179 Wilson Avenue, Brooklyn, under the leadership of former Assistant Chief Judith Harrison (African-American), with Deputy Chief Scott Henderson (African-American) serving as Executive Officer.

From 2021 forward, while the Charging Party's mother fought for her life, members of the 83rd Precinct—Police Officers DeLeon, Lopez, and Gomez (ret.)—and other Community Affairs personnel routinely transported her to and from treatment when the Charging Party had to report to the workplace and was unable to handle her caregiving responsibilities. Her attending oncologist, Dr. Nelli Fromer, Director and Attending Physician of Hematology Oncology at

Wyckoff, later prepared a detailed letter describing the Charging Party's extensive caregiver responsibilities between February 2024 and December 6, 2024.

Over the years, while the Charging Party valiantly managed her caregiving responsibilities with the unwavering support of her colleagues, in early February 2024, she reluctantly approached former Patrol Borough Brooklyn North Assistant Chief Scott Henderson. He was the commanding officer and an executive responsible for managing the staff, as well as formulating and implementing numerous NYPD policies and procedures. After the conversation with Henderson, he instructed the Charging Party to "stay home with your mother and care for her." Henderson assured the Charging Party that this directive constituted departmental approval and that the Charging Party's "assignment was to make sure she was good." On that basis, the Charging Party did not apply for FMLA or other formal leave, as the Charging Party was not on unauthorized absence. The Charging Party was carrying out her caregiving responsibilities in a manner consistent with Henderson's accommodation and NYPD practices, which permit accommodations for extreme family-care circumstances.

The Charging Party devoted herself entirely to caring for her mother. The Charging Party administered medications, coordinated treatments, and managed her deteriorating condition. She was legally blind in her right eye and had low vision in her left, creating additional challenges. The Charging Party witnessed her physical decline daily; by July 2024, when over-the-counter medications could no longer manage her pain, the Charging Party persuaded her to enter home hospice through Hospice of New York. This organization provided only minimal weekly nursing visits and brief health aide assistance. The Charging Party remained her sole caregiver, responsible for every aspect of her comfort and communication with physicians and family members.

The psychological toll of that experience was devastating. The Charging Party endured continuous trauma watching her mother's body fail while concealing from her the terminal prognosis to preserve her will to live. Her question—"When will we know the chemo worked and the cancer is gone?"—haunts the Charging Party still. The Charging Party held that truth from her for months, believing it was the only way to protect her spirit. When she finally voiced, "I feel like I'm dying," the Charging Party's heart broke. Every day, the Charging Party bore the crushing burden of being the only person standing between her and death. She passed away on December 6, 2024.

Throughout 2024, the Charging Party attended weekly tele-therapy sessions with Sonya Davie, LMHC, CMHIMP. After the Charging Party's mother's death, she was formally diagnosed with Post-Traumatic Stress Disorder (PTSD) and Caregiver Burnout. The Charging Party's primary-care physician has since treated her for hypertension (Amlodipine Besylate) and anxiety, and a consulting psychiatrist prescribed Zoloft. All treatment and diagnoses are documented.

The Charging Party's mother was not only her parent but also a prominent community partner with the NYPD. For twenty-eight years, she served as President of the 83rd Precinct Community Council and for twenty-six years as a member of Community Board 4's Public Safety Committee. She worked closely with borough commands, elected officials, and multiple

Police Commissioners. Even while in hospice, she hosted meetings from her bed and continued serving as a liaison between the Department and the community until days before her death. Her stature within both the NYPD and Brooklyn's civic network was well known.

When Assistant Chief Henderson authorized the Charging Party to remain home, she relied on that directive in good faith. The Charging Party did not anticipate that the same Department that employed Assistant Chief Henderson, a police executive, would later undermine his approved accommodation under a new Police Commissioner, Jessica S. Tisch (Caucasian). Under Commissioner Tisch, the Charging Party's caregiving responsibilities were cast as criminal conduct suggestive of grand larceny and related offenses. Commissioner Tisch, then, had approved. The Department investigation against the Charging Party and Assistant Chief Henderson for seemingly no other reason than to craft her public image of the "Savior" restoring the integrity of the Department, primarily targeting officers of color, especially African-Americans. Under Commissioner Tisch, essentially every decision made by minority police executives was cast with doubt.

### **The Disciplinary Investigation**

On March 10, 2025, the Department initiated an internal inquiry following the receipt of CHIA # 2025-001-130, generated from PC # 2025-13-105, by Police Officer Christopher Mera (Shield No. 24751 / Tax Registry No. 962612) of the Internal Affairs Bureau. The worksheet documented an anonymous complaint, which stated verbatim:

"I don't know why the NYPD is still allow this to happen. What kind of work a police officer can do from home, running after roaches and mice. This is a shame. A detective, Jaenice Smith, working from home for more than 2 years. How does she scan her ID card and home at the same time. I've reported her before but it seems like the NYPD has no interest in those kind of corruption, stealing time seems no longer an issue. I need to go public with that shit, the tax payers must be aware about these fraudulent activities that are going on in this department."

At approximately 1150 hours, Officer Mera conducted an ICMS log search identifying a prior identical allegation filed by Patrick Smith under Log # 2025-4464, which had already been investigated and closed as Information and Intelligence (I&I). Despite that prior closure, the IAB Duty Executive, Captain Mohamed H. Eltony (Tax Registry No. 938428), recommended that the new entry be classified as "Additional Information" and appended to the previous log. Attached to this CHIA entry were collateral allegations concerning Lieutenant Special Assignment Latisha M. Witten (African-American) (Tax Registry No. 929499), alleging that she gave no direction to subordinates regarding Detective Smith and failed to consult with the Chief when approached by Sergeant Hunt [Donovan J. Shield No. 2162; Tax Registry No. 930378]. This CHIA record marked the formal start of the Department's investigation into the Charging Party's authorized caregiving leave and employment status, forming the procedural foundation for the subsequent administrative and pension-related actions that followed.

On Tuesday, March 25, 2025, at approximately 1040 hours, an Intelligence Check Request was generated regarding Detective Specialist Jaenice Smith (Tax Registry No. 939488),



assigned to the Patrol Borough Brooklyn North Security Detail. The request was submitted by Lieutenant Commander Robert T. Zhen (Tax Registry No. 931479), an Asian male, and endorsed by Captain James D. Berk (Tax Registry No. 949358), a white male assigned to the Internal Affairs Bureau. The request stated verbatim:

“ON TUESDAY, MARCH 25, 2025, I AM REQUESTING AN INTEL CHECK ON PO SMITH, TAX # 939488, ASSIGNED TO THE PBBN – SECURITY DETAIL. PLEASE ASK ABOUT PO SMITH'S WORK SCHEDULE, IF SHE IS AUTHORIZED TO WORK FROM HOME, IF SHE WAS AUTHORIZED TO WORK FROM HOME, WHO AUTHORIZED IT AND DO SHE SCAN IN FOR WORK WHEN SHE COMES IN PRESENT FOR DUTY. I AM ALSO REQUESTING A STANDARD CHARACTER ASSESSMENT OF PO SMITH.”

Personnel records show that Captain Berk has served with the NYPD since July 2010, including assignments in Patrol Borough Brooklyn South, the 67th Precinct, the 103rd Precinct, and the 73rd Precinct. Publicly available Civilian Complaint Review Board (CCRB) and federal court records identify Captain Berk as a subject or defendant in multiple civil-rights proceedings between 2012 and 2024.

#### **CCRB History:**

Between 2012 and 2020, Captain Berk was the subject of **four CCRB complaints** containing **six allegations** involving **Black and Hispanic complainants**, summarized as follows:

- Complaint #202007361 (2020): Abuse of Authority – Entry of Premises / Property Damaged; **Black Female (30-34)**; *Exonerated*.
- Complaint #201709933 (2017): Force – Physical Force; **Hispanic Male (30)**; *Complainant Unavailable*.
- Complaint #201508477 (2015): Discourtesy – Word / Abuse of Authority – Premises Entered and/or Searched; **Black Female (51)**; *Substantiated (Formalized Training)*.
- Complaint #201206462 (2012): Force – Physical Force; **Black Male (45)**; *Exonerated*.

