

Eric Sanders

From: Eric Sanders [REDACTED]
Sent: Friday, May 29, 2026 11:45
To: 'ADLER, JEFF'
Cc: 'GREEN, DAVID'
Subject: NYPD v. Police Officer Shatorra Foster Case No. — Request for Department Review Before Motion Practice
Attachments: Charges and Specifications.pdf; Verified Answer With Counterclaims_ecf.pdf; Notice of Entry_CPLR 3211 Motion.pdf
Importance: High
Sensitivity: Confidential

Dear Trial Commissioner Adler:

I write on behalf of respondent Police Officer Shatorra Foster regarding a narrow issue raised during the recent conference.

At this time, respondent is not filing a motion. Instead, respondent is giving the Department an opportunity to review and address a troubling timeline concerning the Internal Affairs investigation, the charging decision, and the Department's reliance upon allegations made by then-Lieutenant Trevlyn Headley.

Respondent is not asking the tribunal or the Department Advocate to resolve every allegation contained in the Verified Answer with Counterclaims, nor is respondent attempting to litigate the civil action in this disciplinary forum. The present concern is narrower: whether the Department's charging decision adequately accounted for the timing, context, and legal significance of respondent's allegation that Headley sexually assaulted her inside NYPD Headquarters before Headley's complaints became the basis for disciplinary charges.

Respondent alleges that on March 14, 2024, inside NYPD Headquarters, then-Lieutenant Trevlyn Headley forcibly performed a sexual act upon her. Specifically, the Verified Answer with Counterclaims alleges as follows:

"On or about March 14, 2024, while on duty and in uniform, Plaintiff/Counterclaim-Defendant TREVLYN HEADLEY approached the dormitory room on the 6th Floor of NYPD Headquarters located at One Police Plaza where Defendant/Counterclaim-Plaintiff SHATORRA FOSTER was sleeping. HEADLEY knew FOSTER would be alone at the time.

Without warning or consent, Plaintiff/Counterclaim-Defendant TREVLYN HEADLEY knocked on the door and entered the room, removed Defendant/Counterclaim-Plaintiff SHATORRA FOSTER's pants and underwear, pushed her onto the bed, and forcibly spread her legs. When FOSTER asked, 'Are you crazy?' HEADLEY replied, 'Yes,' and continued undeterred.

Plaintiff/Counterclaim-Defendant TREVLYN HEADLEY then performed oral sex on Defendant/Counterclaim-Plaintiff SHATORRA FOSTER, including licking her vagina, labia, and clitoris for

approximately ten (10) minutes until FOSTER ejaculated. Upon completion, HEADLEY remarked, 'Thank you,' and left the room.

Defendant/Counterclaim-Plaintiff SHATORRA FOSTER did not consent to the sexual act but refrained from physically resisting or reporting it due to fear of retaliation, shame, and a well-founded belief that internal NYPD investigators would side with her supervisor, Plaintiff/Counterclaim-Defendant TREVLYN HEADLEY, rather than her as a subordinate officer."

Respondent did not disclose this alleged act until after retaining counsel. That delayed disclosure is part of the context the Department should consider, not a basis to ignore the allegation. (There are text messages that confirm the contact)

The preliminary timeline presently understood by respondent is as follows:

On March 14, 2024, respondent alleges that then-Lieutenant Headley forcibly performed the above-described sexual act upon her inside NYPD Headquarters.

On July 8, 2024, Headley reported to the Internal Affairs Bureau the allegations that later became the subject of these disciplinary charges.

In September 2024, respondent was subjected to a department interview.

On December 18, 2024, the Department initiated Charges and Specifications against respondent based upon complaints made by Headley.

This sequence raises a substantial concern. The Department appears to have proceeded with charges against respondent based upon Headley's complaints without fully addressing the timing, context, and possible retaliatory significance of respondent's allegation that Headley sexually assaulted her inside NYPD Headquarters before and after the Department initiated charges.

The issue is not whether the tribunal should decide the civil case. The issue is whether the Department's charging and prosecution decision fairly accounts for the sequence of events, including the allegation that the complainant-source of the disciplinary charges previously sexually assaulted respondent and later made allegations that became the basis for Department prosecution.

