NEW YORK CITY POLICE DEPARTMENT

DEPUTY COMMISSIONER OF TRIALS

One Police Plaza

New York, New York

WEDNESDAY

September 9, 2026

10:13 A.M.

TRANSCRIPT OF THE TRIAL MINUTES

DAY 2

RESPONDENT: POLICE OFFICER SHATORRA FOSTER

C-030622/2024

REPORTER: VANESSA WALKER

A P P E A R A N C E S:

BEFORE: HONORABLE ROSEMARIE MALDONADO
Deputy Commissioner-Trials

FOR THE DEPARTMENT: DAVID GREEN, ESQ.
PARMIDA ENKESHAFI, ESQ.
Department Advocate's Office

FOR THE RESPONDENT: ERIC SANDERS, ESQ.
THE SANDERS FIRM, P.C.
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PROCEEDINGS

HONORABLE MALDONADO: So are we ready to proceed with our next witness.

MR. GREEN: Yes, Commissioner.

HONORABLE MALDONADO: I just want to remind everyone to keep our speakers away from our papers. And to the extent possible, keep the speakers close to you when you are conducting any questions or speaking to the tribunal. Okay. Let's call our next witness.

MR. GREEN: The department calls Sergeant Christopher Morano.

HONORABLE MALDONADO: Thank you.

{Whereupon, SERGEANT CHRISTOPHER MORANO was sworn in by HONORABLE ROSEMARIE MALDONADO.)

SERGEANT MORANO: I do.

COURT OFFICER JOHNSON: State your rank and your full name.

SERGEANT MORANO: Sergeant Christopher Morano.

COURT OFFICER JOHNSON: Spell your full name for the record.

SERGEANT MORANO: C-H-R-I-S-T-O-P-H-E-R, M-O-R-A-N-O.

HONORABLE MALDONADO: Mr. Green, you may proceed.

MR. GREEN: Thank you, Commissioner.

DIRECT EXAMINATION BY

MR. GREEN:

Q. Good morning, sergeant.

A. Good morning.

Q. Sergeant, how long have you served with the NYPD?

A. Approximately 18 years.

Q. And during those 18 years, where have you been assigned?

A. Transit District attorney for approximately five years. 28 for approximately two years as a sergeant. And then, IAB for approximately 11 years.

Q. While you've been assigned to the Internal Affairs Bureau, where within the Internal Affairs Bureau have you worked?

A. Group 54 and Group 1.

Q. Group 1 also known as a Special Investigations Unit?

A. That's correct.

Q. How long had you been assigned to the SIU?

A. Approximately two years.

Q. And could you briefly describe your duties and responsibilities as a sergeant assigned to SIU?

A. Typically, we investigate executives or

certain specific units such as First Dep Office or Police Commissioner's Office.

Q. So cases that are of a sensitive nature?

A. Correct.

Q. And were you assigned such a case in July of 2024 concerning the Respondent in this matter, Police Officer Shatorra Foster?

A. Yes.

Q. At the time, was Shatorra Foster a probationary detective then?

A. Yes.

Q. How did the case come to your attention, how was it assigned to you?

A. Sergeant Headley, I believe, made a log.

Q. At the time, was she Sergeant Headley or Probationary Lieutenant Headley?

A. Sergeant.

Q. When you use the phrase "made a log," what do you mean by that?

A. She called the command center. I believe in regards to a 311 job that was sent to a residence. And she also made a complaint that she had been receiving, essentially being stalked. She was receiving messages from an unknown person over a course of, I think it was about approximately at that time, seven months.

Q. Were those the allegations that you were assigned to investigate?

A. Yes.

Q. When the case was assigned to SIU, were you assigned as the lead investigator in the case?

A. Yes.

Q. Now, initially, what information did you review to ascertain the nature of the allegations?

A. We conducted 311 audits in regards to the 311 complaint that was sent to her house. And we also reviewed a plethora of text messages that she had received over various months.

Q. Now, we'll take them case by case. You just indicated that you had been investigating where you had investigated a number of different 311 reports. Could you describe for the Court what that means when you, what is a 311 report, what does it trigger or cause to happen? What sort of information is involved with that?

A. A 311 essentially is unlike a 911. It's a qualify of life complaint that would be handled by uniformed police officers.

Q. Do 311 reports, well, are 311 reports sometimes considered emergency matters?

A. I mean, typically, no. It depends on what's

the 311.

Q. You indicated a few moments ago that you conducted 311 audits. Let me take a step back from that. You indicated that Sergeant Headley had made a report to the command center of Internal Affairs regarding police responding to a residence and her receiving text messages. At the time, did Sergeant Headley say anything about knowing the source of those reports or messages, that she had knew who was sending them?

A. She did not.

Q. Did she --

A. She specifically said she did not know who was sending the messages or who had sent the 311s to her house.

Q. Did she indicate whether she thought it was somebody from within the Department or outside the Department?

A. Yes. She believed it was someone within the Department based on the information that was being sent to her in these text messages.

Q. So getting back to the 311 audits that you indicated you conducted. Can you describe to the Court what you mean by that? What actually did you do to investigate these alleged 311 jobs that were sent to

Sergeant Headley's residence?

A. So there's a few different ways to part a 311 job. First way, you can actually look at the residence itself. You can run the residence specifically for 311 jobs. And Headley's residence was an apartment. So you can run the apartment. See how many 311 jobs are sent to the apartment. And then, you can also run the 311 job itself. It's essentially a specific list of numbers that you can run yourself to see who looked at the 311 jobs.

Q. When you say who looked at it, what do you mean? Is this in preparation of a response to the report, the actual response or something else?

A. Typically the people that look at the jobs are people responding to the job.

Q. Are there other people who the records would track having looked at the job?

A. Right. Anybody who looks at the job, it records who looked at the job. And if you didn't have a reason to go to the job, it would be suspicious.

Q. Are members of the general public able to use the phrase you just used, to look at the job, or does it require someone with some sort of special law enforcement access?

A. No. You'd have to have access to the DAS

system. Which is only accessible through law enforcement.

Q. When you say DAS, that's D-A-S?

A. Yes. Domain awareness, I believe, system.

MR. GREEN: I'm going to ask that the witness be shown what has been marked for identification as the Department's Exhibit 31.

(Whereupon, the aforementioned exhibit was presented to the witness on the stand.)

Q. Sergeant Morano, you've been handed a 15-page document. Could you please review each page and let us know if you recognize it.

HONORABLE MALDONADO: I'm sorry. It is 31, correct?

MR. GREEN: Yes, ma'am. Do you have the updated witness list?

HONORABLE MALDONADO: Yes. I do. Exhibit list.

MR. GREEN: Exhibit list. I apologize. Does the Court wish me to reference the original number?

HONORABLE MALDONADO: No. Not necessary. Thank you.

MR. GREEN: Yes, ma'am.

HONORABLE MALDONADO: I just didn't hear

the numbers.

SERGEANT MORANO: I recognize this.

Q. Sergeant, what do you recognize this 15-page document to be?

A. These are 311 jobs that were sent to Headley's house.

Q. And how many jobs were there sent to Sergeant Headley's residence?

A. Technically there were seven. These are six.

Q. There's seven different jobs indicated in these 15 pages or less than or fewer, rather?

A. There were two on 7/11.

Q. They were two separate jobs, yes?

A. Yes.

Q. So seven jobs on six different dates?

A. Correct.

Q. Now if you'll notice in the exhibit. First of all, did you generate this exhibit? Rather, did you contain the records that are contained in this 15-page exhibit?

A. I reviewed them. I don't know if I created the actual worksheet.

Q. Were these incorporated in to your investigative steps?

A. Yes.

Q. And your investigation that you conducted in this matter?

A. Yes.

Q. And are these records indicative of the investigative steps that you just testified about having been taken, that is investigating 311 reports as well as auditing the records as to who accessed the 311 system to generate or track such reports, is that what this is?

A. Yes. It is.

MR. GREEN: I would ask that this 15-page document be taken into evidence as Department's Exhibit 31.

MR. SANDERS: No objection.

HONORABLE MALDONADO: No objection. It's admitted.

(Whereupon, Department's Exhibit 31 311 Audits and Reports regarding incidents on 7/5/24, 7/10/24, 7/11/27, 7/12/24, 7/16/24, 8/1/24, and 8/14/24 (15 pages) was received into evidence.)

Q. Now, sergeant, how did you identify these seven different jobs? How did you figure out. Well, other than the jobs being sent to Sergeant Headley's residence, was there any other way that you tracked these?

A. What do you mean?

Q. You said you conducted an audit. Did you, in conducting an audit in people who accessed the job either in response to it or after the job was called, did you conduct an audit for each of these seven jobs?

A. Yes. What we found is that Officer Foster looked at these jobs, all of them, approximately within 30 seconds. Well, typically she looked at the jobs within 30 seconds, roughly, of them coming over. She was typically the first person to look at these jobs.

Q. How did you identify that it was actually Police Officer Shatorra Foster that had looked at the jobs shortly or almost immediately their being placed? How did you identify that it was in fact Shatorra Foster?

A. Right. It says that, for example, on the first one, user Shatorra Foster First Dep Commissioner's office. Application used: 311 mobile phone. So it was looked up using Shatorra Foster's phone.

Q. Was Officer Shatorra Foster interviewed with this case?

A. Yes. She was.

Q. Did that interview occur in September 5, 2024?

A. Yes.

Q. During that interview, was Shatorra Foster represented by counsel as well as union representatives?

A. Yes.

Q. Did she indicate she was satisfied with that representation?

A. Yes. She did.

Q. Was that interview conducted pursuant to the department rules and guidelines contained in the Administrative and Patrol Guides?

A. Yes. It was.

Q. Specifically, was Shatorra Foster asked whether or not she had initiated these different 311 reports?

A. Yes, she was.

Q. And what, if anything, did she say?

A. She said that she had made these 311 calls. Or reports rather.

Q. Did she indicate how she did so? That is by what means, method or device she used to place the reports?

A. She said that she used a personal cell phone to make the reports. And then she checked the reports on her job cell phone.

Q. Are people's personal cell phone able to actually check or run the jobs or did it need an official law enforcement telephone to do that?

A. You would need a law enforcement telephone.

Q. Was Shatorra Foster asked why she sent these reports and why she arranged for police officers to respond to Sergeant Headley's residence on these different occasions?

A. I would first point out that she admitted that these were false reports that she had created. Her reasoning was, I believe, because she was upset with Headley.

Q. And did she indicate what her goal was by sending these different reports regarding false events that allegedly were occurring in Sergeant Headley's residence?

A. I think she said she wanted to annoy her or like hurt her because she felt hurt.

Q. Now, something you indicated that Sergeant Headley had reported, that she had been the recipient of many text messages from a variety of unknown telephone numbers with unknown senders. Do you remember saying that?

A. Yes.

Q. Now what investigative steps, if any, did you

take in determining information about these messages, how they were sent and by who?

A. So there was approximately 50 different messages. I'm sorry. Not messages. Phone numbers. Approximately 50 different phone numbers were used to send hundreds of messages. What I was able to determine was to find out the carrier for two of the phone numbers that were used for the longest duration of time. Because the numbers would get changed. Sometimes the numbers would be used once and then discarded.

Q. And just so the record's complete: What do you mean by "carrier" when you say to determine the carrier?

A. So who owns the phone numbers. So which service provider owns the phone numbers.

Q. Okay.

A. So it was found that an app called Pinger text free was creating these phone numbers.

Q. I'm going to stop you right there and go over what you just said. You referenced something called a text app. What do you mean by that? What does that mean?

A. It's voice over WiFi. So essentially what Pinger text free allows you to do, it's an app. You

can put it on your phone and you can make texts and phone calls using WiFi. So essentially, it turns your phone essentially into two phone numbers.

Q. Was the number that was generated by the Pinger app or application, was that a random number or was that a specific number chosen by the user?

A. It depends. Typically it's a random number. I think from what I recall, you're allowed to choose maybe the area code. But it's typically a random number.

Q. Is it traceable? Are these kinds of technology that you have access to?

A. It's hard. Because at the time, you didn't need to actually verify an e-mail address. So in order to create these fake numbers, you would create an e-mail address, but the e-mail address didn't have to be real. So in that way, you couldn't trace it. The only way to sort of trace it is to see, as far as I was able get, was to see if those phone numbers were ever on department WiFi.

HONORABLE MALDONADO: Excuse me. What were the last few words? Whether they were on?

SERGEANT MORANO: So the way voice over, the way Pinger works, you need WiFi. So the department has, I conferred with ITB to determine what the

Department's WiFi was. I was told that Department WiFi always begins, I think it's 230, 203. So I was able to determine that the phone numbers used to text Headley had access to department WiFi. And then, what I did was I compared when Detective Foster was working to see if the phone numbers were accessing department WiFi during Detective Foster's tour. I found approximately 17 occasions when the phone numbers accessed NYPD WiFi and on those 17 occasions, I found that Detective Foster was working. And that's as far as I was able to get.

HONORABLE MALDONADO: Thank you.

Q. Did you attempt to get information directly from the people that controlled the Pinger application?

A. Yes.

Q. And what did you do to attempt to get information?

A. I got phone records from two specific numbers that had been used the longest.

Q. At the time those numbers were generated, the ones that you were seeking information about, were those numbers required to be verified with an e-mail address in the manner you just described, that is the person who is seeking to generate these fake numbers?

A. No. You could use a fake e-mail.

Q. Did you determine whether or not there was any e-mail address attached to any of the numbers that had sent Sergeant Headley these text messages?

A. Yeah. I mean I can only remember one. But it was Trevlyn Headley at AOL dot com.

Q. So the person who generated fake names had actually used an e-mail address that incorporated her own name?

A. Yes.

Q. Can any telephone access Department WiFi?

A. I doubt it. I don't know.

Q. And Department-issued cellular phones access department WiFi?

A. I would imagine so. I wouldn't know specifically.

Q. Did you yourself actually take steps to see what the Pinger application looks like?

A. Yes.

MR. GREEN: Commissioner, I'm going to ask that the witness be shown Department's Exhibit 32 for identification, but there's a caveat to that. Although, I'll hand up paper copies. At issue is the particular color. I don't have access to a color printer. I would ask that, although I'm handing out paper copies, that Exhibit 32 be shown on screen as

well so that the witness's testimony makes sense.

HONORABLE MALDONADO: Of course.

MR. GREEN: Thank you.

HONORABLE MALDONADO: Mr. Green, I was handed.

MR. GREEN: The Court generated that. That's Exhibit 32. Department Advocate's.

(Whereupon, the aforementioned document was presented to the witness on the stand.)

Q. Sergeant Morano, do you see the image on the screen?

A. Yes.

Q. Do you recognize it, sir?

A. Yes.

Q. What do you recognize it to be?

A. I created it using Pinger. I had a message. So, I messaged myself.

Q. When you say you messaged yourself, what do you mean by that?

A. So with Pinger text free, it allows you to. Because it's basically you have two phone numbers. You can have a conversation with your own phone. And so, just to see how the actual app worked, I messaged myself back and forth and actually verified through Pinger that their text box comes up purple. That's

part of the app and you can't change their colors either. I had a conversation with Pinger about that.

Q. But is that image a fair and accurate copy or representation of the application sample screen that you generated on your own telephone and --

A. Yes.

Q. -- yourself?

A. Yes.

MR. GREEN: I'd offer this as evidence Department's 32.

HONORABLE MALDONADO: Same objection?

MR. GREEN: Only limited, but no objection. I can deal with on cross examination.