#### **Civil-Rights Litigation:**

Captain Berk has also been named as a defendant in at least **seven** federal § 1983 civil-rights actions and **one state-court** action alleging abuse of authority, false arrest, malicious prosecution, and excessive force:

1. *Cole v. City of New York, et al.*, No. 16-CV-3363 (E.D.N.Y. 2016) – **Black male** plaintiff; unlawful arrest and excessive force; settled for \$18,000.
2. *Williams v. Berk, et al.*, No. 16-CV-0949 (E.D.N.Y. 2016) – **Black male** plaintiff; false imprisonment and Fourth Amendment violations; settled for \$9,000.
3. *Cummins v. City of New York, et al.*, No. 15-CV-0096 (E.D.N.Y. 2015) – **Black male** plaintiff; assault and false arrest; settled for \$60,001.
4. *Christopher Peyton May-Shaw v. City of New York, et al.*, No. 19-CV-3416 (E.D.N.Y. filed July 5, 2019) – Plaintiff alleged unlawful stop, search, and detention without

probable cause on August 10, 2016; asserted violations of 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments; no monetary disposition recorded.

5. *Robert Hogan a/k/a Christopher Peyton May-Shaw v. City of New York, et al.*, No. 17-CV-5591 (E.D.N.Y. filed Nov. 1, 2017) – Plaintiff alleged false arrest, excessive force, and property deprivation arising from a 67th Precinct stop; asserted violations of the Fourth and Fourteenth Amendments.
6. *Jerry Wade v. City of New York, et al.*, Index No. 505251/2024 (Sup. Ct. Kings Cty.) – **Black male** plaintiff; alleged false arrest, malicious prosecution, and denial of due process under 42 U.S.C. §§ 1983 and 1988 and the First, Fourth, Fifth, and Fourteenth Amendments; action pending.

Together, these records show that Captain Berk has been repeatedly named in civil-rights proceedings spanning 2012 to 2024, each alleging violations of constitutional protections under federal law. The Intelligence Check Request he endorsed on March 25, 2025, was filed one day before the Department placed the Charging Party on modified assignment.

On March 25, 2025, further investigative activity was documented under M# 2025-0529, initiated by Captain James D. Berk of IAB Group 31 and approved by Deputy Inspector Dawit Fikru (Tax Registry No. 934858) of the Special Investigations Unit (SIU). The case worksheet outlined a series of investigative directives to be carried out against Detective Specialist Jaenice Smith (Tax Registry No. 939488). The instructions, issued internally through the Department's Case Management System, ordered the following steps:

1. Request an RFI (Request for Information);
2. Check Z-Finest for any vehicles registered to the subject officer;
3. Review the officer's attendance records to determine "**pattern of life**";
4. Check for License Plate Reader (LPR) hits on the subject officer's vehicle while on duty and to determine whether she drove to and from work to scan in;
5. Check MTA pass usage;
6. Compare the distance from the officer's residence to Patrol Borough Brooklyn North to assess whether she could report without driving;
7. Download and review all PBBN stationhouse surveillance video showing when the officer began and ended her tour;
8. Canvass for cameras at the officer's home address "**under a ruse that a crime was committed at the location,**" to obtain footage showing whether she left home to report for duty;
9. Follow up with Group 55 for results of their surveillance;
10. Request social-media information;
11. Request a financial background check; and
12. Inquire into any off-duty employment.

These investigative measures were requested directly by Captain Berk (Group 31) and formally approved by Deputy Inspector Fikru (SIU). The instructions reflect the Department's escalation of the investigation from administrative review to covert surveillance and data-collection operations directed at the Charging Party was filed one day before the Department placed the Charging Party on modified assignment.

On Wednesday, March 26, 2025, at approximately 1040 hours, while present at 1216 Decatur Street in the confines of the 83rd Precinct, Detective Specialist Jaenice Smith (Tax Registry No. 939488) was placed on modified assignment by Deputy Inspector Dawit Fikru (Tax Registry No. 934858), Commanding Officer of the Internal Affairs Bureau (IAB) Group 1, acting under the authority of Chief Edward A. Thompson (Tax Registry No. 889363), Chief of the Internal Affairs Bureau, pursuant to confidential investigation IAB Case No. M-2025-529.

The modification occurred in the physical presence of Deputy Inspector Fikru, Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276), and Sergeant Justice C. Byrd (Shield No. 474; Tax Registry No. 952519). Detective Smith was cooperative, found fit for duty, and advised of the Department's available counseling services. One service firearm was recovered and vouchered for safekeeping. Copies of the UF-49, Finest message, and audio recordings documenting the modification were attached to the case worksheet.

At approximately 1138 hours, Detective Second Grade Alicia N. Stone (Tax Registry No. 952267) of IAB received a telephone call from Lieutenant Commander Detective Andrew T. Jackson (Tax Registry No. 949133), also of Group 1, confirming the modification. An ICMS search revealed no prior log entries for the incident. At 1203 hours, an Alpha Page was transmitted memorializing the order. This event marked the Department's first formal personnel action following the March 10, 2025, internal inquiry.

## **Personnel Backgrounds**

**Deputy Inspector Dawit Fikru**, a Black male commanding officer within IAB Group 1, personally directed and witnessed the modification. His presence establishes that the action was taken at the highest operational tier of IAB under direct Bureau Chief supervision.

**Sergeant Christopher D. Morano**, who participated in the modification, has a documented history of investigative irregularities. In *Jacquelyne Perrien v. City of New York et al.*, E.D.N.Y., Plaintiff Perrien alleged that Morano—while overseeing an Internal Affairs Bureau investigation into her complaint of police misconduct—closed the investigation for “insufficient evidence” without reviewing her medical records, despite having received HIPAA authorizations. She further alleged that Morano withheld the identities of the involved officers, Defendants Ortiz and Insignares, until compelled by a court order on November 5, 2021, after the statute of limitations had expired. These actions were pleaded as due-process deprivations and obstruction under color of law in violation of 42 U.S.C. § 1983.

**Sergeant Justice C. Byrd**, a Black male assigned to IAB since March 2024, previously served in Patrol Borough Manhattan North and the Central Park Precinct. CCRB Complaint #202207436 (August 2022) was substantiated for Abuse of Authority – Refusal to Process a Civilian Complaint, resulting in a Command Discipline A.

**Chief Edward A. Thompson**, a Black male, Chief of the Internal Affairs Bureau, had a prior substantiated CCRB finding (Complaint #8801106, March 1988) for Abuse of Authority – Premises Searched, classified as “Substantiated – Charges.”

Collectively, the modification executed on March 26, 2025 was conducted by IAB personnel with histories of substantiated abuse-of-authority findings, investigative negligence, and prior civil-rights litigation, facts that are probative of systemic bias and procedural irregularities within IAB Case M-2025-529.

On Thursday, March 27, 2025, at approximately 1630 hours, Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) documented a series of departmental inquiries intended to verify whether Detective Specialist Jaenice Smith (Tax Registry No. 939488) had ever been formally authorized to work from home in any capacity. The search yielded negative findings, despite the existence of direct executive authorization from Assistant Chief Scott Henderson months earlier.

Sergeant Morano's memorandum recorded the following communications:

- Office of Equal Employment Opportunity (OEEO): Contacted Sergeant Eydrin Henao (Shield No. 908; Tax Registry No. 960652), who reported no reasonable accommodation on file. Sergeant Henao stated that Detective Smith had only submitted a pending request dated March 31, 2025, seeking Sundays off for religious observance.
- Family Assistance Unit: Contacted Lieutenant Taneese T. Silvera (Tax Registry No. 924769), who confirmed she searched records back to 2023 and found no record of hardship leave for Detective Smith.
- Family and Medical Leave Desk: Contacted Police Officer Kristin L. Castellano (Shield No. 12262; Tax Registry No. 945499), who verified that Detective Smith had not been placed on any FMLA leave.
- Personnel Bureau: Contacted Sergeant Special Assignment Allan K. Yip (Shield No. 4084; Tax Registry No. 933497), who stated that **work-from-home authorization is permitted only for civilian members (CMOS) and not for uniformed members (UMOS)**.

The reporting officer was Sergeant Morano, endorsed by Lieutenant Alberto Gonzalez (Tax Registry No. 941828) and Deputy Inspector Dawit Fikru (Tax Registry No. 934858).

## Personnel Context

**Lieutenant Alberto Gonzalez**, a **Hispanic male**, has served at the Internal Affairs Bureau since October 2022. He previously worked in **Narcotics Borough Bronx** and the **52nd Precinct**. His disciplinary record and litigation history include:

- **Federal Civil-Rights Settlements:**
  - *McCallum v. Police Department of the City of New York*, 22-cv-00081 (S.D.N.Y. 2022) — \$41,000 settlement.
  - *Saavedra v. City of New York et al.*, 19-cv-07491 (S.D.N.Y. 2019) — \$87,500 settlement.
  - *Hairston v. City of New York et al.*, 13-cv-06575 (S.D.N.Y. 2013) — \$12,500 settlement.