Administrative Code § 8-107.1 is relevant to that review. The New York City Human Rights Law protects actual or perceived victims of domestic violence, sex offenses, or stalking, and recognizes that employment practices based on such protected status may include practices based upon the actions of the person who perpetrated acts or threats against the individual. The statute therefore bears directly on whether the Department may proceed through a narrow misconduct theory while ignoring respondent's claim that the disciplinary allegations arose from the conduct and retaliatory actions of the alleged perpetrator.

Reynolds v. Fraser, 5 Misc. 3d 758, 781 N.Y.S.2d 885 (Sup. Ct. N.Y. Cnty. 2004), is instructive. There, the court vacated a City agency's adverse employment determination where the agency applied a neutral work rule without accounting for the petitioner's protected status as a victim of domestic violence. The principle is not limited to the precise facts of *Reynolds*. A City agency may not treat a disciplinary rule as

though it exists in isolation where the alleged misconduct is intertwined with protected victim-status circumstances and the actions of the alleged perpetrator.

The Supreme Court's March 20, 2026 Decision and Order is also directly relevant to this preliminary review. The Court did not decide the truth of respondent's allegations. However, its reasoning is important because it rejected the same type of narrow, context-stripping analysis that appears to be influencing the Department's position here.

In the civil action, Headley sought dismissal by relying upon selected text messages and arguing that those communications demonstrated affection, romantic desire, obsession, manipulation, and an absence of trauma. The Court rejected that approach. The Court explained that text messages, even if considered documentary evidence, rarely "utterly refute" claims because they are susceptible to multiple interpretations and require context and credibility determinations. The Court further observed that this principle applies with even greater force in a case involving allegations of sexual harassment, coercion, assault, and a complicated personal relationship.

The Court described the relationship alleged in the pleadings as "complex, complicated, confused, and contradictory." It expressly recognized that human reactions to abuse, trauma, coercion, domestic violence, and assault in the context of a complicated romantic relationship may vary, may appear irrational, and may differ from what someone viewing the situation from a safe distance might expect. Most importantly for present purposes, the Court stated that it would not conclude respondent consented to any particular act based on the text messages submitted in support of the motion.

That rationale matters here. It means the Department should not treat selected communications, delayed disclosure, continued contact, alleged admissions, or an "unsubstantiated" internal closure as dispositive of respondent's credibility, Headley's credibility, consent, coercion, retaliation, or motive. Those are fact-intensive issues requiring contextual investigation. They are not properly resolved by adopting Headley's narrative while disregarding respondent's allegation that Headley sexually assaulted her inside NYPD Headquarters and later initiated or influenced allegations that became disciplinary charges.

The Court also held that respondent's allegations sufficiently pleaded claims under the NYSHRL and NYCHRL, including unwanted sexual contact, repeated sexual propositions, sexually explicit remarks, and retaliatory workplace mistreatment. The Court further recognized that the Gender-Motivated Violence Act claim was sufficiently pleaded because respondent alleged sexual assault and a pattern of sexual coercion and contact by a superior officer. That pleading-stage ruling does not prove the allegations, but it confirms that they are legally cognizable, fact-intensive, and directly tied to questions of consent, coercion, credibility, workplace retaliation, and abuse of authority.

That language bears directly on the Department's review of the timing and charging decision. The Department should not treat delayed disclosure, complicated communications, selected alleged admissions, or a narrow disciplinary label as a substitute for a complete evaluation of Headley's role, motive, credibility, and potential retaliatory use of the Department's disciplinary process.

This correspondence is a preliminary assessment subject to further update. Respondent reserves all rights to file an appropriate motion if the Department does not adequately review and address the timing issue, the charging decision, the Administrative Code implications, the reasoning of the Supreme Court's Decision and Order, and the Department's reliance upon Headley's complaints.

Respectfully,

Eric Sanders, Esq.
Counsel for Respondent Police Officer Shatorra Foster

ERIC SANDERS, ESQ

President and Owner



30 Wall Street, 8th Floor
New York, NY 10005

☎ 212-652-2782

☎ 212-652-2783

■ [REDACTED]

🌐 www.thesandersfirmpc.com

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