HONORABLE MALDONADO: Okay. It is admitted as 32.

(Whereupon, Department's Exhibit 32 Pinger Application Text Screen was admitted into evidence.)

Q. Okay. Once you had identified this as the application of what it looked like, did you take any steps to see if anyone in the Department who was using the department WiFi also was using this application on department WiFi?

A. I'm sorry. Can you rephrase the question.

Q. I'll rephrase it. What, if any, steps did

you take to determine who, if anyone, was using this Pinger application on department WiFi?

A. So what I was able to do is. Well, once I established that there was a correlation between the times that these fake numbers were accessing department WiFi and the times that Detective Foster was working, I actually was able, using dates that were, using specific dates that Headley had received text messages. I think one was 8/14, specifically if I'm not mistaken. I was able to find Detective Foster's picture of Detective Foster's phone. Because Headley had received a, I think, message on, I think on 8/14. I actually was able to go back and see, and find an image of Detective Foster's open phone.

MR. GREEN: Could the witness be shown Department's Exhibit 34. It's a recording.

COURT OFFICER JOHNSON: Playing from at 18 seconds.

(Whereupon, the aforementioned video was played before the Court.)

COURT OFFICER JOHNSON: Paused at 29 seconds.

Q. Sergeant, is that the video recording from August 14, 2024 that you utilized to secure an image of Police Officer Foster using your cellular telephone?

A. I believe so. I'd have to see the still image. I know that I took a still image.

MR. GREEN: Could the witness be shown Department's Exhibit 35 for identification.

COURT OFFICER JOHNSON: Publishing Department's Exhibit 35.

(Whereupon, the aforementioned document was presented to the witness on the stand.)

SERGEANT MORANO: Yeah. This is what I remember. That's the image I remember.

Q. And do you recognize that image as having been taken from the video we were just watching, which was marked Department's Exhibit 34 for identification?

A. No. This image, from what I recall, I believe she was. I think. It wasn't the exact moment. Because in this image, I think she was speaking with someone. She put her phone down and I was able to take the still shot. So I don't know if it's the exact same unit between this video and the still shot. But that still shot I took.

Q. You recognize that particular still shot?

A. Yes.

Q. And is that the still shot that you were able to obtain from a video recording?

A. Yes.

Q. From Police Officer Foster?

A. Yes.

Q. And did that image indicate anything to you about the particular screen that was visible on the phone Police Officer Foster was holding?

A. It appeared to be the Pinger text free app open on her phone. And I believe we showed her this image during her AG hearing and she said yes, that was the Pinger text free on her phone.

Q. So she acknowledged that in fact she had been using that application?

A. Yes.

MR. GREEN: I'll offer this image into evidence as Department's Exhibit 35.

HONORABLE MALDONADO: Any objection?

MR. SANDERS: Nope.

HONORABLE MALDONADO: And 34, no?

MR. GREEN: It's not necessary, but it's described in the testimony.

HONORABLE MALDONADO: So we are admitting Department's Exhibit 35 into evidence.

(Whereupon, Department's Exhibit 35 Photograph of Police Officer Foster Using Pinger Application 8/14/24 (1 page) was marked for identification.)

Q. Now, in addition to identifying Police Officer Foster using the Pinger application. Actually, let me take a step back. What is an IP address?

A. An IP address is, it basically allows to fish out the location within a certain distance of where a computer is as far as my limited understanding of IP addresses. It allows you to --

Q. Sergeant, did you do any investigation where you looked into department IP addresses and whether the Pinger application was used with Department IP addresses?

A. Yes. That's the IP address.

MR. GREEN: Can the witness be shown Department's Exhibit 33 for identification. This also is an example of where the original is in color.

(Whereupon, Department's Exhibit 33 was marked and presented for identification.)

SERGEANT MORANO: Right, so.

Q. Do you recognize that image on the scene?

A. Yes. This is what I was talking about earlier about department WiFi and the IP. So basically there were 17 incidents where these two phone numbers, Pinger phone numbers, were accessed to department WiFi, the IP addresses. I was only able to determine that they were NYPD WiFi. I wasn't able to determine the

location. Simply that it was NYPD WiFi and that these phone numbers had accessed that WiFi during times when Officer Foster was at work.

Q. Is it fair to say this is just a sampler of the different phone numbers that were used to send Sergeant Headley text messages?

A. Yes. These are only two that were used more prominently out of the 50.

Q. And when you were able to identify that two of the numbers that had been used anonymously to send Sergeant Headley these messages, what, if anything, did you do with the information when you learned that in fact these numbers had been using Department Advocate's IP addresses or department WiFi, what did you do with that information? Did you take any further information steps to identify who in fact the user was?

A. I mean, I compared. I compared it to the attendance app, Detective Foster's app and CityTime to see if they matched.

Q. Did, in fact, the usage records that this document report, match up with times that Police Officer Foster was at work and present at a police department facility?

A. Yeah. There were 17 occasions and I found that they all matched. There was one where there

wasn't an attendance app. But the CityTime, she was working in CityTime.

Q. And you yourself generated this document that we're viewing on the screen?

A. Yes. I created it.

Q. Was it incorporated in the investigation that we're describing?

A. Yes.

MR. GREEN: I'm offering this in to evidence as Department's Exhibit 33.

HONORABLE MALDONADO: Any objection?

MR. SANDERS: No.

HONORABLE MALDONADO: It's admitted as Department's Exhibit 33.

(Whereupon, Department's Exhibit 33 Pinger Application and Department IP Addresses Findings (2 pages) was admitted into evidence.)

MR. GREEN: Could the witness be shown Department's Exhibit 36 as well.

(Whereupon, the aforementioned document was presented to the witness on the stand.)

Q. Sergeant, a moment ago you described looking at Police Officer Foster's attendance application records and comparing it to your investigation findings regarding Pinger use over department WiFi and specific

occasions?

A. Yes.

Q. Can you look at this exhibit I just handed you and tell us if you recognize it?

A. Yes. This is a part of the comparison that I did.

Q. Was this record created by you, sir?

A. Yes.

Q. And was this created in connection with your investigating whether at the time Detective Shatorra Foster was actually at work and where she was at the time the Pinger application sent messages using department WiFi?

A. I mean I couldn't tell you where she was. I mean this would show you where she was signed in and she was working at the time that the Pinger application was using department WiFi or IP address.

MR. GREEN: I'm offering this into evidence. Three-page document in evidence as Department's Exhibit 36.

HONORABLE MALDONADO: Any objection?

MR. SANDERS: No objection.

HONORABLE MALDONADO: It's admitted.

(Whereupon, Department's Exhibit 36 Police Officer Foster Attendance History Compared to

Pinger Use (3 pages) was admitted into evidence.)

Q. Now during the course of your investigation, sergeant, was it brought to your attention that some of the text messages that had been sent to Sergeant Headley incorporated images seemingly from within One Police Plaza?

A. Yes.

Q. And around One Police Plaza?

A. Yes.

Q. What, if anything, did that indicate to you?

A. That the stalker or the person --

MR. SANDERS: Objection.

HONORABLE MALDONADO: That the.

A. That the person sending these harassing messages was in police headquarters.

Q. What did you, in any way, determine the source of the still images that were incorporated into the messages? Where did they come from?

A. So, Headley had received a photograph of her hugging Detective Foster. And it appeared that that photograph had been taken from a computer scene of a camera that was in 1PP.

Q. So this was a security or surveillance camera image that was being shown on a computer screen and someone took a photograph of that computer screen

showing the image?

A. Yes. And then sent it to Headley.

Q. What, if anything, did you do to determine who, if anyone, had accessed headquarters security video to take such an image?

MR. SANDERS: Objection. Did he say headquarters security? I didn't hear that on the record.

MR. GREEN: I'll withdraw the question.

Q. How did you determine the source of the image that was incorporated into the text message that was sent to Sergeant Headley?

A. Yes. I recognized the camera as a camera from police headquarters.

Q. Is that part of the headquarters security video system?

A. Yes.

Q. So what steps did you take to identify how that system was accessed and by whom?

A. I conducted an audit of the date that that photo was sent. And I verified with Sergeant Headley that she had received the photo on the same date that she had hugged Detective Foster.

Q. And you indicated that you conducted an audit of One Police Plaza cameras?

A. Not all of them. Just one specific camera.

MR. GREEN: I'm going to ask the witness be shown Department's Exhibit 37 for identification.

(Whereupon, Department's Exhibit 37 was presented for identification.)

Q. Sergeant, you've just been handed a document that's 107 pages long. Do you recognize this document?

A. Yeah. Based on the dates, yes. Yes.

Q. What do you recognize this document to be?

A. This is the audit I conducted of that specific camera where I believe the picture was taken.

Q. And did you learn anything from conducting this audit?

A. Yeah. That's the First Dep's office reviewed. I believe it was the only camera to playback. Maybe not. But played back the time frame of when the picture was taken.

Q. Now, as a result of learning that the only place that had access to the particular camera on the day in question was in the First Deputy Commissioner's Office?

A. Well, I wouldn't say the only place. What I would say is that the First Dep's Office reviewed the camera at the time that the hug occurred. Played at that time the hug was occurred.

Q. Having determined that, did you conduct any subsequent audits specifically regarding the First Dep Commissioner's office?

A. Yes.

MR. GREEN: I'm going to ask that the witness be shown Department's Exhibit 38 for identification.

(Whereupon, Department's Exhibit 38 was presented for identification.)

Q. Sergeant, I'm going to ask you to take a look at that document. I apologize for the small size of the print. Let us know if you recognize that?

A. Yes.

Q. What do you recognize that to be?

A. What we also found in the office playback video of what was determined to be Sergeant Headley sitting in her car.

Q. And once you determined that in fact the. First of all, does this indicate that a cellular telephone in the First Dep Commissioner's Office was accessed?

A. No.

Q. Computer terminal was accessed or something else?

A. It would have to be a computer terminal.

Q. Did you take any steps to try to identify if they were accurate, that is which terminal and who was signing in the terminal at a specific time?

A. We try to find the actual computer, but that produced negative results. But in the subsequent interview with Detective Foster, she said that she had used a computer in the First Dep's office to playback the hug between herself and Sergeant Headley.

MR. GREEN: Okay. You can take that back. I don't need to offer.

HONORABLE MALDONADO: So 38 is not being moved into evidence?

MR. GREEN: No. I think the witness's testimony will suffice at this point.

HONORABLE MALDONADO: Thank you.

Q. Now, during the course of your investigation, did it come to your attention, sergeant, that there were a number of anonymous complaints being generated concerning Sergeant Headley?

A. Yes.

Q. And, how were those complaints generated, that is by what? How did they come to your attention?

A. Some of them were being sent to the commissioner's office. Some of them being sent to the chief of Internal Affairs's office. And I believe

there were about roughly ten, and I think there was a letter that basically was a. There was a letter that was an amalgamation of all the complaints just listed and mailed to Internal Affairs.

MR. GREEN: I'm going to ask that the witness be shown Department's Exhibit 39 for identification.

(Whereupon, Department's Exhibit 39 was presented for identification.)

Q. Take a look at this nine-page document.

A. Yes.

Q. Do you recognize it?

A. Yes.

Q. What do you recognize it to be, sir?

A. These are complaints that were sent in. They were documented and put in to my case.

Q. And did you subsequently learn who had anonymously sent these complaints to the Police Commissioner's Office regarding Sergeant Headley?

A. Yes. It was Detective Foster.

Q. How did you come to learn that, sir?

A. Besides her admission?

Q. We can start with that.

A. Her admission.

Q. When did her admission occur?

A. When she was formally interviewed by Internal Affairs.

Q. And that was on September 5, 2024?

A. Yes.

Q. Or the interview we previously referenced?

A. Yes.

Q. And did Officer Foster indicate to you that she had sent each of these messages to the Police Commissioner's Office anonymously?

A. I didn't show her every individual one of these. What I showed her was, like I said, she had sent a letter that I basically copied and pasted all of these in one letter verbatim. And I showed her that.

Q. She acknowledged that she had sent those?

A. Yes.

Q. Did Officer Foster offer an explanation as to why she sent these things and what her intent was in doing so?

A. I can't recall. I can't recall if, again, she said. Well. That's not true. I'm sorry. She said, for example, there was one complaint where she noted that Sergeant Headley didn't have a front license plate.

Q. On which vehicle?

A. On her personal vehicle.

Q. Okay.

A. She said that. And so she was asked about that. And she had said that Sergeant Headley hadn't had a license plate, a front license plate, for a long time. And she was asked why didn't you report it earlier and her answer was that because they were good at the time. So I mean, I don't know if that's.

Q. When you said "they were good," are you indicating those were the words used by Officer Foster?

A. Yes.

Q. When she said "they," who was she referencing?

A. It was referencing to her relationship with Sergeant Headley.

Q. You referenced a moment ago the letter which amalgamation these different e-mails.

MR. GREEN: I'm going to ask that the witness be shown Department's Exhibit 40 for identification.

(Whereupon, the aforementioned document was presented to the witness on the stand.)

HONORABLE MALDONADO: Are we moving in 39?

MR. GREEN: Yes, I will be. Together. Yes, ma'am.

Q. Sergeant, do you recognize Exhibit 40 which

is a three-page document. The last page being what looks like a copy of an envelope?

A. Yes.

Q. Do you recognize this?

A. Yes.

Q. What do you recognize this to be?

A. This is the amalgamation of the, that I showed Detective Foster in her AG hearing of the multiple complaints that were made.

Q. And both of these letters, that is Department's Exhibit 39 and Department's Exhibit 40, were they incorporated in to your investigative folder, sir?

A. Yes.

MR. GREEN: I'm going to offer both Exhibit 39 and 40 into evidence.

HONORABLE MALDONADO: Any objection?

MR. SANDERS: No objection.

HONORABLE MALDONADO: It's been admitted.

(Whereupon, Department's Exhibit 39 E-mails from Police Officer Foster to Police Commissioner 7/3/24 – 8/29/24 (9 pages) was admitted into evidence.)

(Whereupon, Department's Exhibit 40 Letters to Internal Affairs Bureau from Police Officer

Foster (3 pages) was admitted into evidence.)

Q. Sergeant, did you actually investigate the allegation by Sergeant Headley of Officer Foster?

A. Yes.

Q. Each and every one, correct?

A. To the best of my abilities.

Q. Were any of the allegations deemed to be substantiated, that is provable?

A. Yes.

Q. And was any discipline imposed upon Sergeant Headley as a result of your findings?

A. Yes.

Q. Were there a number of allegations that did not result in substantiated findings?

A. Yes.

Q. Were there other allegations for which no discipline was warranted or no discipline was issued?

A. Yes.

Q. During the course of your investigation, did you look into whether or not Police Officer Foster engaged in any work related behavior that made her access the 311 system to track the jobs we had discussed earlier, appropriate, that is what she doing in connection with any assignments she was given?

A. No.

Q. Did Police Officer Foster access the headquarters security system with any authorization?

A. I don't know if she had authorization. She was accessing a generic First Deputy Commissioner. She was using a generic log on, but taking a screenshot of a hug is for no purpose. There's no department purpose for taking a picture of you hugging.

Q. Did she have authorization to take a photograph of a department computer terminal of a still image taken from Department headquarters video with her personal cellular telephone?

A. No. There wouldn't be any legitimate purpose for that.

Q. Now you indicated a little while ago that there was an interview conducted of Shatorra Foster on September 5, 2024, correct?