- Additional lawsuits include *Flowers v. Sehl et al.* (22-cv-02766) and *Diop v. City of New York* (Index No. 27933/2020E, Sup. Ct. Bronx).

In each case, plaintiffs—predominantly **Black or Hispanic individuals**—alleged false arrest, excessive force, and retaliatory misconduct, resulting in more than \$141,000 in total settlements.

- **Civilian Complaint Review Board (CCRB) Findings:**

- Complaint #202103392 (May 2021) — Abuse of Authority (Vehicle Search) involving a **Black male aged 45–49** — classified “Victim Unavailable.”
- Complaint #202100477 (November 2019) — Use of Force (Physical Force) against a **Black male aged 40–44** — classified “Unsubstantiated.”

While neither CCRB complaint resulted in substantiated discipline, the combination of repeated civil-rights settlements and prior misconduct allegations underscores a pattern of enforcement activity disproportionately affecting Black and Latino civilians.

On April 1, 2025, the Internal Affairs Bureau, Special Investigations Unit, prepared a written request for a Deputy Commissioner’s Administrative Subpoena (Exhibit 4) under IAB SRA #2025-082, authored by Sergeant Guydee Surpris (Shield No. 5532 Tax Registry No. 953458), and endorsed by Deputy Inspector Dawit Fikru. The request sought a non-disclosure subpoena to T-Mobile, Subpoena Compliance Department, for all subscriber, billing, and call-detail records associated with telephone number (718) 404-4399, covering the period November 1, 2023 through April 1, 2025.

In the justification paragraph, the Department represented that the records were “**needed to determine if the subject officer communicated with identified persons of interest who also withdrew money from the checking account,**” referencing an alleged “theft of time” under IAB Case M-2025-529 / Log #2025-7446. This representation was materially inconsistent with the operative allegations contained in the internal inquiry—none of which alleged financial misconduct or unauthorized withdrawals. The subpoena therefore expanded the scope of inquiry beyond the Department’s own stated investigative basis, effectively introducing false or misleading grounds to obtain personal telecommunications data.

The subpoena request was approved by Deputy Inspector Fikru, who certified that nondisclosure was necessary for 90 days “to avoid impeding the investigation and interfering with the enforcement of the law.” The records request covered a sixteen-month period, capturing communications entirely unrelated to the attendance-based allegations.

On Tuesday, April 8, 2025, at approximately 1430 hours, Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) received an email response from Mr. Patrick Smith, the complainant associated with IAB Log #2025-4464 and CHIA #2025-001-130.

In his correspondence, Mr. Smith stated that he did not wish to cooperate with the investigation. This information was documented by Sergeant Morano as part of the Internal Affairs Bureau Group 1 case file.

On Wednesday, April 9, 2025, at approximately 1020 hours, Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) and Lieutenant Andrew T. Jackson (Tax Registry No. 949133) conducted an Administrative Guide (AG) hearing for Police Officer Travis K. Gibson (Shield No. 14180 Tax Registry No. 961787) at 253 Broadway.

Present at the hearing were PBA Attorney Impellizeri and PBA Delegate Fitzgerald.

Police Officer Gibson stated, in sum and substance, that he had been assigned to the Patrol Borough Brooklyn North (PBBN) Security Detail since approximately October 2023, and that he currently worked day tours. He explained that the PBBN Security Detail performs twelve-hour tours, which overlap into the next shift, and is responsible for securing the PBBN building.

Officer Gibson further stated that Detective Specialist Jaenice Smith (Tax Registry No. 939488) was also assigned to the unit, but that he had seen her in the building only once during his time in the unit. He reported that, around May 2024, when the Security Detail switched to twelve-hour tours, he was informed by Sergeant Special Assignment Jun Fong (Shield No. 1670 Tax Registry No. 932651) and later Sergeant Donovan J. Hunt Shield No. 2162 Tax Registry No. 930378) that Detective Smith had been granted a special accommodation to work from home due to her mother's illness.

He was instructed to manually sign Detective Smith in and out of the attendance application whenever she called. Officer Gibson stated that he complied with these instructions and assumed that the sergeants were acting under orders from higher authority, though he did not know who issued those orders. He reported that Lieutenant Special Assignment Latisha M. Witten (Tax Registry No. 929499) supervised the sergeants, but he was not aware of who supervised Lieutenant Witten. Officer Gibson stated that he was not aware of the specific duties Detective Smith performed while working from home.

This hearing was conducted by Sergeant Morano and Lieutenant Jackson as part of the Internal Affairs Bureau investigation M-2025-529.

On Wednesday, April 9, 2025, at approximately 1020 hours, Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) and Lieutenant Andrew T. Jackson (Tax Registry No. 949133) conducted an Administrative Guide (AG) hearing of Police Officer Jonathan Rosas (Shield No. 9333; Tax Registry No. 944952) at 253 Broadway.

Present at the hearing were PBA Attorney Impellizeri and PBA Delegate Fitzgerald.

Police Officer Rosas stated, in sum and substance, that he had been assigned to the Patrol Borough Brooklyn North (PBBN) Security Detail since approximately February 2024, and was

currently working day tours. He noted that before the unit transitioned to twelve-hour tours, he was on the 4x12 roster.

Officer Rosas explained that the PBBN Security Detail is responsible for the security of the PBBN building. He affirmed that Detective Specialist Jaenice Smith (Tax Registry No. 939488) was assigned to the same unit but stated that he had never met her since joining.

Officer Rosas reported that when the PBBN Security Detail switched to twelve-hour tours around May 2024, he was informed by Sergeant Special Assignment Jun Fong (Shield No. 1670 Tax Registry No. 932651) that Detective Smith had been granted a special accommodation to work from home due to her mother's illness. As a result, he was instructed to sign Detective Smith in and out of the Attendance Application whenever she called.

Officer Rosas stated that he complied with these instructions, assuming the sergeants were acting on orders from higher authority, though he did not know who that was. He reported that Lieutenant Special Assignment Latisha M. Witten (Tax Registry No. 929499) supervised the sergeants but that he did not know who was above Lieutenant Witten.

He added that he was not aware of the specific duties Detective Smith performed from home, and did not know of any assignments within his unit that could typically be performed remotely.

This hearing was conducted by Sergeant Morano and Lieutenant Jackson as part of Internal Affairs Bureau Case M-2025-529.

On Thursday, April 10, 2025, at approximately 1020 hours, Sergeant Justice C. Byrd (Shield No. 474; Tax Registry No. 952519) and Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) conducted an Administrative Guide (AG) hearing of Police Officer Wilson Richard (Shield No. 2744; Tax Registry No. 942426).

Present at the hearing were PBA Attorney Hayes and PBA Delegate Fitzgerald.

Police Officer Richard stated, in sum and substance, that he had not seen Detective Specialist Jaenice Smith (Tax Registry No. 939488) at work since she joined the Patrol Borough Brooklyn North (PBBN) Security Unit around April 2023.

He reported that his immediate supervisor at that time, Sergeant Special Assignment Jun Fong (Shield No. 1670 Tax Registry No. 932651) informed him that Detective Smith had been granted an accommodation to work from home because her mother was ill. Officer Richard stated that he was not aware of any PBBN Security Unit duties that could be performed from home.

He further reported that he was instructed to sign Detective Smith in and out of the attendance application, and that when he inquired about the reason, he was told that the decision was "above his immediate supervisor's pay grade."

Officer Richard stated that around January or February 2025, following the death of Detective Smith's mother, he asked his new supervisor, Sergeant Donovan J. Hunt (Shield No. 2162; Tax Registry No. 930378), when Detective Smith would be returning to work. According to Officer Richards, Sergeant Hunt replied that he would consult Lieutenant Witten but never provided an answer.

This hearing was conducted by Sergeants Byrd and Morano as part of the Internal Affairs Bureau investigation, Case No. M-2025-529.

On Thursday, April 10, 2025, at approximately 1040 hours, Sergeant Justice C. Byrd (Shield No. 474; Tax Registry No. 952519) and Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) conducted an Administrative Guide (AG) hearing of Police Officer Israel Dolce (Shield No. 18710; Tax Registry No. 951552).

Present at the hearing were PBA Attorney Hayes and PBA Delegate Fitzgerald.

Police Officer Dolce stated, in sum and substance, that he and Detective Specialist Jaenice Smith (Tax Registry No. 939488) were both assigned to the Patrol Borough Brooklyn North (PBBN) Security Team, but that he had never seen Detective Smith in person at any time during his assignment.

Officer Dolce reported that upon joining the unit, he was informed that Detective Smith had been granted an accommodation to work from home due to her mother's illness. He stated that he was occasionally instructed to sign Detective Smith in and out of the Attendance Application on her behalf.

Officer Dolce further described the general duties and responsibilities of the PBBN Security Unit, explaining that he was not aware of any assignments or functions within the unit that could be performed remotely.

This hearing was conducted by Sergeants Byrd and Morano as part of the Internal Affairs Bureau investigation, Case No. M-2025-529.

On Wednesday, April 16, 2025, at approximately 1205 hours, Lieutenant Andrew T. Jackson (Tax Registry No. 949133) and Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) conducted an Administrative Guide (AG) hearing of Sergeant Special Assignment Jun Fong (Shield No. 1670; Tax Registry No. 932651), as part of the ongoing Internal Affairs Bureau investigation, Case No. M-2025-529.

Present at the hearing was Sergeants Benevolent Association (SBA) Delegate Sergeant Peacock.

Sergeant Fong stated, in sum and substance, that he served as supervisor of both the Patrol Borough Brooklyn North (PBBN) Wheel and the PBBN Security Unit until approximately November 2024. He reported that in 2023, Detective Specialist Jaenice Smith (Tax Registry No. 939488) was assigned to the PBBN Wheel, located at One Police Plaza (1PP). Although he was



not her direct supervisor at that time, to the best of his knowledge, Detective Smith reported to work as required while assigned to that unit.

Sergeant Fong stated that since 2023, he was aware that Detective Smith's mother was diagnosed with Stage 4 cancer. He reported that around April 2024, Detective Smith was transferred to the PBBN Security Unit, at which time he was approached by Lieutenant Special Assignment Latisha M. Witten (Tax Registry No. 929499), who informed him that, per Assistant Chief Scott M. Henderson (Tax Registry No. 915880), Detective Smith had been granted an accommodation to work from home, as she was the sole caregiver for her mother.

Sergeant Fong stated that he did not receive or review any written documentation formalizing this accommodation. He explained that Detective Smith would call in "present for duty" at the start of tour and "end of tour" at completion, and that he or the officers assigned to the desk signed her in and out of the attendance log, taking care not to write her signature.

He reported that from April 2024 until November 2024, he did not see Detective Smith physically present at work, but there were instances when she texted him requesting days off. (Sergeant Fong stated that these text messages were provided for review in a later worksheet.)

He stated that the duties of the PBBN Security Unit are to safeguard the building at 179 Wilson Avenue, and that he was not aware of any function within that unit that could be performed remotely. Sergeant Fong further reported that, to the best of his knowledge, Detective Smith's mother passed away in December 2024.

This hearing was conducted by Lieutenant Jackson and Sergeant Morano under the authority of the Internal Affairs Bureau, Case No. M-2025-529.

On Wednesday, April 22, 2025, at approximately 1015 hours, Deputy Inspector Dawit Fikru (Tax Registry No. 934858), Lieutenant Andrew T. Jackson (Tax Registry No. 949133), and Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) conducted the Administrative Guide (AG) hearing of Sergeant Hunt in connection with Internal Affairs Bureau Case No. M-2025-529.

Present at the hearing was Sergeants Benevolent Association (SBA) Delegate Sergeant Peacock.

Sergeant Hunt stated, in sum and substance, that he became the supervisor of the Patrol Borough Brooklyn North (PBBN) Security Unit in November 2024, succeeding Sergeant Special Assignment Jun Fong (Shield No. 1670; Tax Registry No. 932651). Upon assuming the position, Sergeant Hunt reported that Sergeant Fong informed him that, per Assistant Chief Scott M. Henderson (Tax Registry No. 915880), Detective Specialist Jaenice Smith (Tax Registry No. 939488) had been granted a special accommodation to work from home due to her mother's illness.

Sergeant Hunt stated that he did not personally speak with any other supervisor or executive regarding this arrangement, but that he continued the existing practice of having

officers under his supervision sign Detective Smith in and out of the Attendance Application in accordance with prior instruction.

He further reported that he processed Detective Smith's leave forms (Form 28s) for vacation or lost time but never observed her physically present for duty during his tenure as supervisor.

Sergeant Hunt stated that following the death of Detective Smith's mother in December 2024, he approached Lieutenant Special Assignment Latisha M. Witten (Tax Registry No. 929499) toward the end of February 2025 to inquire when Detective Smith would be returning to work. Lieutenant Witten informed him that she would consult with Chief Henderson.

Approximately one week later, Sergeant Hunt reported that he observed Detective Smith entering Chief Henderson's office in plain clothes. He stated that he was not informed of the nature or content of that meeting and received no further instruction or clarification regarding Detective Smith's work status thereafter.

This hearing was conducted by Deputy Inspector Fikru, Lieutenant Jackson, and Sergeant Morano under the authority of the Internal Affairs Bureau, Case No. M-2025-529.

On Wednesday, April 22, 2025, at approximately 1050 hours, Deputy Inspector Dawit Fikru (Tax Registry No. 934858), Lieutenant Andrew T. Jackson (Tax Registry No. 949133), and Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276) conducted the Administrative Guide (AG) hearing of Lieutenant Special Assignment Latisha M. Witten (Tax Registry No. 929499) in connection with Internal Affairs Bureau Case No. M-2025-529.

Present at the hearing was Lieutenants Benevolent Association (LBA) Delegate Catusco.

Lieutenant Witten stated, in sum and substance, that at the beginning of 2024, she was present in Chief Scott Henderson's office when he informed her that Detective Specialist Jaenice Smith (Tax Registry No. 939488) would be working from home due to her mother's illness. At that time, Lieutenant Witten was serving as the Operations Coordinator under the Patrol Borough Brooklyn North command.

She reported that she did not receive any written notifications, memoranda, or formal documentation regarding this accommodation, nor did she prepare any related paperwork. Lieutenant Witten stated that she was not provided any direct instructions by Chief Henderson beyond that conversation and that, to the best of her knowledge, the accommodation had been authorized informally by Chief Henderson himself.

Lieutenant Witten stated that she did not recall disseminating this information to Detective Smith's immediate supervisors or speaking directly with Detective Smith about the arrangement. She reported that the accommodation appeared to be generally known within the unit and that Detective Smith continued to be listed on the roll call and signed in and out of the Attendance Application by other members of the PBBN Security Unit.

Lieutenant Witten stated that she was not aware of any Security Unit functions that Detective Smith could perform remotely from home.

She further reported that toward the end of March 2025, she was approached by Sergeant Hunt, who inquired when Detective Smith would be returning to work following her mother's death in December 2024. Lieutenant Witten stated that she told Sergeant Hunt she would ask Chief Henderson about the matter but subsequently forgot to follow up.

She added that shortly thereafter, she observed Detective Smith waiting outside Chief Henderson's office to speak with him, but was not informed of the purpose or outcome of that meeting.

This hearing was conducted by Deputy Inspector Fikru, Lieutenant Jackson, and Sergeant Morano under the authority of the Internal Affairs Bureau, Case No. M-2025-529.

On Thursday, May 1, 2025, at approximately 1500 hours, while present at 1 Police Plaza, 14th Floor, the Administrative Guide (AG) hearing of Assistant Chief Scott Henderson (Tax Registry No. 915880) was conducted in connection with Internal Affairs Bureau Case No. M-2025-529.

Present at the hearing were Inspector Joseph A. DiBartolomeo (Tax Registry No. 901456), Deputy Inspector Dawit Fikru (Tax Registry No. 934858), and Sergeant Christopher D. Morano (Shield No. 3945; Tax Registry No. 947276). Also present were Attorney Barbuti and Captain Monahan, representing the Captains Endowment Association (CEA).

Chief Henderson stated, in sum and substance, that he had known Detective Specialist Jaenice Smith (Tax Registry No. 939488) since the start of her NYPD career, as her mother, Barbara Ann Smith, was a long-serving Brooklyn community leader and precinct council president. He reported that he was aware that Detective Smith's mother had been diagnosed with terminal Stage IV cancer, and, in an effort to assist Detective Smith in caring for her mother, he transferred her from the PBBN Wheel to the PBBN Security Unit around the beginning of 2024.

He stated that his initial arrangement with Detective Smith was that she would be permitted to take days off as needed to provide care for her mother. However, as her mother's condition worsened, he allowed Detective Smith to remain at home and call in "present for duty" and "end of tour", unless there was an emergent manpower issue.

Chief Henderson first recalled that this arrangement began around September 2024, but later clarified that it may have started earlier, approximately at the time Detective Smith was transferred to the Security Unit.

He further stated that he did not contact the Family Assistance Section, the Medical Evaluation and Liaison Division (MELD), or any other administrative unit regarding the arrangement, explaining that he left such matters to Detective Smith because she was affiliated with the Police Organization Providing Peer Assistance (POPPA).