A. Yes.

Q. Were you present during that hearing?

A. Yes.

Q. And was that hearing recorded in its entirety?

A. Yes.

Q. Was Police Officer Foster, at the time, the subject of that hearing?

A. Yes.

Q. Was that hearing conducted pursuant to an official department investigation?

A. Yes.

Q. Was it conducted pursuant as well to the Department's rules and regulations controlled in both the Administrative Guide and Patrol Guides?

A. Yes.

Q. And was Shatorra Foster represented by DEA counsel at the time?

A. Yes.

Q. That's the Detective Endowments Association, correct?

A. Correct.

Q. Was she also represented by union representatives?

A. Yes.

Q. Was Detective Foster, at the time, specifically asked that she was satisfied with her representation?

A. Yes.

Q. Was she also asked if she had sufficient time to confer with her representation before she was asked any substantive questions?

A. Yes.

Q. Were you the only member of the Special

Investigations Unit present during the interview?

A. No.

Q. Who else was present there?

A. Inspector Profeta and I believe Lieutenant McKenna.

Q. And was the entire interview recorded?

A. Yes.

Q. By what means or mechanism, sir, if you know?

A. Tape recording.

Q. Did you verify at the conclusion of the interview that in fact it had been recorded in its entirety?

A. Yes.

Q. And was that entire interview as recorded incorporated into your departmental investigative folder?

A. Yes. It was.

Q. Was that department interview secure and kept safe in the ordinary course of business with the Internal Affairs Bureau of the New York City Police Department?

A. Yes. It was uploaded into my case.

Q. Was that interview provided to members of the Department Advocate's Office in connection with your investigation and subsequent request for discipline?

A. Yes.

Q. Did you have an opportunity to review that recording prior to testifying here today?

A. Yes.

Q. Did in fact you reviewed that recording alongside a transcript provided to you allegedly of the recording by the Department Advocate's Office?

A. Yes.

Q. Did you review the transcript as you listened to the recording in its entirety to ensure accuracy and completeness of the transcript?

A. Yes.

Q. Did you make any alterations to the transcript to ensure that it is a fair, accurate, and true representation of the recording in its entirety?

A. I did.

MR. GREEN: I would ask that the witness be shown Department's Exhibit 32.

(Whereupon, Department's Exhibit 32 was presented for identification.)

Q. Can you take a look at Exhibit 42. That's 51 pages. Let us know if you recognize it.

A. Yes, I did.

Q. What do you recognize it to be?

A. This is the transcript that I reviewed and

made changes to.

Q. Is that the transcript that you altered and changed and is sure is an accurate representation of the interview's contents?

A. Yes.

Q. And did you provide that transcript to the Department Advocate's Office?

A. Yes.

MR. GREEN: Commissioner, I've asked that Department's Exhibit 41 and 42 be taken into evidence. 41 being the recording that I had provided to the Court as well as to counsel, which is a digital recording of the interview in question. It was provided to me by Sergeant Morano. And as well as the transcript that he has referenced and he has identified in connection with this matter.

HONORABLE MALDONADO: Any objection?

MR. SANDERS: No.

HONORABLE MALDONADO: 41 and 42 are admitted into evidence.

(Whereupon, Department's Exhibit 41 1 (A) Interview of Police Officer Foster – 9/5/24 – Audio Recording was received in evidence.)

(Whereupon, Department's Exhibit 42 1 (B) Interview of Police Officer Foster – 9/5/24 –

Transcript (51 pages) was received in evidence.)

Q. Sergeant, you have indicated during your testimony that Officer Foster made certain statements admitting to the allegations in this case?

A. Correct.

Q. What, if any, admission did Police Officer Foster. Let me ask it differently. Did you ask Officer Foster or then Probationary Detective Foster during the interview if she had sent the hundreds, if not more, text messages to Sergeant Headley during the period in question from around December 2023 to June or July 2024?

A. I believe I asked her if she had used the Pinger app to send anonymous text messages. And then she was asked approximately how many phone numbers she used. And I believe she said roughly 20 or more. Something like that. But yes. I don't remember asking her specifically how many text messages she sent.

Q. Did you ask her if she had also sent messages to herself using the same application?

A. I don't recall.

Q. When I say you, I mean you or other members of the Internal Affairs Bureau ask?

A. I don't recall specifically. I know she admitted to sending the text messages and some of those

messages sent were text messages between the so called stalker and the Detective Foster. I don't remember specifically asking.

Q. But did she admit that she was the one who had sent the messages to Foster?

A. Correct. Some of those messages were screenshots from the stalker. Of conversations that the stalker had with Detective Foster.

Q. Did she also admit to sending messages allegedly arranging a meeting between the so-called stalker, Detective Foster, and Sergeant Headley?

A. Yes.

Q. Did Detective Foster at the time also admit to sending messages to friends or associates of Sergeant Headley?

A. Yes.

Q. These are people who are both members of the department as well as people who were not members of the department?

A. Correct.

Q. When asked specifically why she did all of this, that is why she made fake or false 311 reports and sent police officers to Sergeant Headley's residence, sent these text messages, did all of these different things, what did she say? That is, what did

Officer Foster say when asked?

A. She said, I think, she said she wanted to annoy her. She said she wanted to hurt Sergeant Headley because she felt hurt. And she was asked to specify. And it was generally, I think Inspector Profeta asked her if it was because the relationship hadn't gone the way she had wanted it to go. And I believe Detective Foster acknowledged that. But it was basically because she, from what I recall, she wanted to annoy her and she felt hurt.

Q. Did Officer Foster or then Probationary Detective Foster ever indicate that she wanted to rekindle the relationship she had with Sergeant Headley?

A. I don't know about that. I know she had. When asked why she wanted to meet with her, she was asked why she wanted to meet with her, and I think she just said something vague. She wanted to talk it out or something to that effect.

Q. Was there ever anything indicated using the word or words that Officer Foster wanted Sergeant Headley to claim her?

A. I asked her about that in the AG. There were words to that effect in the text messages.

Q. Did she explain what that meant?

A. Not specifically. Not specifically. Not specifically.

Q. Did then Probationary Detective Foster ever express any regret or remorse for doing what she did to Sergeant Headley?

A. Not in those exact words. I mean she was asked do you think you should've done this or something to that effect. And she acknowledged no, she should not have done that.

MR. GREEN: I have nothing further, Judge.

HONORABLE MALDONADO: Let's take a 15-minute break. Let me remind you that may not speak to anyone about your testimony.

(Whereupon, a short recess was taken.)

HONORABLE MALDONADO: Sergeant, you may be seated. I'll remind you you are still under oath. Mr. Sanders.

MR. SANDERS: Yes, your Honor. Thank you.

CROSS EXAMINATION BY

MR. SANDERS:

Q. Good morning, Sergeant Morano.

A. Good morning, sir.

Q. I'm going to ask you a series of questions about this investigation. So if I recall, you are 11 year's veteran assigned to the Internal Affairs

Bureau, correct?

A. Yes, sir.

Q. Does Group 7 still exist?

A. Yes, sir.

Q. What does Group 7 cover?

A. Computers.

Q. The technology group?

A. Yes, sir.

Q. During the course of this investigation, did you seek the advice of Group 7 to help you with this investigation?

A. Yes, sir.

Q. In what aspect?

A. Understanding the, I did a search for the 311 jobs and I conferred with Group 7 to understand the IP addresses.

Q. Okay. But I'm asking, what I'm asking is whether or not you called them. Whether they actually took over part of your investigation to try to make a forensics connection between your hypothesis and Police Officer Foster?

A. Group 7 never took over any part of my investigation, but they did help with the investigation. Specifically in regards to understanding some of the technical aspects of 311 jobs

and WiFi as well as ITB.

Q. What about Group 51, does it still exist?

A. Yes, sir.

Q. What do they cover?

A. Sex crimes.

Q. At any point in this investigation from the time this log was opened up until this point, did you ever seek assistance from Group 51?

A. This was a PW side of this case. There was a wall that was established with Group 51 on the other side of the wall.

(Whereupon, the Reporter read back the record for clarification.)

SERGEANT MORANO: Prosecutory wall.

Q. When were you promoted to sergeant?

A. 2013.

Q. When you were promoted to sergeant, were you required to take any courses related to your new duties and responsibilities as a sergeant?

A. B mock.

Q. B mock, right?

A. Yes, sir.

Q. And while you were assigned to B mock, did they have any discussion about personnel issues such as relationships with supervisors and subordinates?

A. I presume so.

Q. Do you recall anything in the training about sexual harassment in the workplace?

A. Yes.

Q. What do you recall about that training?

A. That it should be reported.

Q. Do you remember anything else about the training?

A. Can you specify for me, sir.

HONORABLE MALDONADO: I'm sorry. Raise your voice.

SERGEANT MORANO: Yes, ma'am.

Q. Do you recall whether or not there was any discussion about relationships between supervisors and subordinates are frowned upon?

A. You're talking about fraternization in particular?

Q. I didn't mention the word fraternization. I asked you a specific way.

A. What I understand is I think it's, I don't believe it's frowned upon. I think what the Department does not allow is fraternization; where a supervisor is directly in a relationship with someone directly under them. That's my understanding.

Q. Okay. You explained fraternization, but I'm

asking a different question.

A. I'm sorry.

Q. I'm asking during your training about sexual harassment, did you learn as part of training that there's a power dynamic between a supervisor and subordinate, and that could generate a complaint regarding workplace such as sexual harassment?

A. I wouldn't deny that. I guess that's plausible.

Q. Have you ever taken a sex crimes course here?

A. Sex crimes?

Q. Yeah.

A. No.

Q. So you're not certified in sex crime. Any other criminal investigative force that you took other than Internal Affairs?

A. Not that I can recall at this time.

Q. What about domestic violence abuse, you ever take a specific course about that in the Police Department?

A. I'm sure that I've. I can't recall any specific course at the time.

Q. Do you recall whether or not during this training that you may have people abuse and sometimes does not disclose?

CROSS EXAMINATION - SGT. C. MORANO

MR. GREEN: Objection. Which training specifically?

MR. SANDERS: Domestic violence abuse is what I'm talking about.

HONORABLE MALDONADO: Just clarify, Mr. Sanders.

Q. Have you ever been trained in domestic violence?

A. Yes.

Q. How many times. Let me ask a couple ways then.

A. Yes, sir.

Q. Do you agree that domestic violence assignments is probably one of the highest priority jobs that the police department deals with every year?

A. Yes. Domestic violence is an important issue in policing.

Q. It's fair to say that, not in the Patrol Guide anymore, but the Administrative Guide is constantly updated with changes on how to handle DV cases, correct?

A. Yes.

Q. And do you agree that part of that training is that you learn how to interact with people who may be victims of domestic violence, correct?

A. Yes.

Q. And sometimes they tell you during the training that DV victims may not always disclose, right?

MR. GREEN: Objection. Disclose what?

MR. SANDERS: Disclose information related to the abuse.

A. How would I know to investigate DV if it's not disclosed to me?

Q. That's not what I'm asking you. I'm asking you about your training.

A. Yes, sir.

Q. Your training, do you recall your training discussion about people who are sometimes victims of domestic violence sometimes do not initially disclose?

A. It's possible.

Q. How about sometimes they never disclose?

A. I guess that's possible.

Q. Do you recall anything related to the training?

A. I don't know what specific training you're speaking of. I mean I would have to know that there would be domestic violence to know that it's not being disclosed. I can't just assume someone is being violated in some way.

Q. Well, during the training, do they also give you indicators? Such as examples, things you should watch out for, like acting out, using different names; do they talk about during the training that you recall?

A. Not that I recall. I mean, not that I recall.

Q. What about victimology? Do you remember taking anything, courses in the police department, that all victims are not all the same and act the same?

A. That's true.

Q. And sometimes they do things that may be consistent with your thinking or not consistent with your thinking, but they're still victims, right?

A. I mean I guess it's plausible that there's an irrationality to people's actions.

Q. Well, you're using the word irrational. Is that what the Department training says or it says something different?

A. That's the word I used.

Q. What about workplace violence? Do you learn anything about that in the Police Department during your time as a sergeant?

A. In regards?

Q. About your obligations as a supervisor in the police department about workplace violence, did you

learn about your obligations?

A. Yes.

Q. What did you learn about that?

A. To report it.

Q. What about looking for indicators?

A. Such as?

HONORABLE MALDONADO: Just answer the question. If you can, if you know, you do. If you don't, you don't.

A. I don't recall any specific indicators.

Q. What about your obligations as a supervisor; is it part of your training as a supervisor is when you see certain indicators, things in members of the service that may be abused, that you have an obligation as a supervisor to do something about it?

A. That's if I observed indicators. Like, I mean clear indicators. Is there an example you can give me, sir?

Q. No. I'm just asking you questions. I'm doing my part.

A. Okay.

Q. What about a concept called agency to disclose; you ever hear of that before?

A. Not that I recall.

Q. According to your understanding of department

policy, when you become aware of serious misconduct of criminal behavior, are you obligated by department policy to report?

A. Yes, sir.

Q. We'll get to that later. And if you don't report it, is that a violation of department policy?

A. Yes, sir.

Q. Have you ever handled cases involving victims of alleged sexual misconduct?

A. No, sir.

Q. You ever heard of the concept called minimization with people who are abused in domestic violence situations?

A. Minimization?

Q. Yes.

MR. GREEN: Objection. Is counsel testifying about this or?

MR. SANDERS: I'm asking a question.

MR. GREEN: Yes. But counsel is making an assertion about a particular concept that indicates that he's essentially suggesting something as truthful.

MR. SANDERS: I'm asking have you ever heard --

HONORABLE MALDONADO: Overruled.

Q. I'll ask it a different way. Have you ever

heard of the concept minimization with domestic violence victims?

A. No.

Q. Do you recall during your DV training whether or not anger can sometimes occur with people who are victims of domestic violence?

A. That seems reasonable, sir.

Q. What about remaining having contact with abusers. Well, you said you worked at Transit before?

A. Yes, sir.

Q. What was your other command?

A. The 28.

Q. The 28 in Harlem, okay. So the 28 is right next to the 32, right?

A. Yes, sir.

Q. I'll withdraw that part I was going to say. That's where some of these incidents took place, in the 32? I'll say it that way.

A. Yes. I believed Headley lived in.

Q. Were you ever patrol supervisor?

A. Yes, sir.

Q. Do you recall during the DV training that sometimes victims stay in contact with their abusers?

A. Yes, sir.

Q. So you heard that concept before, right?

A. Yes, sir.

Q. Do you recall what the training discusses about remaining in contact with your abuser, why sometimes victims do that?

A. I'm sure the rationale varies.

Q. And according to your understanding of the department training, does that mean the variations mean they're less victims or less credible as victims?

A. No.

Q. Do you recall as part of that training that there's all sorts of consideration as money, embarrassment, and all different kinds of reasons; is that part of the training?

A. I don't know if it's part of the training, but it's certainly consideration when people decide to stay with their abuser, I would assume.

Q. Let's talk about one or two of these exhibits. In particular, I want to talk about 31. Now, you testified a little bit earlier that this package of documents are part of your recovery involving investigation in this case, correct?

A. Yes, sir.

Q. Let's look at this first on Page 1. Can you read that into the record? And what I want is the description that's on the 311 job.

A. "Description: Person in 2D sounds like they're hurting someone. A lot of screaming and someone saying call the cops every day at night."

Q. And you see the documented "someone screaming," right?

A. Yes, sir.

Q. Do you know what that meant?

A. Do I know what someone screaming meant?

Q. What I mean is during the course your investigation did you ever ask? For example, Officer Shatorra Foster, why did she send a 311 assignment saying that there's a woman in the apartment --

MR. GREEN: Objection. It doesn't saying anything about a woman. It says a person.