Chief Henderson reported that, as the Commanding Officer of Patrol Borough Brooklyn North, he believed it was within his discretionary authority to provide this accommodation given the humanitarian circumstances.

He stated that he informed Sergeant Special Assignment Jun Fong (Shield No. 1670; Tax Registry No. 932651), who supervised the Security Unit, of this arrangement but did not recall informing Lieutenant Special Assignment Latisha M. Witten (Tax Registry No. 929499), the Operations Coordinator.

Chief Henderson further stated that after Detective Smith's mother passed away in December 2024, Detective Smith approached him to express that she was struggling emotionally to return to the workplace and was considering using her accrued time prior to retiring. Based on that conversation, Chief Henderson assumed that Detective Smith had resumed reporting to work. He stated that, following the death of her mother, there would have been no reason for Detective Smith not to return to duty.

This hearing was conducted under the authority of the Internal Affairs Bureau, as part of Case No. M-2025-529.

On Wednesday, May 21, 2025, at approximately 1410 hours, while present at 253 Broadway, Deputy Inspector Dawit Fikru (Tax Registry No. 934858), Lieutenant Mossner, and Sergeant Justice C. Byrd (Shield No. 474; Tax Registry No. 952519) conducted the Administrative Guide (AG) Hearing of Detective Specialist Jaenice Smith (Tax Registry No. 939488) in connection with Internal Affairs Bureau Case No. M-2025-529.

Also present were Detectives' Endowment Association (DEA) Attorney Michella and DEA Representative Chris Schilling.

Detective Smith stated, in sum and substance, that her mother, Barbara Ann Smith, was diagnosed with Stage IV cervical cancer in May 2021, while she was assigned to the Patrol Borough Brooklyn North Wheel. She explained that when the Wheel was later relocated from Brooklyn to Manhattan in 2023, the travel demands created a hardship for her given her mother's worsening health.

Detective Smith reported that she reached out to Assistant Chief Scott Henderson, who was a long-time family friend, for assistance. Chief Henderson initially arranged for her to be temporarily detailed to the Brooklyn North Headquarters Security Unit on three-day intervals so she could continue to care for her mother. As her mother's illness progressed, Chief Henderson personally visited Detective Smith at her home in early March 2024 and instructed her not to report to work, telling her to "take as much time as you need to be with your mother."

Detective Smith stated that she did not know precisely which supervisors were informed of this arrangement, but that "everyone knew." She explained that she was expected to call in present for duty and end of tour each day, but that she was not assigned any active duties during that period. When she was not available, she submitted PD-428 (Leave of Absence) forms, consistent with regular Department procedure.

Detective Smith acknowledged that she did not apply for assistance through the Family Assistance Unit or FMLA, explaining that she believed Chief Henderson possessed the authority as Borough Commanding Officer to authorize her to remain home.

She further reported that after her mother passed away in early December 2024, she met with Chief Henderson and told him that she was not emotionally well enough to return to duty due to the trauma of caring for her dying mother. Chief Henderson instructed her to take all the time she needed before coming back to work.

At a second meeting in March 2025, Detective Smith informed Chief Henderson that she did not want to return to the Patrol Borough Brooklyn North building due to its emotional association with her mother's illness and death. She stated that she expressed interest in transferring to the Community Affairs Bureau, but that the position she sought had been discontinued.

Detective Smith stated that she and Chief Henderson mutually agreed that she would return to work on April 18, 2025.

This AG hearing marked the first formal statement by Detective Smith regarding the circumstances of her caregiving accommodation, her understanding of its authorization, and the events following her mother's death.

Although not reflected in the formal summary of the May 21, 2025 interview, the Charging Party alleges that during the course of questioning, the interviewers improperly inferred that she had a sexual relationship with Assistant Chief Scott Henderson.

The Charging Party categorically denies this implication and asserts that such an inference was both offensive and false, reflecting a racially and gender-biased stereotype suggesting that Black male executives and Black female subordinates cannot maintain professional relationships without impropriety.

The Charging Party contends that this insinuation undermined her credibility, disrespected her professional integrity, and exemplified the Department's broader pattern of disparate treatment toward African-American members. This exchange was not memorialized in the official worksheet or audio record but forms part of the Charging Party's subsequent hostile-work-environment and discrimination allegations.

On June 12, 2025, the Department issued formal Charges and Specifications (Exhibit 5) against Detective Specialist Smith, drafted by Deputy Inspector Dawit Fikru and endorsed by Inspector Joseph A. DiBartolomeo. The charges alleged that between February 7, 2024, and March 21, 2025, she wrongfully received salary while absent from duty, characterizing the period as unauthorized leave. The specifications included **Grand Larceny in the Fourth Degree, Official Misconduct, Prohibited Conduct, Failure to File Accommodation Request, Falsifying Business Records, and Violation of Attendance Guidelines**. The Department's theory rested on the claim that Detective Smith had "**no authorization**" to work remotely and had improperly received pay while absent.

On June 30, 2025, the Charging Party’s outgoing counsel, James Moschella, sent a text (Exhibit 6) message advising her that, *“The Advocate is rushing you because they want a commitment you will agree to vest before July 11th just in case some court down the road would say that the PD’s unilateral changing of your date was not proper.”* The Charging Party asserts that at no point did Mr. Moschella, Deputy Commissioner of the Department Advocate’s Office Tarek A. Rahman, or Agency Attorney David H. Green, inform her of her rights under the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. § 626(f). Specifically, she was not advised in writing of her right to consult independent counsel, provided a minimum consideration period, or afforded the statutory revocation period required before executing any waiver or retirement-related election.

On July 7, 2025, the Department filed Charges and Specifications against Assistant Chief Scott M. Henderson (Tax Registry No. 915880) under Disciplinary Case No. C-034318, alleging four specifications of misconduct related to his authorization of the Charging Party’s caregiving accommodation. The charges alleged that between February 7, 2024 and March 21, 2025, Assistant Chief Henderson “made or caused to be made false entries in Department records,” “failed to prepare or direct the preparation of a Reasonable Accommodation Request,” “arranged or enabled a work-from-home assignment” for Detective Smith, and “made misleading statements” during a May 1, 2025 Internal Affairs interview. The specifications were endorsed by Inspector Joseph A. DiBartolomeo and originated from the Internal Affairs Bureau.

On July 23, 2025, Assistant Chief Henderson executed a Negotiated Settlement (Exhibit 7) acknowledging guilt to all four specifications. The settlement required him to forfeit accrued managerial and non-managerial leave, relinquish his right to withdraw his service-retirement application, and retire effective July 26, 2025. He was placed on dismissal probation for one year, but the settlement explicitly confirmed that his service-retirement benefits would remain intact. No felony charges were pursued, and his retirement was treated as voluntary and approved by the Police Commissioner.

This disposition is significant because it demonstrates that the Department formally recognized Assistant Chief Henderson’s conduct as an administrative infraction, not a criminal act, and allowed him to retain his pension rights under Chapter 514 of the Laws of 2011, which permits forfeiture only upon felony conviction. In contrast, the Department continued to pursue disciplinary and quasi-criminal action against Detective Smith for conduct that was explicitly authorized by Henderson himself. This disparate treatment underscores the selective enforcement and retaliatory escalation of the Department’s proceedings—where the superior officer’s negotiated retirement was accepted as final while the subordinate officer’s reliance on that authorization became the basis for prolonged investigation, administrative subpoena, and attempted forfeiture of vested pension rights.

Following the conclusion of Assistant Chief Scott M. Henderson’s disciplinary case (C-034318), the Department’s own findings established that any procedural failure originated at the command level—not with the Charging Party. In his negotiated settlement, Assistant Chief Henderson, a Black executive, acknowledged that he had not completed or submitted a Reasonable Accommodation Request when authorizing the Charging Party to remain home to

care for her terminally ill mother. **This omission represents an administrative failure of management oversight, not subordinate misconduct, and certainly not criminal behavior.**

Nevertheless, from the inception of its internal inquiry, the Department framed the accommodation as a criminal enterprise—asserting that the Charging Party’s compliance with a superior officer’s directive constituted “grand larceny,” “official misconduct,” and “falsification of records.” That characterization is inconsistent with the governing legal framework: the Americans with Disabilities Act (42 U.S.C. § 12112(b)(5)(A)), the New York State Human Rights Law (Executive Law § 296(3)), and the New York City Human Rights Law (Administrative Code § 8-107(15)), all of which obligate the employer—not the employee—to initiate and document reasonable accommodations.

By insisting that the Charging Party’s reliance on an Assistant Chief’s explicit order amounted to theft or deceit, the Department has inverted legal and managerial accountability. Henderson’s acknowledgment that no formal paperwork was filed demonstrates that the fault lies squarely with management’s procedural compliance—not with the subordinate officer who followed command authority in good faith. Under Chapter 514 of the Laws of 2011, even dismissal would not forfeit pension rights absent a felony conviction. Here, no such conviction exists, nor any credible evidence of criminal intent. The Department’s criminal framing of what is, at most, a bureaucratic lapse, thus represents a profound distortion of both law and equity.

Ultimately, under the threat of criminal prosecution, the Department, through Deputy Commissioner Department Advocate Tarek Rahman and Agency Attorney David H. Green (a Caucasian), continued to “investigate” the disciplinary charges against the Charging Party, alleging grand larceny and related offenses. Despite the pressure, threats, and failure to grant the Charging Party the right to review the disciplinary charges and their purported negotiated settlement, as well as consult an employment lawyer consistent with the Older Workers Benefit Protection Act, she elected to stand trial.

In coordination, the Department made an unauthorized unilateral change to the payroll system, altering her appointment/calculable retirement date from July 11, 2005, to August 24, 2006, and falsely asserting that the Charging Party was on Leave without pay from February 7, 2024, to March 21, 2025. Similarly, Kevin Holloran (Caucasian), Executive Director of the Police Pension Fund, on May 28, 2025, June 6, 2025, and June 26, 2025, he issued letters (Exhibit Nos.: 1, 2, and 3), purporting to change Charging Party’s appointment/calculable retirement date from July 11, 2005 to August 24, 2006, subtracting roughly 1.1 years of creditable service based on an “AWOL” allegation. No lawful disciplinary finding exists to support this. These letters are *ultra vires* and void.

The Charging Party now describes the sequence of that discriminatory, hostile, and retaliatory treatment she endured for asserting her legal rights as an employee.

## **B. Hostile Work Environment**

Following the death of her mother on December 6, 2024, the Charging Party began experiencing escalating hostility and intimidation from the Department. Rather than

demonstrating compassion for an employee who had just endured the traumatic loss of a parent after months of authorized caregiving, the Department's conduct—through its executives and internal advocates—became overtly punitive, accusatory, and coercive.

Beginning on March 26, 2025, the Charging Party was subjected to a pattern of actions and communications by superior officers and Department attorneys designed to humiliate, intimidate, and discredit her. She was characterized as “AWOL,” accused of “grand larceny,” and threatened with arrest and prosecution despite the undisputed fact that Assistant Chief Henderson had expressly authorized her caregiving leave. The tone and context of these interactions reflected a broader campaign within the Department under Police Commissioner Jessica S. Tisch (Caucasian) to target high-ranking and long-tenured African-American members for selective disciplinary action under the guise of “reform.”

Throughout early 2025, Department attorneys—including Deputy Commissioner, Department Advocate Tarek A. Rahman, and Agency Attorney David H. Green (Caucasian)—repeatedly summoned the Charging Party for interrogations and “informal discussions” where they berated her for “collecting salary while doing nothing,” ignored her medical documentation, and insinuated that she had fabricated her mother's illness. The Charging Party was spoken to in a demeaning, accusatory tone, told she had “embarrassed the Department,” and warned that “this will not end well” if she did not accept responsibility for the alleged misconduct. During questioning, interviewers also made inappropriate insinuations regarding the nature of her professional relationship with Assistant Chief Henderson, which she categorically denies.

The Department further exacerbated this hostility by (upon information and belief) leaking confidential disciplinary information to members of the press, coordinating a “hit-piece” campaign that resulted in sensationalized media coverage portraying the Charging Party as a corrupt officer. The deliberate release of unadjudicated allegations to the media constituted an additional act of retaliation and reputational harm, designed to isolate and publicly shame her.

The cumulative effect of these actions created a workplace atmosphere permeated with hostility, fear, and racialized and gendered animus. Department executives openly questioned the credibility and loyalty of officers of color who, like the Charging Party, exercised discretion or received accommodations under prior leadership. This environment materially and measurably worsened the terms and conditions of her employment, inflicting measurable harm, including emotional distress, hypertension, anxiety, and exacerbation of her diagnosed post-traumatic stress disorder.

Despite twenty years of honorable service, the Charging Party was deprived of the dignity, respect, and professional courtesy afforded to her white counterparts. White officers who had taken comparable or more extended periods of leave, or received informal accommodations, were neither labeled “AWOL” nor referred for criminal investigation. By contrast, the Charging Party was used as an example to deter others from seeking similar flexibility or asserting their rights under anti-discrimination laws.

This campaign of harassment and intimidation constitutes a hostile work environment in violation of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act



(ADA) (including association discrimination under 42 U.S.C. § 12112(b)(4)), the Age Discrimination in Employment Act (ADEA), the New York State Human Rights Law (Executive Law § 296), and the New York City Human Rights Law (Administrative Code § 8-107). Under Muldrow v. City of St. Louis (2024), an employment action need only cause “some harm” to a term, condition, or privilege of employment. Likewise, the post-2019 NYSHRL and NYCHRL reject the “severe or pervasive” standard and require only a showing that the Charging Party was treated less well because of a protected characteristic, with an affirmative defense only where the conduct amounts to no more than petty slights or trivial inconveniences. The Department’s actions easily meet that standard by producing a materially worse work environment motivated by race, age, gender, and disability-related animus.

### **C. Retaliation and Coercive Conduct**

Following the death of her mother on December 6, 2024, the Charging Party engaged in protected activity by disclosing her disability, requesting continued accommodation, and opposing what she reasonably believed to be race- and disability-based discrimination. Rather than responding in good faith, the New York City Police Department (NYPD) and its agents engaged in escalating acts of retaliation and coercion intended to chill her exercise of statutory rights and deprive her of vested pension benefits.

Beginning in June 2025 and continuing through July, the Charging Party was repeatedly contacted and summoned by Deputy Commissioner Department Advocate Tarek A. Rahman and Agency Attorney David H. Green (a Caucasian). During these meetings—often described as “informal discussions”—they accused her of “grand larceny,” “official misconduct,” and being “AWOL,” despite her prior authorization from Assistant Chief Henderson to remain home as a caregiver. She was told that unless she “accepted responsibility” and “cooperated,” her case would be referred to the Kings County District Attorney for criminal prosecution. These threats were made in the absence of probable cause, disciplinary finding, or any lawful predicate, and were explicitly tied to her refusal to sign a pre-drafted retirement agreement. These threats were made absent any disciplinary finding and were designed solely to intimidate the Charging Party into forfeiting her employment and retirement rights.

This conduct constitutes classic retaliatory coercion under Title VII § 704(a) and 29 C.F.R. § 1604.11(e), as it would dissuade a reasonable employee from engaging in further protected activity.

#### **1. OWBPA-Defective Waiver Process**

In June 2025, Department counsel attempted to compel the Charging Party to execute a “settlement agreement” purportedly resolving internal charges. She was denied the opportunity to review the document, denied access to employment law counsel, and instructed that she must sign immediately or face arrest. Such conduct violates the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. § 626(f), which governs the waiver of rights under the Age Discrimination in Employment Act (ADEA). The OWBPA mandates that any waiver of age-discrimination or related employment rights be “**knowing and voluntary**,” and it specifies mandatory procedural safeguards, including:

- **Written disclosure** in clear, understandable language that the employee is waiving rights under the ADEA;
- **Specific reference** to rights or claims arising under the Act;
- **Consideration period** of at least **21 days** (or 45 days in group layoffs) to review the agreement;
- **Seven-day revocation period** after execution;
- **Advice in writing to consult with an attorney** before signing; and
- **Additional consideration** beyond what the employee is already entitled to receive.

None of these statutory prerequisites was met. The Department provided no written notice, no opportunity for attorney consultation, no review period, and no revocation window. The Charging Party was an employee over forty years of age, within the protected class, and the Department's coercive tactics were aimed at forcing her to relinquish valuable employment and pension rights without due process. Such coercion also violates the Equal Employment Opportunity Commission's (EEOC) interpretive regulations, which strictly prohibit employers from conditioning benefits on the waiver of protected rights. Any attempted waiver is therefore **void ab initio** and independently actionable under ADEA § 7(d) and 29 C.F.R. § 1625.22.

## 2. Retaliatory Pension Interference

In addition to the coercive waiver attempts, the Department and the New York City Police Pension Fund (a public-benefit corporation) retaliated by tampering with the Charging Party's pension records. On May 28, 2025, June 6, 2025, and June 26, 2025, Executive Director Kevin Holloran (Caucasian) issued letters purporting to change her appointment and calculable-service date from July 11, 2005, to August 24, 2006, thereby stripping more than one year of creditable service and delaying her twentieth-anniversary vesting date.