MR. SANDERS: The record speaks for itself.

HONORABLE MALDONADO: Sustained.

Q. I'm talking about what the exact wording is. Did you ever ask her why did she send that?

A. She said that these were fake. That she had faked them.

Q. I'm asking you about the content. Did you ever specifically ask her, have her read the document and then have her explain why she's making reference to a girl screaming in the apartment?

MR. GREEN: Objection. There's no reference to a girl screaming in the apartment.

HONORABLE MALDONADO: Sustained.

Q. Sergeant, read it again.

A. Yes, sir. "Person in 2D sounds like they're hurting someone. A lot of screaming and someone saying call the cops."

Q. Okay. Person. Did you ever ask Shatorra Foster why she sent that particular 311 call and used those words?

A. Why she used this verbiage specifically, no, sir.

Q. Did you think that was an important part of your investigation?

A. I knew that these were fake. And she said that they were fake. And she said that she was nowhere near the incident location when it happened and that. But I didn't ask her why she decided to use the terms a lot of someone screaming versus someone screaming. No, sir. I didn't.

Q. Did you ask her whether the person she was referencing in that assignment was actually talking about her experience in that apartment?

MR. GREEN: Objection.

Q. Did you ask the question?

A. Did I ask that question?
Q. Yes.
A. No, sir. I did not.
Q. Why not?
MR. GREEN: Same objection.
HONORABLE MALDONADO: I'll allow you to answer.
A. I knew that she said she was nowhere near that apartment so --
Q. I understand that --
A. She couldn't have been in the apartment screaming if she was nowhere near --
HONORABLE MALDONADO: He answered the question.
Q. Part of your job is being an objective investigator, right?
A. Yes, sir. Well, I was investigating who had sent these fake 311 jobs and who had was continuously sending harassing messages towards Headley.
Q. I'm asking you your job as being an objective investigator. In other words, find out all the available facts that you can and then draw a conclusion, right?
A. I was trying to find the person who created these fake 311 jobs.

Q. I'm not going to argue. Look at Page 2.
A. Yes, sir.
Q. This audit search results for this particular assignment. There's a fourth name down.
A. Yes, sir.
Q. It says Shareefa Abdul, right?
A. Which date are you looking at?
Q. What would be the second page, the audit results.
A. Okay. Shareefa Adbula.
Q. She's the fourth name down.
MR. GREEN: For the record, it's Abdulali.
MR. SANDERS: I'm saying the fourth name down.
HONORABLE MALDONADO: All right. Stop. It's the fourth name down.
SERGEANT MORANO: On the first page?
HONORABLE MALDONADO: On the second page, correct?
MR. SANDERS: Yes.
SERGEANT MORANO: Yes.
Q. You see that name?
A. Yes.
Q. In the course of your investigation, did you question that person about why they accessed this

particular assignment?

A. No.

Q. Why not?

A. I didn't.

Q. This person says Midtown South Precinct, right?

A. Yes.

Q. And you didn't ask this person why they accessed a 311 call outside of their area responsibility, which is the 32?

A. No. I did not.

Q. What about the second or last name on the bottom. It says Trevlyn Headley Police Commissioner's Office. You see that?

A. Yes.

Q. Did you ask Trevlyn Headley why she accessed this 311 job?

A. She reported. She was the reporter for this 311 job.

Q. I know she was the reporter. But according to this document, these are people who actually accessed the system, the DAS system, to look at that time, right?

A. Yes, sir.

Q. So let me ask you this: Did you ask Trevlyn

Headley why did she access the DAS swipe system?

A. No, sir.

Q. Why not?

A. It was sent to her house.

Q. I'm asking --

A. I didn't ask her.

Q. Was there police necessity for her to access the DAS like system?

A. Was there police necessity?

Q. Yeah.

A. Like I said, it was sent to her house and there was something she. It was something that she actually reported. So I mean, it was a fake 311 job sent to her house. Would there be a police necessity to look at the fake 311 job that was sent to your house that you reported, I would say that would constitute a reason.

Q. Let me ask this question because I want to make sure that I have your testimony correct.

A. Yes, sir.

Q. Are you suggesting that databases that are maintained by New York City Police Department is accessible through some other means other than police necessity or your assignment?

A. No, sir.

Q. So then I ask you again, why didn't you question Trevlyn Headley?

A. I didn't question her about the 311 job sent to her house.

Q. Based on your own testimony, if she was not working and had police necessity, that would be violation of department policy, right?

A. I wouldn't be able to answer that. It's plausible. I understand.

Q. Let's look at Page 4. That's going to be that second 311 call.

A. On 7/10.

Q. Yes. This is the description. If you could read it.

A. "Someone is yelling for help inside 2D. Lady who lives there is six-foot tall. Very aggressive and abusive to her girlfriend. Every day in the evening this poor girl is yelling."

Q. This second assignment, this 311 call, did you specifically show this job to Shatorra Foster?

A. I believe I did during the AG hearing. I think I read them all out loud.

Q. Did you ask her why did she send that particular 311 call?

A. Did I ask her why?

Q. Yes.

A. No.

Q. Did you ask her whether or not she was making a reference to herself and her experiences in that apartment?

A. No, sir.

Q. Let's go to the third assignment, which would be the sixth page. You see it?

A. You're talking about 7/11?

Q. Yes.

A. Yes, sir.

Q. Can you read the description?

A. "Lady in 2D yelling to stop hitting her. She's yelling call the cops everyday."

Q. Did you show this particular 311 call to Shatorra Foster?

A. Yes, I believe I did during the AG hearing.

Q. This specific assignment?

A. My recollection.

Q. If Commissioner Maldonado looks at this transcript, she's going to see you ask a specific question about this one?

A. What I did, I read in to the record every 311 job, and then asked her if she had sent them.

Q. That's not the question I'm asking.

A. I'm sorry.

Q. I'm asking did you specifically ask Police Officer Foster about this assignment?

A. Yes. I read the description and asked her if she had sent it. That's what I.

Q. Did you ask her why she used the wording in this particular 311 call?

A. No, sir.

Q. Let's flip to the next page which would be the 7th page. During the course of this investigation, did you question any other police officers in your audit search in any of this assignment or you just specifically looked at Shatorra Foster?

A. Shatorra Foster was the consistent in all of these. So I didn't question every officer who conducted an audit.

Q. Why not?

A. Because Shatorra Foster was the consistent person who checked all of these.

Q. How do you know that these other officers that were accessing this assignment were doing it with police necessity or you just assumed that?

A. I was trying to figure out who was actually sending them and who would know about them. And because Shatorra Foster looked them up usually, like

the first one within 30 seconds. She was the most. The deduction that was made was that Shatorra Foster knew about these because she had sent them. That was the reasonable deduction that was made.

Q. So the deduction was. Prior to this investigation started, did you know Shatorra Foster?

A. No, sir.

Q. Did you know any of these police officers in this assignment?

A. No, sir.

Q. How do you deduce one is more culpable than the other without talking to the other parties?

A. Shatorra Foster was in all of them. That was the commonality; that Shatorra Foster was in all the 311s. If it had been just one 311, you're correct. But the fact that Shatorra Foster was in all six of them and within 30 seconds. I also conducted, I conferred with ITB in regards to find out if there was any sort of way for someone to maybe set an alarm on a certain address to see if possibly that's how she could've known these 311 jobs were coming over. And I found that no, there's no way. So the fact that within 30 seconds, she had locked them up. I also conducted a check of.

HONORABLE MALDONADO: Okay.

Q. So Page 8, which should be the fourth assignment. Take a look at that.

A. The audit of 7/12.

Q. Yes.

A. Yes, sir.

Q. Can you read the description?

A. "Someone being hurt in apartment. Young female looks scared when I see her. Tenant is six foot" or six.

Q. Did you specifically ask Shatorra Foster why did she send that particular 311 assignment?

A. No.

Q. So far we've read four of them. Do you see any consistencies between these four assignments?

MR. GREEN: Objection.

A. Yes.

Q. I'm just asking when you looked at this, did you think about it when you were investigating this case?

A. Did I think about why that she continuously?

Q. No. That's not. I'm going to ask it again. I'm asking when you were reviewing these assignments, did you see any consistency in the language that's being used?

A. Yes, sir.

Q. What did you notice?

A. That all of these false complaints indicate that someone was being hurt in the apartment.

Q. You're saying they're false. You mean, based on what, what are you basing the falsity on?

A. Based on my AG hearing with Detective Foster when she said she made these up and that she was nowhere near the apartment.

Q. Let's look at the audit results on the next page. You didn't question anyone about this assignment either, right? Other than Foster?

A. No.

Q. Let's go to Page 10, which would be the fifth 311 assignment.

A. 7/16?

Q. Yes. That's going to be the dark page 7/17. On the top says executed. You see it?

A. Yes, sir.

Q. If you can read it to the Commissioner for all of us.

A. "Person in 2D is aggressive to her girlfriend. The girl is always yelling for her to stop hitting her. This is everyday and the 32 cops never come upstairs to check on her."

Q. Did you specifically ask Shatorra Foster why

did she use that language on the 311 assignment?

A. No, sir.

Q. Why not?

A. Again, why didn't I ask her specifically?

Q. Yes.

A. Because I knew that the, I knew that she had already admitted that these were fake 311 jobs.

Q. Let's go to Page 12. You see that?

A. The audit of.

Q. Not the audit. Page 12, it's that 311 call.

A. Yes.

Q. Can you read that?

A. "Person in 2D yelling for help."

Q. Did you specifically ask Shatorra Foster why she used that language in the 311 call?

A. No, sir.

Q. Now that you had an opportunity to read all six back then, do you see the consistency between the first assignment and the last assignment was always related to someone, a girl, a person being hurt in the apartment?

A. Yes, sir.

Q. Based on your training, did you think about that there was an indicator that someone is being abused in that apartment, meaning Shatorra Foster?

A. Shatorra Foster said she was nowhere near the apartment.

Q. That's not what I asked you.

A. No, it never occurred to me to think it was Shatorra Foster being abused in the apartment.

Q. Did you ever seek advice, for example, from another part of the police department that deals with domestic violence to ask is this a possible indicator that this officer is not disclosing that she's being abused; did you ever seek any advice other than your own deduction?

A. No, sir.

Q. Why not?

A. There was no indication given to me that she was being abused. She had never mentioned that to me. Or Shatorra Foster never mentioned anything to me in the AG hearing that she was being abused.

Q. This was your case on the outset from the SIU side?

A. Yes.

Q. Prior to today, did you review all of the worksheets related to this investigation?

A. Yes.

Q. Do you remember an interview with a Sergeant Witherspoon?

A. Yes, sir.

Q. What do you recall about that interview?

A. She made various complaints about. Well, apparently she and Sergeant Headley didn't get along.

Q. Is that what she testified to or did she have very specific things she said about it?

A. There were very specific things. What I recall offhand that Headley had hogged the remote control or the television in the office. That Headley bumped her chair there was one incident where Headley sat on her desk and had a conversation with others, where she mentioned she's six-foot tall and could handle herself. And that made Sergeant Witherspoon felt threatened by that, I think. She said that it had been, Sergeant Witherspoon said it had been addressed by supervisors in the office. And I think she also said she had been in contact with OEO.

Q. Do you recall her using the word that she felt she was being bullied by Headley?

A. I don't remember if those were her words. But I remember that was in a letter sent about Headley and Witherspoon's relationship or their interactions.

Q. But you do recall her saying something to the effect of Headley said she's six-feet tall, she could take care of herself, right?

A. Yes, sir.

Q. When you interviewed Sergeant Witherspoon, do you remember her telling you anything else about her interactions with Headley?

A. I told you what I recall.

Q. What about using some words such as dealing with her was more traumatic than the death of her father?

A. Yes, sir. She did say that.

Q. What did you think about her telling you that information?

MR. GREEN: Objection. What is the relevance of this?

MR. SANDERS: The relevance is it's our theory of abuse in the workplace. This is our theory. I'm not going to ask a whole bunch of questions.

HONORABLE MALDONADO: A little leeway. We're getting a little far --

MR. SANDERS: Actually --

HONORABLE MALDONADO: This is not referring -- (crosstalk) --

MR. SANDERS: Commissioner, with all due respect, I have to make a record of it.

HONORABLE MALDONADO: Go ahead.

Q. What did you do about this when she told you

that she felt bullied by Headley?

A. She. I mean I can't. I can only go with, I mean I can't control the way Witherspoon felt about Headley. I can only go by the actions Sergeant Headley took. I mean brushing past her chair to get to the printer. Like hogging the remote control of the TV in the office. Sitting on her desk while talking to other people. I mean I can't control the way that made Sergeant Witherspoon feel. I can only go based on the actions. My understanding is that Sergeant Witherspoon had made a complaint form complaint to OEO mentioned and it had been addressed by the supervisors in her office. They had sat them down and spoken to them. I can't control how Sergeant Witherspoon felt about those interactions.

Q. Was that a consideration on how the Internal Affairs Bureau made a deduction that Foster engaged in misconduct and gave credibility to Sergeant Headley?

A. I'm sorry. Can you repeat the question.

Q. I'm going to withdraw. Next thing. During the course your investigation, do you recall whether or not Police Officer Foster accessed any police system within the Police Department to look for Headley, in other words, her assignments --

A. Yes.

Q. -- et cetera?
A. Yes.
Q. What do you recall about that?
A. She looked her up on the attendance app and she looked her up on the cameras.
Q. Did you ask her why she did that?
A. To see when she came in and left. When she was coming and going.
Q. Did she explain why?
A. Did she explain why? She said she was looking for her to talk, I believe.
Q. She didn't say anything else, that's it?
A. Not that I recall.
Q. What about Headley? What did she do, did she search any databases for Foster?
A. Yes.
Q. What database?
A. She searched CPR.
Q. What does CPR stand for?
A. I think central personnel.
Q. And that system is accessible by who?
A. I don't know if everybody has access to it.
Q. Is that a supervisory tool?
A. Yes, sir.
Q. Is that accessible by subordinates such as

police officers or detectives?

A. I don't know. I don't believe so.

Q. Were you ever taught how to use CPR?

A. Yes, I know how to use CPR.

Q. And you use it for what purpose?

A. Variety of purposes. But you can use it to look up officers' backgrounds.

Q. I'm not talking about your Internal Affairs stuff. As a supervisor, do you access the CPR?

A. Yes, sir.

Q. For what purpose?

A. To look up background checks. Conduct background checks.

Q. Of what?

A. Subjects in Internal Affairs investigations.

Q. Let's forget about Internal Affairs. Let's about talk about your role as a sergeant. You have subordinates, right?

A. Yes.

Q. Is CPR used to primarily looked up subordinates that work for you?

A. I don't know. I only used it in IAB.

Q. What sort of information, without talking about confidential stuff, does it have? Does it have like the background stuff?

A. Yes, sir.

Q. Like what kind of information related to that?

A. You would able to check out prior discipline.

Q. And that's important information to know about people in the police department at times, right?

A. Yes.

Q. Do you recall whether or not during the training, whether there was any discussion on whether or not data that's in that CPR, can be used to manipulate people?

MR. GREEN: Objection.

HONORABLE MALDONADO: If you can answer.

MR. GREEN: Speculative.

MR. SANDERS: I'm asking about his training.

A. Not that I recall.

Q. Not that you recall. Okay. What did the Internal Affairs do with that information once you established that? Well, lets talk about the date. Talk about two things. Do you remember doing an audit of Headley sometime?

A. Yes.

Q. When?

A. If you're talking about the CPR audit, I have

to make a request to do an audit of CPR.

Q. And at some point you received it, right?

A. Yes, sir.

Q. And I think I remember in your worksheet, June 3rd.

A. No. That's actually, that's the wrong date. 5/27 is the correct day. It's 6/3/25 was actually the date that. I got the answer on 5/27 and I reviewed it on 5/27.

Q. That's interesting. Do you remember what time?

A. What time I got it?

Q. Yes.

A. No, sir. I don't remember the exact time.

Q. Was it sometime in the morning?

A. I believe it was a 4 to 12. I don't recall.

Q. We'll get back to that date. What, if anything, did you do with that information that she accessed the law enforcement database, which is the CPR system?

A. I created a worksheet in my case.

Q. What else did you do about it?

A. I believe she got a letter instruction in regards to accessing or looking that up. She looked it up in 2023.

Q. You said November 2023, November 15th to be specific?

A. Yes.

Q. Is that prior to her having, well, that's the date that was established, direct?

A. That's the date that I found that she looked it up.

Q. Do you recall how Headley described this interaction with the officer? Did she describe it as a relationship or do you recall her using words dealings?

A. Dealing.

Q. And that's what she used throughout her entire interview, right?

A. Yes, sir. I believe so.

Q. Do you recall her ever using the word dealing-ship?

A. No, sir.

Q. During the course of this investigation, and this is going to be 5/27, if I remember right. Does May 27th stick out in your head related to this investigation other than that CPR?

A. Not particularly.

Q. There's a worksheet entered in to here of June 7th that you made. An entry regarding the answers to counterclaims by Shatorra Foster, right?

A. June 27th.

HONORABLE MALDONADO: What year?

MR. SANDERS: 2025.

SERGEANT MORANO: Yes, sir.

A. Yes, sir. I know what you're talking about.

Q. How did you receive a copy of the answer with counterclaims?

A. Is that your press release that you put out?

Q. I'm asking how you got it.

A. It was, I believe it was on my desk when I came into work.

Q. Did you read it?

A. Yes, sir.

Q. Did you see the allegations that were made in the complaint?

A. Yes, sir.

Q. What, if anything, did you do with that information?

A. I brought it to the attention of Inspector Fikru. I asked him if we were going to be investigating those allegations in that complaint. I discussed it with him. I told him that I thought that. Well, what happened. Your press release came out two days earlier I recall. And Headley had been demoted, I think, within hours of the press release coming out. I

then came into work, saw the document of the allegation. I discussed it with the inspector. Told him that I thought that OEO must have a concurrent investigation because Headley had gotten demoted within hours of your press release coming out. He told me to document it in my case and that's what I did.

Q. Let me ask you questions to be fair to you.

A. Yes, sir.

Q. You as a sergeant, you were an investigator right?

A. Yes, sir.

Q. In other words, you don't make decisions where the cases go, you're told to investigate, right?

A. Yes, sir.

Q. And you have a team leader, right?

A. Yes, sir.

Q. And then you also have a commanding officer?

A. Yes, sir.

Q. And then you still might have division and all these levels up, all the way to D bar who is the XO, right, who handles all these kind of cases along with counsel, right?

A. Yes, sir.

Q. So you don't make the independent decision, right?

A. No, sir.

Q. Okay. Fine. So once you saw the allegations and this is not going to be related to this case. Other than. You know what, I'm not going to ask any further questions. Do you know if this was ever investigated? That's what I'll ask.

A. Do I know if it was ever investigated?

Q. Yes.

MR. GREEN: Objection. What specifically?

Q. This specifically the allegations that were made in the complaint that you uploaded, was that ever investigated?

A. My understanding, I believe Group 51 is investigating those allegations currently.

MR. SANDERS: Okay.

HONORABLE MALDONADO: Excuse me. Repeat that. I didn't hear that you. Your understanding is?

SERGEANT MORANO: Is that Group 51 is investigating those allegations.

HONORABLE MALDONADO: Thank you.

MR. SANDERS: Nothing further. Commissioner, thank you.

HONORABLE MALDONADO: Thank you Mr. Sanders.

MR. GREEN: Commissioner, no. Thank you.

The Department has no further questions.

HONORABLE MALDONADO: All right. Thank you very much, sergeant. You are excused.

(Whereupon, SERGEANT CHRISTOPHER MORANO left the witness stand.)

HONORABLE MALDONADO: Should we take an hour for lunch?

MR. GREEN: Before we take a break, can I take care of one housekeeping matter?

HONORABLE MALDONADO: Yes.

MR. GREEN: Yesterday we had a brief conversation I just want to confirm this, there is a police officer outside. It's actually Police Officer Shareefa Abdulali. Whose name was just referenced during Sergeant Morano's cross examination. She is here and available to testify. She would be called by the Department to testify as a mentee of Sergeant Headley and as someone who received messages from the so-called stalker, and had conversations with Sergeant Headley about that. If she were called to testify, that's what she would talk about.

Yesterday, Commissioner, you indicated it wasn't necessary to call her. I just want the record to be complete. She's here. She's available. If you, Commissioner, would prefer she not be called, I will

abide by your decision. But I wanted to make a record about that.

HONORABLE MALDONADO: Mr. Sanders, do you have any?

MR. SANDERS: I mean, I actually don't know why we're calling her because what's the connection between?

HONORABLE MALDONADO: It's fine. I do not believe we need that.

MR. SANDERS: Do we have any of the witnesses?

MR. GREEN: Again, the other person I referenced, Sergeant Montas who just had surgery a couple of days ago. She indicated to me yesterday morning she would be available to potentially testify remotely. She would testify that as a result of having received messages from the stalker, that she had a very close relationship with Sergeant Headley as a friend, and perhaps more that as a result of receiving these messages, she broke off all contact with Sergeant Headley and has not spoken to her since.

HONORABLE MALDONADO: I don't believe those witnesses are necessary --

MR. GREEN: Okay.

HONORABLE MALDONADO: -- at this point.

MR. GREEN: Fair enough. With that then, the Department rests subject to the Respondent taking the stand on her own behalf.

HONORABLE MALDONADO: All right. So we will meet at 135. We are adjourned for lunch.

(Whereupon, a short recess was taken.)

HONORABLE MALDONADO: Are we ready to begin?

MR. SANDERS: Yes. Respondent calls Respondent Police Officer Shatorra Foster.

{Whereupon, POLICE OFFICER SHATORRA FOSTER was sworn in by HONORABLE ROSEMARIE MALDONADO.)

POLICE OFFICER FOSTER: Yes.

COURT OFFICER JOHNSON: State your rank and full name.

POLICE OFFICER FOSTER: Police Officer Shatorra Foster.

COURT OFFICER JOHNSON: Spell your full name for the record.

POLICE OFFICER FOSTER: S-H-A-T-O-R-R-A, F-O-S-T-E-R.

HONORABLE MALDONADO: Okay. You may proceed counsel.

MR. SANDERS: Thank you, your Honor.

DIRECT EXAMINATION BY

MR. SANDERS:

Q. Good afternoon, Police Officer Foster.

A. Good afternoon.

Q. When were you appointed to the police department?

A. July 2018.

Q. Did there come a point in time where you were assigned to the First Deputy Commissioner's Office?

A. Yes.

Q. When was that?

A. July 2023.

Q. So back in July 2023, you were newly assigned?

A. Yeah, I believe so, yeah.

Q. What was your prior command?

A. 19th Precinct of detective squad.

Q. Have you ever been trained in EEO policies in New York City Police Department?

A. Yes.

Q. What do you recall about that?

A. To report any EEO cases and stuff.

Q. Now, you sat here. This is the second day of trial, right?

A. Yes.

Q. Do you recall Exhibits 1 through 30 were a

series of text messages that were shown on the screen?

A. Yes.

Q. During your official department interview, were you ever shown those documents?

A. I was not.

Q. Is it fair to say it's the first time you've ever seen those documents that's being used as evidence against you?

A. Yes.

Q. What about 31, those are the 311 assignments, do you recall being shown those documents?

A. Yes.

Q. Were you actually individually questioned, were you questioned about each individual 311 assignment?

A. I was not.

Q. And do you recall, which is Department's Exhibit 40, the letter, the anonymous letter?

A. Yes.

Q. Were you shown the anonymous letter during the interview process?

A. No.

Q. But you admit to writing it?

A. Yes.

Q. We'll get in to that. Tell me about your

experience with the First Deputy Commissioner's Office prior to meeting Trevlyn Headley.

A. It was good. I was on First Dep security detail.

Q. What were your duties and responsibilities?

A. Keeping her safe. Picking her up. Taking her to events.

Q. Who was the First Deputy Commissioner?

A. Tania Kinsella.

Q. Prior to that assignment, did you personally know Tania Kinsella?

A. I did not.

Q. How were you picked for that detail?

A. I was called and someone asked if I would be interested in working on her security detail.

Q. Did you receive any special other training for that assignment?

A. I had dignitary training.

Q. And how long was that?

A. Dignitary training, I believe, was two days, I believe.

Q. As part of your duties and responsibilities, did you interact with any other officer of the police department. Let me back up. First of all, where were you assigned?

A. First Dep's office.
Q. That's here at One Police Plaza?
A. Yes.
Q. What floor is that located on?
A. 14.
Q. What about the Police Commissioner?
A. 14 floor as well.
Q. At the time, who was the Police Commissioner?
A. Edward Caban.
Q. Now did there come a point in time, did you meet a person then as Sergeant Trevlyn Headley?
A. Yes.
Q. How did you meet her?
A. In the PC's office.
Q. What do you mean by that, in the PC's office?
A. I was there to, I was visiting a family friend and I came across her.
Q. And did you interact with her when you first saw her?
A. Yes.
Q. And how did that happen, how did it go?
A. I walked into the office. I was looking for my friend and she said that she isn't here today. And I said okay. And as I was about to exit the office. She said oh, let's take a picture and send it to her.

Q. And the friend you were referencing, what's the person's name?

A. Detective Taisha Thompson.

Q. Do you remember the testimony of Trevlyn Headley in the trial room?

A. Yes.

Q. And she made reference to a picture?

A. Yes.

Q. Do you remember what her testimony was about?

A. Yeah. The picture.

Q. You're telling the Commissioner who initiated that request for the picture. Was it you or Headley?

A. Headley did it.

Q. What did you think about that when she asked you to take a picture?

A. I thought it was odd to ask that. And, you know, that was the first time that we really ever spoke.

Q. How did you feel about that, you said it was odd?

A. Odd. Weird. That a supervisor would ask me to take a picture to send a detective.

Q. And how was that picture taken?

A. Her personal phone.

Q. Did you take a picture with your personal

phone?

A. I did not.

Q. Do you know what she did with the picture?

A. She then asked me for my phone number. I gave her the number. She then asked is this number your personal or your department phone and I said personal. And she sent it to me.

Q. Why did you give her your personal cellular telephone number?

A. Why? Because I just thought to give her that one and not the department phone number.

Q. And did you have any expectations whether she used the number or not?

A. No. Well, she sent the picture right away.

Q. Is that why you gave her your phone number?

A. Yes.

Q. After she sent you the picture, what happened; did you stay in the same room or did you leave?

A. I stayed in the room. We had a conversation about the outlets. And then after that, I left.

Q. And you were working at the time?

A. Yes.

Q. When's the next interaction with Sergeant Headley?

A. The next interaction, we texted back and forth.

Q. Who initiated the texting; was it you or Sergeant Headley?

A. She did.

Q. Do you recall around the time that she text you, what time of day?

A. Sometime I was off. Sometimes I was at work.

Q. Sometimes you were at work?

A. Mmhmm.

Q. What kinds of things would she text you?

A. Asking if I'm at work. What I'm doing. Invite me to party.

Q. She would invite you to parties?

A. Mmhmm.

Q. This is when you first met her?

A. Right.

Q. What did you think of her sending you those messages?

A. I thought it was odd. Because at that time we weren't friends at that time. The only thing was she sent me a picture and that was it.

Q. And after she initiated the text message, what happened next?

A. After a while she began flirting.

Q. And when was that?
A. I would say around October 2023.
Q. And between July 2023 until October 2023, how often would you communicate with Trevlyn Headley?
A. Pretty often.
Q. And who would initiate contact?
A. Sometimes both of us.
Q. And what were the communications, were they on or off duty or both?
A. Both.
Q. What kinds of things would you communicate?
A. Parties. Flirting. Hanging out. Yeah.
Q. So when it comes to October, did something change in your interaction with Trevlyn Headley?
A. Yeah.
Q. What changed?
A. She became like overaggressive.
Q. What do you mean by that?
A. Like, flirting more. Controlling.
Q. And what do you mean by controlling?
A. Always asking where I am. Who I'm with.
Q. And was that on duty, off duty or both?
A. Both.
Q. How did you feel about her making inquiries about where you were located at any particular time?

A. I didn't like it. It felt uncomfortable.
Q. At that time were you a direct report to her?
A. No.
Q. You were in the First Deputy Commissioner's Office?
A. Yes.
Q. And she was in the Police Commissioner's Office?
A. Yes.
Q. Even at that point, how much time did you have in the police department?
A. Eight years.
Q. Did you understand the rank structure between a detective and a sergeant?
A. Yes.
Q. What's the difference?
A. The sergeant is the supervisor. And the detective is the subordinate.
Q. In your experience, I'll ask this way, since you've been in the police department, have you ever worked for or gone to a detail that's a sergeant that's not your normal assignment?
A. Yes.
Q. And did that person have the ability to direct where you work and things like that?

A. Yes, they did.

Q. Based on your understanding of the police department's policies, can a sergeant that's not your direct supervisor still issue you a form of discipline?

A. They can.

Q. So now, having interactions with, as you're saying Headley's controlling. What, if anything, did you do with that information? Did you say anything to her?

A. Yeah.

Q. What did you say to her?

A. I told her that she was controlling, it was unnecessary.

Q. And how did she respond to that?

A. She didn't care. She just kept on doing it.

Q. When you say she didn't care, what do you mean by that? Did she express that to you?

A. Yeah.

Q. What did she say to you?

A. She said that this is who I am.

Q. What happened? Well, did you report her to the office of Equal Employment Opportunity or Equity Inclusion?

A. I did.

Q. At that time?

A. No.
Q. Why not?
A. Because I didn't feel like I could. I didn't trust them. And she had told me personally that she was close friends with the commissioner there at the time Wendy Garcia. So I felt if I made the report that they wouldn't do anything.
Q. Did she tell you she was friendly with anyone else?
A. Yes.
Q. Who else?
A. Chief Iglesias of IAB.
Q. Anyone else?
A. No.
Q. What happened next?
A. After? What do you mean next?
Q. Well, what happened in the next part of the process in interactions with Headley?
A. At a certain point, she then asked me to start sharing locations with her because she had felt that I wasn't being honest about where I was at at certain times.
Q. So she asked you to share locations with her?
A. Right.
Q. And why did you do that. Let me come back.

Did you do it?

A. Yes, I did.

Q. Why?

A. Because when I originally I told her no, I don't share locations with anybody. It became a big argument and I was afraid. So I just I started sharing it with her.

Q. And where did this argument occur; is it on duty, off duty, or both?

A. Both.

Q. And when you had these discussions on duty with Trevlyn Headley, where did they occur most of the time at least?

A. On the phone. In person. Via text.

Q. Was it in a department facility?

A. Yes.

Q. Where?

A. When I was in the First Deputy Commissioner's Office or in the dormitory.

Q. Did any of these interactions occur in person?

A. Yes.

Q. Where did those occur?

A. At her apartment. At work. In the car.

Q. What about at work, where did those

interactions occur?