These changes were implemented without any lawful disciplinary finding or administrative hearing, in direct contravention of N.Y.C. Administrative Code §§ 13-214 and 13-218, which guarantee a member's vested right to a service-retirement allowance after twenty years of city service. The Pension Fund's unilateral alteration of creditable service—absent a formal forfeiture proceeding under Chapter 514 of the Laws of 2011—constitutes an **ultra vires** act and an unlawful interference with protected pension rights under ERISA § 510 (29 U.S.C. § 1140).

The falsified "AWOL" entry used to justify this change was a pretext engineered after the fact to punish the Charging Party for exercising her rights and refusing to capitulate to the OWBPA-defective waiver. This manipulation also violated due-process guarantees under the Fourteenth Amendment by depriving her of a vested property interest without notice or hearing.

## 3. Continuing Retaliatory Campaign

After retaining outside counsel, on October 3, 2025, the Charging Party notified (Exhibit 8) Police Commissioner Jessica S. Tisch (Caucasian) of her intent to retire, with her service-retirement application effective as of August 11, 2025, and a retirement date of September 11, 2025. Despite this, the Department did not immediately dismiss the baseless disciplinary

proceedings. The continued pursuit of these charges—after the superior officer’s negotiated resolution and acknowledgment of responsibility—served no legitimate purpose and constituted ongoing retaliation. This persistence served no legitimate purpose other than retaliation and interference with federally protected rights under Title VII § 704(a), ADA § 12203(a)–(b), ADEA § 623(d), and corresponding NYSHRL § 296(7) and NYCHRL § 8-107(7).

The Department’s retaliatory conduct—including threats of prosecution, coerced waiver attempts in violation of the OWBPA, pension manipulation, and public dissemination of unadjudicated accusations—materially altered the terms and conditions of the Charging Party’s employment. Under Muldrow v. City of St. Louis (2024), retaliatory harm need only be more than trivial. Here, the harm was profound: emotional distress, reputational injury, and interference with vested pension and retirement benefits.

Accordingly, the Department’s actions constitute unlawful retaliation and coercion in violation of Title VII, the ADA, the ADEA, and the OWBPA, as well as the NYSHRL and the NYCHRL, warranting compensatory, liquidated, and punitive damages, as well as injunctive relief to restore all service-credit records to their lawful dates and to enjoin further interference with her vested pension rights.

#### **D. Interference with Pension and Statutory Benefits**

The Department’s retaliation extended beyond workplace hostility into the deliberate manipulation of the Charging Party’s vested pension rights. These acts constitute unlawful interference with statutory entitlements protected by federal, state, and municipal law.

##### **1. Vested Service-Retirement Rights Under City Law**

Under N.Y.C. Administrative Code §§ 13-214 and 13-218, a member of the Police Pension Fund who completes **twenty (20) years of City service** acquires an **automatic statutory right** to retire for service and to receive a service-retirement allowance. That right vests by operation of law and may not be diminished or deferred absent a lawful statutory basis. The Charging Party completed her twentieth year of continuous service on **July 11, 2025**, thereby satisfying all statutory prerequisites for retirement. The Department lacked any legal authority to suspend, delay, or reduce that entitlement. Under long-standing New York precedent, vested pension rights are property interests protected by the Due Process Clause, see Birnbaum v. New York State Teachers Retirement Sys., 5 N.Y.2d 1 (1958).

##### **2. Unauthorized Alteration of Pension Records**

Despite these clear legal mandates, the Department—acting jointly with the New York City Police Pension Fund, a public-benefit corporation—unilaterally altered the Charging Party’s official appointment and calculable service date.

On May 28, 2025, June 6, 2025, and June 26, 2025, Executive Director Holloran issued letters purporting to change her appointment date from July 11, 2005, to August 24, 2006, thereby reducing her creditable service by approximately 1.1 years. The letters claimed she was

“AWOL” from February 7, 2024, through March 21, 2025—a period during which she was under an explicit executive directive from Assistant Chief Henderson to remain home as caregiver for her terminally ill mother.

No disciplinary finding or lawful administrative determination supports this alteration. The letters are *ultra vires*, void, and constitute an unlawful deprivation of a vested property interest without notice or hearing in violation of the Fourteenth Amendment and 42 U.S.C. § 1983. See Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

### 3. Sole Method of Forfeiture

Pursuant to Chapter 514 of the Laws of 2011, **only a felony conviction may result in forfeiture of pension benefits for a member of the Police Pension Fund.**

Suppose a member is dismissed for any reason other than a felony conviction and has at least twenty years of Allowable Police Service. In that case, the member is deemed retired as of the date of dismissal with no loss of rights or benefits.

**No such felony conviction exists here.** The Department’s attempt to manipulate pension records, therefore, constitutes an illegal forfeiture and is **null and void** under both statutory and constitutional law. Any contrary interpretation would conflict with the plain text of Chapter 514 and the legislative intent to prevent discretionary forfeiture of earned pensions.

### 4. Constructive Forfeiture and Discriminatory Application

By altering her records and delaying her retirement, the Department effected a **constructive forfeiture** of vested benefits in defiance of state law. This action treated the Charging Party—an African-American woman and caregiver with PTSD—far less favorably than white comparators who received informal accommodations and retained full pension credit. The disparate treatment demonstrates that the pension interference was a continuation of the discriminatory and retaliatory campaign previously described. This selective enforcement also satisfies the “disparate treatment” element under McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973).

### 5. Chilling Effect and Retaliatory Motive

The Department’s manipulation of her pension served a retaliatory and coercive purpose: to punish the Charging Party for engaging in protected activity and to deter others from asserting similar rights. The threat of losing a guaranteed pension is among the most coercive tools an employer can wield. Conditioning restoration of benefits on acceptance of an OWBPA-defective waiver further compounded this unlawful interference, violating Title VII § 704(a), ADA § 12203(b), ADEA § 623(d), and ERISA § 510 (29 U.S.C. § 1140).

### 6. Continuing Violation and Relief

The interference remains ongoing. As of this filing, the Police Pension Fund has not rescinded the three letters or corrected the falsified appointment date, leaving the Charging Party's retirement status in jeopardy despite her effective retirement date of **September 11, 2025**, following application submission on **August 11, 2025**. Each day that the inaccurate record remains uncorrected constitutes a continuing violation under Nat'l R.R. Passenger Corp. v. Morgan, 536 U.S. 101 (2002).

Accordingly, the Respondents' conduct constitutes violations of:

- **Title VII of the Civil Rights Act of 1964, § 704(a)** – retaliatory interference with the terms, conditions, and privileges of employment;
- **Americans with Disabilities Act, § 12203(b)** – retaliation and interference with the exercise of protected rights;
- **Age Discrimination in Employment Act, § 623(d)** – retaliation against an employee for asserting age-related rights;
- **42 U.S.C. § 1983** – Monell, deprivation of property and liberty interests without due process of law;
- **New York State Human Rights Law, Executive Law § 296(7) and New York City Human Rights Law, Administrative Code § 8-107(7)** – retaliation and interference with compensation, terms, and benefits of employment;
- **New York City Administrative Code §§ 13-214 and 13-218** – interference with vested service-retirement rights; and
- **Chapter 514 of the Laws of 2011** – which provides that only a **felony conviction** may result in pension forfeiture, and that any member dismissed for any reason other than a felony conviction with at least twenty years of Allowable Police Service is **deemed retired as of the date of dismissal with no loss of rights or benefits**.

The Charging Party seeks complete restoration of her original appointment date (**July 11, 2005**), correction of all pension and service records, formal recognition of her twenty years of Allowable Police Service, and compensatory, liquidated, and punitive damages for the willful deprivation of her statutory and constitutional rights. She further seeks injunctive relief requiring the Police Pension Fund and the NYPD to expunge the false "AWOL" notation and to certify her retirement as fully vested and lawful under Chapter 514.

#### **E. Constructive Threats and Age-Related Coercion**

Following the death of her mother on December 6, 2024, the Department's conduct toward the Charging Party intensified into a campaign of coercion and retaliation. After nearly two decades of honorable service—and with her twentieth-year vesting date of July 11, 2025, approaching—the Charging Party became the target of a deliberate campaign to pressure her into resigning, relinquishing her retirement rights, or signing a fabricated "negotiated settlement" under threat of criminal prosecution.