A. In the office. At the dorm. Cafeteria.

Q. When you had these conversations with Headley, were you in uniform, plainclothes? How were you dressed?

A. At that time I was in suits. Sometimes she would come to the dormitory. So I would have on pajamas at the time.

Q. How did you feel her interacting with you like that in the workplace?

A. I didn't like it.

Q. What, if anything, did you do in response to that?

A. What did I do?

Q. Yeah. What did you do?

A. I told her about it. That, you know, I didn't like the things that she was doing.

Q. Did there come a point in time that you went outside of the police department together and at any particular place?

A. Yeah.

Q. Do you recall the first location? Without going through all that. Just giving context to the Commissioner. What was the first place?

A. The first place we went to a seafood boil.

Q. Who invited who out?
A. She did.
Q. Where this location?
A. I believe it's on Spring Street, Manhattan.
Q. And did there come a point in time did it go from going out to together or being invited out to it being sexual contact?
A. It did.
Q. When did that happen?
A. I don't recall the actual date, but I would say it was in 2024.
Q. Sometime in 2024?
A. (No verbal response.)
Q. At the time, you was still, this is now October. It was a couple of months after you were in the First Deputy Commissioner's Office?
A. Yes.
Q. You're saying contact over the period of time from July 2024 was in person and text message?
A. Yes.
Q. There was no sexual contact at that point?
A. I don't believe so. No.
Q. During your interactions, was there anything else that gave you concern interacting with Trevlyn Headley?

A. That she was controlling. I see how she interacted with other females. Yeah.

Q. And what do you mean by that?

A. I would see at work that she uses her supervisor rank on subordinates at work.

Q. What do you mean by use of supervisor rank?

A. Like telling what to do. And if they didn't do it, that she would threaten them with CDs.

Q. Did she ever threaten you with CDs or what's also known as a Command Discipline?

A. She did.

Q. She did under what circumstance?

A. She would ask me oh, where are you or if I was at work. If I answer her, she goes oh, I'm a supervisor. So if a supervisor asks you something, you're supposed to tell them.

Q. And did she threaten you with discipline?

A. Yes.

Q. Was she your direct supervisor?

A. No, she was not.

Q. Did you believe she would issue you a Command Discipline?

A. At the present time at some point I did yes.

Q. Why did you believe that?

A. Because I'd seen how she was and it seemed

like that would be something that she would do.

Q. During this time period, was any other interaction that caused you to have concern in interacting with Trevlyn Headley?

A. Yes.

Q. What else?

A. The incident that occurred at work in the dormitory.

Q. Before you get to the dormitory, was there any part of this process where she asked for gifts?

A. Yes.

Q. When was that?

A. That was in January 2024.

Q. What did she make a request for?

A. She was purchasing her car and she needed a down payment for the car.

Q. And how much was it?

A. $2,200.

Q. And did you give her the money?

A. I did.

Q. Why did you give her the money?

A. Because she told me that it was time for her to get a new car. And since I had it, that I should give it to her.

Q. I haven't really said anything about it, but

I want you to make a note for the record. Because you pause whenever you sometimes speak. Do you have a specific medical condition?

A. Yeah. I stutter.

Q. Is there a certain stance when you stutter more times than others?

A. No.

Q. Did Headley notice that about you?

A. Yes.

Q. Did she ever mention that to you?

A. Yes.

Q. What did she say about it?

A. She said oh, do I intimidate, that's why you stutter. And I told her no, I've always stuttered my entire life.

Q. During these interactions with her, would she be close to you?

A. Yes.

Q. How close?

A. Close enough. Like close.

Q. What did you think about her being in close proximity to you?

A. At work, I thought it was weird because we're in public and she's like so close to me.

Q. Is she the same height as you?

A. No.
Q. How tall is she?
A. 6'2.
Q. How tall are you?
A. About 5'3.
Q. When she stands in front of you, did you have any particular way how you felt?
A. Yeah. Intimidated.
Q. Now, we're going into January. Other than $2,200, was there any other things she made a request from you about?
A. She asked me what's my credit score and she asked me how much I had in my savings account for a house.
Q. Did you give her that information?
A. I did not.
Q. How did she respond to that?
A. She wasn't happy about it.
Q. What, if anything, did she do not being happy?
A. She said oh, it's easy for you to pull up your credit score and tell me what it is.
Q. Anything else?
A. And she told me that she wanted to get a house. And if me and her were ever going to work, I

would to have to put down half of that payment for the house. So she wanted to know how much money I had.

Q. Did there come a point in time where you heard the word. Let me just say this: You were here for the testimony of Trevlyn Headley, correct?

A. Yes.

Q. And do you remember the Department Advocate's saying there was a relationship?

A. Right.

Q. And remember her testifying that she called it dealings?

A. Yes.

Q. And then dealing-ship?

A. Mmhmm.

Q. At that point, what did you consider the interactions with her at this point between July 2023 and January 2024?

A. I thought that we were working towards a relationship.

Q. What made you think that?

A. Because we would talk about kids and houses.

Q. What did you think about, who initiated that conversation?

A. She did. Social media.

Q. What did you think about her saying that to

you?

A. I thought that it was weird.

Q. Why do you keep saying it's weird?

A. Well, one, she was like 12 years older than me. And I just felt that it was odd that we had just started speaking, and she's asking about houses and credit scores.

Q. Did you ever hear the term lovebombing?

A. Yes.

Q. What do you understand that to mean?

A. I understand it to mean is that people will tell you what they think that you want to hear.

Q. What about push/pull, you ever heard that before?

A. No.

Q. What about grooming, you ever heard that before?

A. Yes.

Q. What do you know about grooming?

MR. GREEN: Is this witness being qualified as a witness from certain words?

MR. SANDERS: No. We're talking about personal experience.

MR. GREEN: I believe (crosstalk) --

MR. SANDERS: I'll withdraw. Actually,

there's common terms. I hate to be accused of things I know I'm not doing. There's common terms and there's medical clinical diagnosis. I'm not talking about a medical clinical diagnosis. I'm talking about her personal experience.

HONORABLE MALDONADO: You can answer. I'll give some leeway.

Q. Did you ever hear the term grooming?

A. Yes.

Q. What do you understand it to mean?

A. I understand it to mean that a person is like grooming you of what they want from you.

Q. Did there come a point in time when the relationship changed from January after you now talking about house and children?

A. Yes.

Q. What changed next?

A. She became physically abusive.

Q. What do you mean by that?

A. Like she would push me around. Tell me what to do. Assault me.

Q. Where did that occur?

A. Her apartment. Headquarters. A car.

Q. Did you ever tell anyone about it?

A. I did not.

Q. Why not?

A. Because again, I thought if I told IAB, she was friends with the chief at the time, and I didn't trust to tell anybody, so I just held it in.

Q. When was the first, did there come a point in a time where there was sexual contact between yourself and Headley?

A. Yes.

Q. When was that?

A. In the dormitory and in One Police Plaza.

Q. Do you recall Headley was asked a question whether or not there was sexual contact between the two of you at the dormitory?

A. I do.

Q. Do you remember what her testimony was?

A. No.

Q. Was that true?

MR. GREEN: Objection.

MR. SANDERS: I'll withdraw it.

Q. Was there sexual contact between yourself and Headley?

A. It was.

Q. Explain what happened.

A. I was in the dormitory. She had text me to ask if my partner at the time was still there at the

dorm. I told her that my partner had already left. She then stopped answering. I then get a knock at the door. I open the door and it's her. She comes inside. She then pushes me on the bed. She unbuttons. She pushes me on the bed. She unbuttons my belt. She pulled my pants down and she then performs oral sex until I ejaculate. I told her to stop, are you crazy. And she said "I am."

Q. Were you on duty at the time?

A. I was.

Q. Was she on duty at the time?

A. Yes. She was in uniform.

Q. Afterwards, did you communicate with her about what happened?

A. Yes.

Q. How did you communicate with her?

A. Via text.

MR. SANDERS: Commissioner, we marked 11A, B, and C and I'm going to read the IMG numbers. 11A is IMG_2746. B is IMG_2747. And C is 2748. And those are PNG files.

HONORABLE MALDONADO: Do you have a hard copy?

MR. SANDERS: Yes.

(Whereupon, the aforementioned document

was presented to the Court.)

HONORABLE MALDONADO: Respondent's A, B, and C. Okay. Thank you.

Q. Will you take a look at those three documents?

A. Yes.

Q. And do you recognize those documents?

A. Yes.

Q. What are those documents?

A. It's a text thread between me and Headley.

Q. And how do you prove that's Headley?

MR. GREEN: Objection.

HONORABLE MALDONADO: Overruled.

Q. How do you prove that text message is going between yourself and Headley?

A. That's her phone number.

Q. What's the phone number?

A. 347-680-1906.

Q. And the 0-6 doesn't show, does it?

A. No.

Q. But did you have the number saved?

A. At that time, I did.

Q. Was this text message thread between you two how long after she left the dormitory?

A. Minutes after.

Q. Is that a fair and accurate representation of the text messages that happened between you and Headley?

A. Yes.

MR. SANDERS: I'll like to have that admitted, your Honor, so I can ask her a question about it. A, B and C as one cohesive.

HONORABLE MALDONADO: Counsel.

MR. GREEN: One moment. I only have one, commissioner, if I may. There appear to be I don't know if they're advertisements or images of an apartment buildings, at least on the first page. Is that in any way relevant to the exhibit?

MR. SANDERS: I think if she testified about it, I think you might learn what those things are between the two of them.

HONORABLE MALDONADO: All right. Let's continue with the testimony and I will determine whether it's admissible or part of it is admissible based on the questioning.

MR. SANDERS: Yes, ma'am.

Q. So the blue bubbles, who is that making reference to?

A. Me.

Q. And the left side, which is the dark bubbles,

in this case dark colored with white lettering. Who are those bubbles?

A. Headley.

Q. There's a picture here with 499 North Broadway, apartment 3A. Why is that picture there?

A. Those are apartments that I was looking at for me.

Q. So those are pictures you embedded in the text message feed?

A. Yes.

Q. Now there's a bubble here that says "you cleaning out your locker or you getting dressed?" That's on the first page.

A. Yes.

Q. Is that from Headley?

A. It is.

Q. Did you respond "getting dressed"?

A. I did.

Q. This is before the sex act or the interaction between the two of you?

A. Yes.

Q. Let's go to the second page, which is B. And there's a bubble that says "you are delicious."

MR. GREEN: Objection. Those aren't the words.

MR. SANDERS: "You were delicious."

A. Yes.

Q. Are those Headley's words?

A. It is.

Q. Is this you in the blue responding "glad you enjoyed it"?

A. Yes.

Q. Why did you say that?

A. Because it seemed like she enjoyed it.

Q. Okay. How did you feel about it?

A. I was very uncomfortable afterwards.

Q. Is there any such thing, based on your training in the police department, as consensual sex in the workplace?

A. No.

Q. Your next bubble says "what made you do that?"

A. Yes.

Q. Why did you ask that question or at least type that question in a text message?

A. Because I wanted to know how come she came down there uninvited and did that.

Q. There's a bubble that says "it's time that you experience how I am."

A. Yes.

Q. And those are her words?
A. It is.
Q. Is that the first time she ever used words like that when interacting with you?
A. No. It wasn't.
Q. Does she ever use similar words like that when interacting with you?
A. Yes.
Q. C. This is your bubble and it says "and I was coming in for a hug and I got my pants unbuttoned LOL."
A. Yes.
Q. And two faces. "It was a shy moment and unexpected."
A. Yes.
Q. Why did you send that message?
A. Because I was pretty much telling her that that that was unexpected and that's not something that I wanted. And I originally told her when she came in, I had told her to stop.
Q. You used the word LOL, why did you use that, not the word but the initialing LOL?
A. I put LOL because I didn't want her to think that, you know, that I was saying it in a harsh way because I'm pretty sure if she would have taken it that

way, it would have made her upset. And I didn't want to upset her.

Q. Did she respond this is her bubble, yeah I'm the owner, I've been really low key trying to feel you out and waiting to see how you move?

A. Yes.

Q. Did she ever use terms like that before, during the interactions between yourself and Headley?

A. Yes.

Q. Did you tell anyone about that?

A. I didn't.

Q. Why not?

A. Because I didn't trust that I could tell anybody or the Department about it. So I just didn't say anything about to anyone.

Q. When is the first time you even disclosed that happened?

A. The first time in my counterclaim.

Q. After that interaction in the dormitory, were you still working?

A. I was.

Q. Where did you go next?

A. I went upstairs to the First Deputy Commissioner's Office.

Q. Did you interact with any supervisors

upstairs?

A. Yeah.

Q. Did you say anything to those supervisors?

A. I did.

Q. What was your next interaction with Headley?

A. After that, I seen her at work afterwards.

Q. Did you talk about the incident?

A. No.

Q. Was she still sending you text messages?

A. Yes.

Q. Did she still visit you in the workplace?

A. Yes. She did.

Q. How did you feel about that?

A. After that, I felt uncomfortable.

Q. During that time period after the March incident, did you go to her apartment in Harlem?

A. I did.

Q. Did she invite you or you went there unannounced?

A. She always invited me over.

Q. When you would go over to her apartment, what would happen in her apartment?

A. We would hang out. Watch TV. And there were some points in time she would get physical with me.

Q. What do you mean by that?

A. She would take objects and throw it towards me. She would like hem me up on the wall.

Q. When you say "hem me up," can you explain what that means?

A. Like hold me up against the wall (indicating).

Q. You're indicating with both her hands?

A. Yes.

Q. You're saying she grabbed you?

A. Yes.

Q. Where would she grab you?

A. On my collar shirt. Shoulders.

Q. And she would push you up against the wall?

A. Yes. Or the couch.

Q. How often would she do that?

A. Really often.

Q. Did you ever tell anyone about that?

A. No.

Q. Why not?

A. Because I didn't trust that I could tell anyone. So I just didn't say anything.

Q. While you were interacting with her in her apartment, other than what you described as hanging out, anything else that she would do?

A. There was another assault on June 10th.

Q. What was that assault?

A. She threw me on the bed. She pulled down my shorts and forcibly inserted her fingers and I yelled stop. And as she was doing it, she pulled out her phone and recorded it.

Q. Did you consent to that?

A. I did not.

Q. Did you consent to a recording?

A. No.

Q. How do you know she recorded that act?

A. Because afterwards she texted it to me.

Q. Was that a picture or a video?

A. Video.

Q. Did you tell anyone about that interaction?

A. No.

Q. Why not?

A. Because I was scared and I didn't trust that the department would do anything to her.

Q. During the times you were in her apartment, did she ever ask you for any financial benefits such as money, credit cards, bags, anything like that?

A. Yeah.

Q. What types of things?

A. Cash again. She would ask me to purchase her Louis Vuitton items.

Q. And was some of those interactions requests for gifts or things like that, did it occur in the workplace?

A. Yes.

Q. Was it on and off duty?

A. Yes.

Q. Did you tell anyone about that?

A. I didn't.

Q. Did there come a point in time after that where you still interacted with Headley?

A. Yes.

Q. Where did you interact her?

A. At work. At her place.

Q. Was there any more sexual contact between the two of you?

A. After June, no.

Q. How did she treat you after the last sexual contact which you're claiming is June 10th?

A. She was harsh towards me.

Q. What do you mean by that?

A. She would threaten to send the video to family and friends.

Q. Did she ever talk to you about anything related to your service history in the police department?

A. Yes.
Q. When was that?
A. That was around December 23.
Q. So this is before the first sexual contact?
A. Right.
Q. What, if anything, did she tell you?
A. She had told me that she had knew about a previous situation that I had in the past.
Q. And what was that situation?
A. It was discipline.
Q. Related to what?
A. To a past department charge.
Q. Do you know the name Redhead?
A. Yes.
Q. Who is Redhead?
A. She's my ex-girlfriend.
Q. Did she tell you anything about the interactions with Police Officer Redhead?
A. Yes.
Q. What did she tell you?
A. She asked me how did she get modified, what happened to her. Oh, I heard that she was suicidal.
Q. Did she tell you how she learned that information?
A. No.

Q. This is before the first sexual contact?

A. Right.

Q. You said June 10th is the last interaction, and then she start treating you harshly. Between June 10th and the allegations being made against you, how often would you interact with Headley in the workplace?

A. After June, I, like, pulled away from her. But there were times where she would follow me outside to force conversation on me.

Q. So now you work and you break off communication. How did that happen?

A. I pulled away. I just stopped reaching out to her.

Q. Did she reach out to you?

A. She did.

Q. How did she do that?

A. In person. She would ask me if my supervisor's at work, if I was in the office. She would call them to ask them is she in the office, is she outside.

Q. So there comes a point in time where you learned there were allegations made against you by Headley or at least allegations made against you of committing serious misconduct in the workplace?

A. Yes.

Q. A point in time where you're modified instead of full duty?

A. Yes.

Q. When were you modified?

A. September 24th. No. September. I think it was September 24th.

Q. Did there come a time where you were demoted from the rank of detective specialist to police officer?

A. Yes.

Q. Were you given a reason why?

A. No.

Q. Did there come a point in time you had an interview with the Internal Affairs Bureau?

A. Yes.

Q. Where did that interview occur?

A. In their office on Broadway.

Q. Do you remember what month and year?

A. First one was in September and the next one was in November.

Q. Was that 2024?

A. Yes.

Q. Do you remember what the subject matter was for the first interview?

A. Subject meaning?

Q. What I mean, subject matter meaning what did they cover?

A. The anonymous texts. The 311 calls.

Q. So the anonymous text messages, do you recall what they actually showed you?

A. No.

Q. Do you recall the content of their text messages that was sent, or at least the ones that they showed you?

A. Yes.

Q. What do you recall about the content of those text messages?

A. Pretty much saying that she's a horrible person and stay away from her.

Q. Did you send those text messages?

A. I did.

Q. Why?

A. Because that's how I felt about her.

Q. Now, those are specific text messages you sent, right?

A. Yes.

Q. You saw the investigator here Morano, right?

A. Yes.

Q. There's also Inspector Profeta. Who else was

in the room?

A. There was another supervisor there. I don't recall his name.

Q. Did anyone ask you why you sent those particular text messages?

A. Yes.

Q. What did you say?

A. I told them that I wanted to hurt her how she hurt me.

Q. Did they ever ask you why you want to her hurt her?

A. No.

Q. Why did you want to hurt her. Let me back up. Did they ask you why you used the word hurt?

A. No.

Q. You used the word hurt, though?

A. Right.

Q. Why did you use the word hurt?

A. Because that's exactly how it felt.

Q. And when you said hurt, do you mean to physically hurt her?

A. No.

Q. What do you mean by that?

A. Just hurt her feelings.

Q. Did you want her to get in trouble?

A. I did.
Q. Why?
A. Because for all the things that she had done to me.
Q. Did you want her arrested?
A. I did at that point yes.
Q. Did you ever tell the investigators that?
A. No.
Q. Why not?
A. They didn't ask.
Q. Why didn't you just disclose it?
A. Because I didn't trust them at all during that interview.
Q. Why do you say that?
A. Because they were just like accusing me of all things. Yeah. So I didn't trust them.
Q. That was the first interview?
A. Mmhmm.
Q. Did they actually show you the 311 generations of documents?
A. No.
Q. Of documents?
A. No.
Q. Did they have them there?
A. Yeah.

MR. SANDERS: Can we show her 31, your Honor.

(Whereupon, the aforementioned document was presented to the witness on the stand.)

Q. Do you have it in front of you?

A. Yes.

Q. This is Page Number 1. Do you admit to sending this document?

A. I do.

Q. Why did you send that document?

A. Because that's, these are all things that I experienced in her apartment when I was there.

Q. So is this a false complaint?

A. No.

MR. GREEN: Objection.

MR. SANDERS: Well, I'm only using what the investigator said.

HONORABLE MALDONADO: Go ahead. You can cross on this.

MR. GREEN: Understood.

Q. The document itself, did the incident happen?

A. It did.

Q. When did it happen?

A. During the periods of times that I was at her apartment.

Q. For example, the description. What does the description say?

A. The description says "person in 2D sounds like they are hurting someone a lot and screaming and saying call the cops every day at night."

Q. And this was in what month the year did you send this?

A. This is July '24.

Q. This is about a month after the June 10th incident?

A. Yes.

Q. Why did you choose those words?

A. Because those are things that I experienced in her house.

Q. Was that apartment 2D?

A. It was.

Q. Did you tell the investigator that information?

A. No.

Q. Did they ask about it after individual generation?

A. No they did not.

Q. What about the second one which is on Page 4?

A. No.

Q. Did the investigator show you the 311

generation?

A. No. They didn't.

Q. Do you admit sending it?

A. I did.

Q. Why did you send it?

A. Because again this is something that I experienced while I was at her home.

Q. Can you read the description?

A. "Someone is yelling for help inside 2D. Lady who lives there is six feet tall. Very aggressive and abusive to her girlfriend. Every day in the evening this poor girl is yelling."

Q. Why did you choose those words?

A. These are things that I experienced while I was at her home.

Q. Did the investigator ask you why you chose those words?

A. No, I didn't.

Q. Did they read it to you?

A. No.

Q. Did they ask you any questions about it?

A. No.

Q. Going to the third one, which is on Page 6. Do you admit to sending that document that 311 generation?

A. I did.
Q. What description is in the document?
A. "Lady in 2D is yelling to stop hitting her. She is yelling to call the cops every day."
Q. Why did you choose those words?
A. It's something that I experienced in her apartment.
Q. Did the investigators ever show you that document?
A. No.
Q. Did they ever ask you questions about the description of this document?
A. No. They didn't.
Q. What about the fourth one, which is on Page 8. Do you admit to sending that 311 generation?
A. I do.
Q. Why did you use those words? Let's first read the description.
A. "Someone being hurt in apartment. Young female looks scared when I seen her. Tenant is six feet."
Q. Why did you choose those words?
A. I was describing myself.
Q. Did the investigator show you this document?
A. No.

Q. Did they ask you questions about it?
A. No they didn't.
Q. Let's go to Page 10. That's the fifth one. You see that document?
A. Yes.
Q. Do you admit to sending this 311-generation?
A. Yes.
Q. Why did you do this one?
A. Because it's again something that I experienced in her home.
Q. What's the description?
A. Person in 2D is aggressive to her girlfriend the girl's always yelling for her to stop hitting her it is every day and a 32 cop never come upstairs and check on her.
Q. Do you know if the 32nd Precinct ever responded while you were present in Trevlyn Headley's apartment?
A. They didn't.
Q. Do you remember when?
MR. GREEN: Objection. The witness said didn't.
MR. SANDERS: I'm sorry. I misheard her. Fine.
Q. Did you ever call the police?

A. No.
Q. Why not?
A. Because I was afraid and I know that she would just use her supervisor rank to just get out of it.
Q. The last one is Page 12. This is a sixth one. You admit sending this document or generating this 311 response?
A. Yes.
Q. What is the description?
A. "Person 2D crying for help."
Q. Why did you choose those words?
A. Something I experienced there.
Q. Did the investigators ever show you this document?
A. No. They didn't.
Q. Did they ever ask you any questions?
A. No.
Q. And finally, if we can show her 40.
(Whereupon, the aforementioned document was presented to the witness on the stand.)
Q. You had an opportunity to read the document?
A. I did.
Q. Did you send this document?
A. I did.

Q. Why did you send this document?

A. It was things that I was reporting to IAB. Honestly hoping that they would do something about it.

Q. When you say "do something about it," what do you mean by that?

A. Discipline her.

Q. Why did you want her disciplined?

A. Because she used to get away with a lot of stuff.

Q. Well, were you hoping for anything else out of this investigation?

A. Hoping to hurt her how she hurt me.

Q. After that letter was sent, was there any other communications with Internal Affairs by you?

A. No.

Q. After you filed your answer with counterclaims, were you ever contacted by Internal Affairs regarding the allegations you made in the complaint?

A. No. I was not.

Q. What about the Office of Equity and Inclusion?

A. I wasn't.

MR. SANDERS: Nothing further. Thank you.

MR. GREEN: If I may have five minutes.

HONORABLE MALDONADO: Let's take a 15-minute break. Please do not discuss your testimony with anyone.

(Whereupon, a short recess was taken.)

HONORABLE MALDONADO: Officer Foster, will you please take the stand. We're going to start with cross examination, correct?

MR. GREEN: Yes, ma'am.

HONORABLE MALDONADO: Please remember you are still under oath, officer. You may proceed.

MR. GREEN: Thank you, Commissioner.

CROSS EXAMINATION BY

MR. GREEN:

Q. Good afternoon, officer.

A. Good afternoon.

Q. Officer I'm going to ask you a series of questions if there's anything that I say that you don't understand or you need me to repeat please indicate that to me okay. Now, you met Trevlyn Headley sometime in July 2023, isn't that correct?

A. July. No.

Q. Isn't that when the photograph was first taken?

A. No. That photograph was taken in October.

Q. October 2023?

A. Mmhmm.
Q. Now, before that, did you know her?
A. I seen her in passing at a retirement luncheon in the building.
Q. Have you communicated with her in any fashion before the day that you took a photograph together?
A. Yes.
Q. You had communicated with her?
A. Mmhmm.
Q. In what way?
A. At the luncheon. I was introduced to her as just a hi and bye.
Q. Which luncheon was that?
A. It was a luncheon. I don't remember the date exactly, but it was before October.
Q. But it was sometime in October that your more friendly relationship began after that photograph was taken, correct?
A. Okay. Yes.
Q. You told us that your relationship with Sergeant Headley did not become physical in nature, romantically physical in nature until sometime in January 2024; that's correct isn't it?
A. Yes.
Q. And your attorney walked you through the

various 311 calls or reports that you had made between July and August 2024, correct?

A. Yes.

Q. And you told us that you, during those, in those reports, you were describing events that you had experienced yourself but at a previous time, correct?

A. Correct.

Q. You sent those because you wanted her to experience the pain and suffering that you said you experienced at some point during your relationship with her, correct?

A. Yes.

Q. But the physical abuse that you made reference to, that began sometime in 2024?

A. No.

Q. It didn't?

A. No.

Q. When did that begin?

A. When I started getting invited to her home.

Q. When was that?

A. I don't recall the first time that I was over there. But it was on mere occasions. Yes.

Q. Can you narrow that down a bit to which month roughly that occurred in?

A. I'm going to say January '24.

Q. So around January 2024 is when you went to her residence?

A. Right.

Q. And things started getting physically uncomfortable and abusive?

A. Correct.

Q. That's what you're telling us. Now, you began using the Pinger application in December 2023, though, right?

A. Yes.

Q. Isn't that correct?

A. Yes.

Q. And you heard Sergeant Morano's description of the Pinger application?

A. Yes.

Q. Where all you had to do at the time was provide an e-mail address that didn't really have to be verified to get a seemingly endless supply of anonymous telephone numbers?

A. Correct.

Q. And they would be able to be used by you on your own personal cell phone and it wouldn't interfere with you having your own personal number in your cell phone, correct?

A. Correct.

Q. And you first started sending Sergeant Headley anonymous text messages indicating that she was being watched at the Christmas party in December 2023. Quite some time before you just told us things got a bit abusive physically?

A. She was always, always abusive physically. But it didn't get to. How can I state this. It didn't get. It got worse after.

Q. So let's look at the things once your relationship with Sergeant Headley became somewhat uncomfortable for you. Let's explore the different things that you did not do, okay. First one is you didn't end the relationship, correct?

A. Correct.

Q. You didn't report the abuse to anyone within the department, correct?

A. Correct.

Q. You didn't tell Internal Affairs, right?

A. No.

Q. And you said you didn't do that because you didn't trust them?

A. Correct.

Q. Why would you not trust the members of the Internal Affairs?

A. Because like I stated, she told me personally

that she had a close relationship with the chief at the time of IAB.

Q. You didn't tell any people in the First Deputy Commissioner's Office?

A. No.

Q. And any chief, any of your supervisors, any the First Dep yourself, right? You didn't tell any of them, right?

A. No.

Q. At the time and still today, your brother was a deputy commissioner of this department, correct?

A. Correct.

Q. So you knew people in high places in this department, right?

A. Correct.

Q. You didn't tell any one of them either, did you?

A. No.

Q. Now, you're a member of this department for how many years now?

A. Eight years.

Q. At the time, you were aware that there other law enforcement agencies other than the NYPD within New York City, correct?

A. Correct.

Q. Did you ever speak to anyone in any of the District Attorney's Office offices?

A. No.

Q. Did you ever report anything to any of the other agencies that investigate all sorts of things in the department?

A. No.

Q. Or elsewhere?

A. No.

Q. The department of investigations, anywhere else?

A. No.

Q. Did you report it to your mother who had worked directly for a former Police Commissioner?

A. No.

Q. So other than do any of these things, rather than report this abusive situation, rather than just walk away from it, your solution, at least in December 2023 was to use an anonymous cell phone application to start a pattern of anonymous text messages, correct?

A. Yes.

Q. And over the following multiple months, you engaged in the pattern of sending hundreds, if not thousands of messages to Trevlyn Headley. Essentially

letting her know that she was being watched, sending her images of her whereabouts, and who she was with and telling her bad things were going to happen to her; isn't that right?

A. I didn't tell her bad things were going to happen to her you didn't none of those messages I do I make any threats to her.

Q. You never said that she was going to lose all of her friends, all of her friendships?

A. That's not a threat.

Q. You don't take that as a threat, do you?

A. No.

Q. You never said that her career at work is not going to be successful, that all sorts of bad things would happen to her at work; you don't take that as a threat? That's not a physical threat but it's a threat of psychological abuse?

A. Okay.

Q. You would agree with that, right?

HONORABLE MALDONADO: What's your response?

POLICE OFFICER FOSTER: Yes.

HONORABLE MALDONADO: You have to verbalize it.

Q. Instead of doing all these other things you

engaged in a pattern of your own abuse against Sergeant Headley, right?

A. Yes.

Q. And you commenced that at least five months or so before the first assault incident, that you reported to us or reported in your answer in cross complaint, correct?

A. Again, at that time that was the first assault sexually, but she would like push me around inside of her apartment.

Q. And you never once reported this to any of the multitude of different people within the NYPD?

A. No.

Q. You never spoke to people anonymously who help police officers in trouble like POPPA or any of the counselling services that are available to police officers that help them anonymously?

A. No.

Q. You didn't trust anybody?

A. I did not.

Q. So instead, you took it upon yourself to engage in your own misconduct, correct?

A. Okay. Yes.

Q. And in doing so, you followed Sergeant Headley's whereabouts both in this building

and elsewhere, correct?