Beginning in June 2025 and continuing through July, attorneys from the Department Advocate's Office, including Deputy Commissioner Tarek A. Rahman and Agency Attorney David H. Green (Caucasian), repeatedly summoned the Charging Party to One Police Plaza for

“discussions.” During these sessions, they asserted that if she did not “take the deal,” she would be arrested and essentially “**perp-walked**” in front of her colleagues. They claimed that her time caring for her dying mother—explicitly authorized by Assistant Chief Henderson—constituted “grand larceny” and “theft of City funds.” The Charging Party was told that she had “embarrassed the Department” and that refusal to “**accept responsibility**” would result in criminal referral to the Kings County District Attorney’s Office.

These threats were retaliatory and age-related within the meaning of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 et seq., and the Older Workers Benefit Protection Act (OWBPA), as the Department sought to force the forfeiture of vested benefits and avoid paying pension obligations to a long-tenured employee over forty. The OWBPA, codified at 29 U.S.C. § 626(f), strictly requires that any waiver of ADEA rights be knowing and voluntary, in writing, and accompanied by (1) clear advice to consult an attorney, (2) a 21-day consideration period, and (3) a 7-day revocation window.

The Department willfully ignored every safeguard. The Charging Party was never given a written waiver, never provided notice of their rights, and was never permitted time to consult employment law counsel; instead, she was subjected to psychological coercion under the threat of arrest and public humiliation. Any purported waiver extracted in this context would be **void ab initio** under the OWBPA.

The Department’s conduct also violates the retaliation and interference provisions of multiple laws, including:

- **Title VII § 704(a)** – retaliation and interference for engaging in protected activity;
- **ADA § 12203(b)** – coercion, threats, and interference with the exercise of accommodation rights;
- **ADEA § 623(d)** – retaliation and intimidation based on age;
- **NYSHRL § 296(7)** – retaliation and interference with employment terms and benefits; and
- **NYCHRL § 8-107(7)** – retaliation and coercion under the City’s liberal-construction mandate.

By using threats of arrest, humiliation, and pension forfeiture to compel the Charging Party’s resignation or silence, the Department created conditions that would have dissuaded any reasonable employee from asserting her legal rights. This coercive environment was not merely adverse—it was intentionally designed to intimidate and silence a senior African-American woman officer at the moment her statutory pension rights vested. Such conduct constitutes **retaliatory interference** under federal, state, and city law, and a clear violation of the OWBPA’s procedural and substantive protections for older workers.

#### **F. Involvement of the Pension Fund and District Attorney’s Office as Coordinated Retaliatory Conduct**

The Department’s retaliation did not end with threats of prosecution or coerced settlement discussions. Instead, it evolved into a **deliberate and coordinated campaign of**

**institutional retaliation** that enlisted the **New York City Police Pension Fund (PPF)**—a separate public benefit corporation—and the **Office of the District Attorney of Kings County** to intimidate the Charging Party, undermine her vested property rights, and chill her exercise of statutory protections.

Between May 28, 2025, June 6, 2025, and June 26, 2025, Executive Director Holloran of the PPF issued three **unauthorized** and ***ultra vires*** letters purporting to retroactively alter the Charging Party’s appointment and calculable retirement date from July 11, 2005, to August 24, 2006, thereby reducing her creditable service by approximately 1.1 years. These letters—issued without due process or lawful disciplinary determination—claimed the adjustment was based on an alleged “AWOL” status between February 7, 2024, and March 21, 2025. No administrative adjudication or final disciplinary finding supports that allegation, nor has any lawful forfeiture under Chapter 514 of the Laws of 2011 been triggered.

The Pension Fund’s unilateral action was contrary to the express provisions of N.Y.C. Administrative Code §§ 13-214 and 13-218, which guarantee vesting and service-retirement rights upon completion of twenty years of city service and limit adjustments in creditable service to those approved by the Board of Trustees after due process. This interference was compounded by the Department’s parallel threat of referral to the Kings County District Attorney’s Office, which publicly insinuated criminality despite the absence of probable cause, evidentiary basis, or an independent investigative predicate. The referral functioned as an extension of internal retaliation—an act of intimidation and reputational destruction carried out under color of law and without judicial oversight.

Together, the Department and Police Pension Fund operated in concert and under color of state authority to deprive the Charging Party of protected employment rights, culminating in (1) unlawful interference with her vested pension; (2) reputational harm through media leaks of false criminal allegations; and (3) obstruction of her statutory right to retire without penalty as of **July 11, 2025**.

This constitutes a **coordinated retaliatory scheme** prohibited by multiple overlapping legal authorities, including:

- **Title VII § 704(a)** – retaliation and interference for engaging in protected activity;
- **ADA § 12203(b)** – coercion, threats, and interference with accommodation rights;
- **ADEA § 623(d)** – retaliatory and age-related intimidation;
- **42 U.S.C. § 1983** – Monell, deprivation of property (pension and employment) without due process under color of state law;
- **NYSHRL § 296(7) and NYCHRL § 8-107(7)** – retaliation and interference with compensation, benefits, and terms of employment;
- **N.Y.C. Administrative Code §§ 13-214 and 13-218** – interference with vested retirement rights; and
- **Chapter 514, Laws of 2011** – limiting forfeiture solely to felony conviction.

The combined use of pension manipulation and prosecutorial intimidation represents an extraordinary abuse of administrative and prosecutorial authority and a willful deprivation of

property rights protected by the Fourteenth Amendment. It was a deliberate attempt to punish the Charging Party for asserting her rights as an African-American woman, caregiver, and long-tenured employee approaching retirement eligibility. The purpose and effect of these coordinated actions were to deprive her of the dignity of service retirement, destroy her professional reputation, and deter similarly situated employees from invoking their rights under federal and state civil-rights and employment-discrimination statutes enforced by the EEOC.

### **Relief Requested**

The Charging Party respectfully requests that the United States Equal Employment Opportunity Commission (EEOC) enter a finding of **probable cause** and order full remedial action against The City of New York, the New York City Police Department, and the New York City Police Pension Fund (Public Benefit Corporation) for violations of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA).

Effective immediately, the Charging Party requests that the City of New York, through the New York City Police Department, recognize, adopt, and facilitate her vested service-retirement pursuant to N.Y.C. Administrative Code §§ 13-214, 13-218, and 13-246, and the governing provisions of the Tier-2 SPD, with an effective vesting date of **August 11, 2025**, and a retirement (separation) date of **September 11, 2025**.

Additionally, the City of New York, through the New York City Police Department, shall immediately **cease and desist** from all investigations, referrals, or disciplinary actions against the Charging Party that stem from her lawful caregiving accommodation or her exercise of protected rights.

Moreover, the Department shall direct the New York City Police Pension Fund to restore and certify the Charging Party's retirement benefits using **July 11, 2005**, as her lawful appointment and service date, consistent with Administrative Code §§ 13-218 and 13-246 and the Tier-2 SPD.

The Department and the Police Pension Fund must also rescind, withdraw, and formally expunge the three unauthorized letters issued by Executive Director Kevin Holloran **on** May 28, 2025; June 6, 2025; and June 26, 2025, each of which unlawfully altered the Charging Party's calculable retirement date without due process, Board approval, or statutory authority.

The Charging Party further seeks full compensatory damages for lost wages, overtime, pension contributions, and benefits wrongfully withheld or reduced as a result of the Respondents' retaliatory and discriminatory acts, together with pre- and post-judgment interest. She seeks general and emotional-distress damages for the severe mental anguish, humiliation, and psychological harm caused by the Respondents' hostile, coercive, and retaliatory conduct.

The Charging Party requests equitable relief as described above, including the expungement of all investigatory and disciplinary records, "AWOL" designations, and criminal-referral materials from her personnel file.



The Charging Party further requests a permanent injunction barring the Respondents and their agents from engaging in any further retaliation, interference, or dissemination of false or confidential information about her or any similarly situated employees who exercise protected rights.

Finally, the Charging Party requests an award of attorneys' fees, expert-witness fees, and litigation costs under Title VII, the ADA, and the ADEA, together with any other legal, equitable, or declaratory relief necessary to make her whole, restore her vested pension rights, and vindicate the public interest in preventing discrimination, retaliation, and interference with protected benefits.

**Signature Block and Notary Section**

**NOTARY – When necessary for State and Local Agency Requirements**

I swear or affirm that I have read the above charge and that it is accurate to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the above is true and correct.

**SIGNATURE OF COMPLAINANT:**

**SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE**  
(month, day, year)

Date: 10 / 6 / 2025

Charging Party Signature: *Jaen Inoul*

Notary Public: *Ewa Chmura, ESQ.* 10.06.2025

Commission Expiration Date: 09.26.2027

*COUNTY OF WESTCHESTER*  
*REGISTRATION No. 02SA0013820*