A. Not correct.

Q. Not correct. In this building, you accessed various security video --

A. Correct.

Q. -- of headquarters security. You watched when she parked her car. When she exited the garage. When she entered the building. When she swiped in. When she swiped out. All sorts of things like that, correct?

A. Correct.

Q. You watched her in elevator banks. You would stand there in the 14th floor elevator bank near the glass doors and stand around her 10 to 15 minutes waiting for her to come by and watch her?

A. No. That's not true.

Q. How long would you stand at those elevator banks?

A. If I'm on the phone, I'm standing until I'm off the call. I wasn't necessarily standing there and looking for her at the time.

Q. But as soon as she came in or walked out, you left the area, right?

A. I left the area so I don't see her.

Q. So you wouldn't have to see her?

A. Right.

Q. But you admitted that you accessed a variety of cameras around One Police Plaza and the exterior and interior areas, just so you could know where she was and what she was doing, right?

A. Yes.

Q. Did you also watch her when she was on the street with other people?

A. No.

Q. Did you ever watch her at Central Park?

A. I did not.

Q. Did you ever access a camera to see her car, a personal vehicle, driving without a front license plate?

A. No.

Q. Did you ever access anything to see her parking her personal vehicle in the garage?

A. Yes.

Q. And then you sent her messages knowing, telling her that she's being watched with an image of her parking her car or exiting her car, right?

A. No. That's not correct.

Q. It's not?

A. I never sent a picture of her car being parked.

CROSS EXAMINATION - P.O. S. FOSTER

Q. What did you send in relation to her car to her --

A. -- I didn't send pictures of her car --

HONORABLE MALDONADO: You're speaking over each other.

Q. What images did you send?

A. I didn't send her pictures of her car at all.

Q. Okay. You sent her pictures of herself?

A. Yes.

Q. And you also sent pictures of you and her, correct?

A. Yes.

Q. And you also sent messages to her friends and associates, correct?

A. Correct.

Q. And you told them basically that she was a horrible person, that they should keep their distance from her, and that any friendship they have with her would get them in trouble, essentially, right?

A. Yes.

Q. And you did this to a multitude of friends and associates, right?

A. Yes.

Q. Including family members of friends and associates?

A. Yes.

Q. Like Jeymi Montas, a sergeant with the NYPD. You sent messages to Jeymi?

A. Mmhmm.

Q. You also sent it to her mother and her sister, right?

A. Yes.

Q. How did you get numbers to send messages anonymously?

A. Online.

Q. So you had the wherewithal to go online to search for friends and associates of Trevlyn Headley so you could badmouth to her friends and associates, that was your intent?

A. Yes.

Q. To hurt her, to make her suffer?

A. Yes.

Q. Did it make you feel good when you found out that some of her friends cut her off?

A. No. Because I wasn't aware of that until this trial.

Q. So when you heard it at the trial, did it give you a little sense of satisfaction?

A. No.

Q. You accomplished your desired goal, didn't

you?

A. Okay. Yes.

Q. So that made you feel good, right?

A. I didn't say that it made me feel good.

Q. You accomplished what you wanted; you hurt her, right?

A. Yes.

Q. Did it make you feel good when you saw her on the stand, crying about that? Telling about how it freaked her out, how it scared the hell out of her receiving these thousands of messages letting her know she was being watched?

A. Okay.

Q. Did that make you feel good that you had accomplished your goal?

A. No.

Q. What did it make you feel?

A. I felt bad.

Q. You felt bad about what?

A. About the things that I did.

Q. Why?

A. I knew it wasn't the right thing to do. But at the time, I also was upset and hurt. I just acted out.

Q. Isn't it true you don't feel badly because

you got caught?

A. Okay.

Q. That's why, yeah? That's why you feel bad. Because you're on the stand here as a Respondent having to face the music because you got caught doing these criminal acts; isn't that right? That's why you feel bad?

A. Okay.

Q. You said you were afraid to report things to Internal Affairs, but you were sending all sorts of messages anonymously to IAB and the PC's office about Trevlyn Headley, weren't you?

A. Yes.

Q. So if you didn't trust them, why were you sending the messages anonymously?

A. The messages were anonymously. So they weren't coming from me. So they wouldn't know it was coming directly from me.

Q. Now, you had your official interview on September 5, 2024, right?

A. Yes.

Q. We'll get to that in a couple of minutes. But at that interview, you purported a few more things. Additional allegations of misconduct about Sergeant Headley being the subject, right?

A. Correct.

Q. What made you all of a sudden start trusting IAB during your interview, such that you could now report things about Sergeant Headley in person from you personally?

A. They already had the anonymous e-mails. So they asked me was there anything else. So I just pretty much elaborate on that more.

Q. By the way, beyond that because you told IAB during that interview that you wanted to meet with them again to continue to make allegations against Sergeant Headley; isn't that right?

A. That's false.

Q. That's false. Didn't you have a second official interview in this case?

A. Yes.

Q. Where you made a lot of reports and allegations against Sergeant Headley and that took place on November 25, 2024?

A. Yeah. But I didn't tell them that in the interview.

Q. You told them after the interview?

A. I got interviewed by. It wasn't. I didn't get interviewed with them. I got interviewed by others.

Q. Another group?

A. I got interviewed by another group of people. It wasn't them.

Q. So there were certain select people on IAB that you didn't trust, is that what you're telling us? That others you did?

A. No.

Q. Then why did you somehow decide to spill your guts in person and tell them all sorts of things about Sergeant Headley during your second interview, when you've been telling us on direct examination and cross examination that you're afraid of IAB or don't trust them?

A. My attorney, at the time that I had, had suggested that I go and make that IAB complaint.

Q. And you were asked during those interviews, during your first and especially during your second interview, if you had any other information about any other misconduct that Sergeant Headley had engaged in; isn't that right?

A. Correct.

Q. And you were told look, if there's something you remember after this interview, call us, tell us, send us an e-mail. You were told that; right?

A. Correct.

Q. But miraculously, you didn't remember any of that, any of those physical attacks, until you hired Mr. Sanders, correct?

A. Correct.

Q. During your direct examination, you mentioned a person named Precious Redhead. You remember that? You said that she was an ex-girlfriend of yours?

A. Correct.

Q. And she's now a detective, correct?

A. Correct.

Q. Now, you've received discipline in connection with Precious Redhead; isn't that right?

A. Correct.

Q. And that had to do with your misusing computer department systems to access information about her; isn't that right?

A. Correct.

Q. At the same time, there were also allegations involving Precious Redhead receiving anonymous text messages?

A. Correct.

Q. From a particular person --

A. Correct.

Q. -- and a pattern remarkably similar to this case?

A. Correct.
Q. That was you who sent them then?
A. No. It was not.
Q. It wasn't?
A. No.
Q. But it was the same situation, wasn't it?
A. Yes.
Q. But during that interview, during that discipline, you were specifically instructed about the proper use of computer department systems, correct?
A. Yes.
Q. Not to access things you weren't supposed to unless it was your ordinarily course of business, right?
A. Correct.
Q. So what did you do in this case? You hacked into headquarter security systems?
A. It wasn't hacked.
Q. It wasn't?
A. No.
Q. You utilized a First Deputy Commissioner computer terminal; isn't that right?
A. The cameras were already up. It wasn't like I had to log in. So it wasn't hacked.
Q. So you accessed specific images, though,

specific times and dates?

A. Yes.

Q. Yes?

A. Yeah.

Q. And by doing so, you were tracking and following Sergeant Headley, correct?

A. Okay (crosstalk) --

Q. And then you blew up certain images on the computer terminal of Sergeant Headley, correct? And you used your personal cellular telephone to take pictures of those still images from department headquarter security systems that you were using to stalk Sergeant Headley; isn't that right?

A. Okay.

Q. Okay is a yes?

A. Yes.

MR. GREEN: Nothing further, Commissioner.

HONORABLE MALDONADO: Mr. Sanders.

MR. SANDERS: Yes. I have a few.

RE-DIRECT EXAMINATION BY
MR. SANDERS:

Q. It was suggested by the Department's position that somehow these questions or allegations that you're making was somehow made up after you hired me, is that true?

A. No it's not true.

Q. This text message or the dormitory, was I your attorney then?

A. No. You weren't.

Q. I was your attorney two years later, right?

A. Correct.

Q. These text messages which is 11A, B and C are contemporaneous with the day that happened to you, right?

A. Correct.

Q. Eric Sanders had nothing to do with that, did he?

A. No, he didn't.

Q. As a matter of fact, it took you a long time to come to and start talking about this, right?

A. Correct.

Q. The Department Advocate's used the word stalked. Were you stalking Sergeant Headley?

MR. GREEN: Objection. That is a legal conclusion for the Court to decide.

MR. SANDERS: I'm using a word he used. You used the word stalk.

HONORABLE MALDONADO: Overruled.

Q. Were you stalking Sergeant Headley?

A. No.

Q. Why were you accessing her images on the computer then?

A. To see if she was at work so I could try to avoid her.

Q. Why?

A. So I don't have to interact with her.

Q. Why didn't you want to interact with her?

A. Because I was afraid of her.

MR. SANDERS: Thank you. Nothing further.

MR. GREEN: I'm sorry. I do have a few questions based on counsel.

HONORABLE MALDONADO: Go ahead.

RE-CROSS EXAMINATION BY

MR. GREEN:

Q. Now, officer, you just told us that you wanted to avoid contact with Sergeant Headley, right?

A. Correct.

Q. But you did you tell the judge can you tell the judge then why you as the anonymous messenger stalker, whatever you want to call it, sent messages to Sergeant Headley and yourself posing as the stalker to setup times and places to meet to work things out. Why would someone who is so afraid of Sergeant Headley and hacking into or accessing systems improperly providing to bring herself closer to her abuser and engaging in a

calculated pattern of text messages to do so, and sending them to herself to share the experience. Explain how those inconsistencies somehow make sense?

A. At the time, she had isolated me from close friends or family. So I felt the only person I had at that time was her.

Q. Okay. Again, I'm a little slow on this. She's the only person you have, but you're telling us that she beats you up on a regular basis. So you concocted this calculated pattern of text, messages sending to her friends and family, sending them to yourself so you could bond with her so that she could continue to abuse you; is that what you're telling us?

A. I guess.

Q. Okay means yes?

A. Mmhmm.

HONORABLE MALDONADO: I'm sorry. Does it mean yes? You didn't articulate. You have to say yes or no. Not uhhuh or okay.

POLICE OFFICER FOSTER: Yes.

MR. SANDERS: Nothing further. We rest.

HONORABLE MALDONADO: You are excused. Thank you.

(Whereupon, POLICE OFFICER SHATORRA FOSTER left the witness stand.)

HONORABLE MALDONADO: Anything else?

MR. SANDERS: No.

MR. GREEN: No.

HONORABLE MALDONADO: So we're ready for closing.

MR. GREEN: Yes, ma'am.

HONORABLE MALDONADO: Okay. Let's proceed then. One more matter. We held in abeyance Respondent's A, B, C and their admission into evidence.

MR. GREEN: I'll withdraw any objection.

HONORABLE MALDONADO: Okay. Respondent's A, B, C are now admitted into evidence.

(Whereupon, Respondent's Exhibit A Foster/Headley Text IMG_2746.PNG was admitted into evidence.)

(Whereupon, Respondent's Exhibit B Foster/Headley Text IMG_2747.PNG was admitted into evidence.)

(Whereupon, Respondent's Exhibit C Foster/Headley Text IMG_2748.PNG was admitted into evidence.)

HONORABLE MALDONADO: Mr. Sanders, go ahead.

MR. SANDERS: Thank you again. Usually when I come here, it's interesting. It's testy. But

it's meant to challenge the department charges. That's what it's meant for solely. Okay. Again, here's a clash between Department culture and their standards and employment law. Clashing again. The central problem with the Department's case is not that the evidence was unavailable. The evidence existed. The department chose Sergeant Headley as a victim; Foster as a wrongdoing; and then investigator from that premises. Foster's communications, 311 reports, department system activity and more was subjected to extraordinary scrutiny. I want to remind the court of something else.

We heard a lot questions about the Department Advocate's Office about what Shatorra Foster did in text messages. I just want to remind the Court that we only saw Exhibits 1 through 30 and I can tell you that if you look at 1 through 30, 32 through 39, what we have for that evidence is conjuncture. Because making that connection between Foster and those Pinger is a lot more complex than what he testified about. What he gives you is conjuncture. Hey, you figured out if she's working, it had to be her. That's just not evidence. That's conjuncture. What she did admit to is specific text messages, which by the way, we did not see here. Where she said yes I sent those text

messages because I was hurt of my being a victim of domestic violence. But we didn't see those. We saw a bunch of text messages that A, Headley didn't say that definitively prove that Foster sent it. Neither did that investigator. He told you hundreds of messages. Well, we didn't see hundreds of messages because we already know based on this lackadaisical. I'm not going to use that term. Let's just use it this way in so called investigation is lacking to say the least. There's no evidence as far as electronic data other than the things we talk about, which is 31 and 40. And even those weren't shown to her.

To imbalance matters here because the Department now prosecutes did not arise in a vacuum. It followed a documented course of sexual conduct, secrecy, supervisory power, department access, and allegations of abuse that the department never investigated with comparable rigor.

The chronology begins in 2023 at One Police Plaza where Foster was a detective specialist and Headley was then a sergeant and superior ranking supervisor. The Department repeatedly describes what's filed as a "relationship". Headley even didn't say that. She did not. She called it a "dealer-ship" or what she called "dealing-ship." And described herself

and Foster as "dealing." That characterization provide insight into how Headley viewed Foster. It's colder, more distant, transactional and one sided that the conventional romantic relationship that the department now tends to construct.

In Foster's account, she increasingly became a tool of Headley's sexual satisfaction to test, use, manipulate, and control. The contemporaneous evidence supports that interpretation. All you have to do is look at Exhibits 11A, B and C. It documents the headquarters dormitory incident to remind the Court that Headley claims didn't happen. Foster described approaching Headley for a hug. Instead of hugging, she performed a sex act. Without me having to recite everything, Commissioner, look at the text messages. They speak for themselves and that happened right in headquarters. Headley denied it on that stand. She said it didn't happen. And there was a decision made. A very specific decision made. If the Court noted, Foster made the decision to not show Headley the text messages as she contends because she would've just misled the Court, and she did.

Right now, her allegations stands unrebutted. The Department could choose to bring back Headley. They don't choose to bring her back, which is fine.

But this is unrebutted. It happened. No one ever tested it. No one ever asked her what happened. And this is not the first time the Department is aware of this. The institutional setting is equally important. Foster was, is, Department personnel. And I say this all the time, and I'm going to inject something. I hear this member of service thing and it annoys me to something I don't believe. These people are not inanimate objects. They're thinking human beings. You can train human beings at nauseam, but guess what they still are? Human beings. And they're subject to the same fallacies anyone else is. Including being victims of domestic violence.

If you believe the Department's version, then cops are superhuman. They wouldn't get killed. They wouldn't have problems with drinking, domestic violence. They wouldn't get sexual assaulted and a whole host of things happened to everyone else and police officers are not unique to this. But if you listen to what comes on in here, they'll have you believe somehow they have superpowers, and that's nonsense.

The parties met through the NYPD. The dormitory incident occurred inside police headquarters. Headley possessed supervisor rank and department

access. During the infancy of the dealing-ship on November 15, 2023, without police necessity and a supervisor reviewing the direct report or some other legitimate reason, Headley accessed the CPR database to submit an inquiry to run Foster's tax number. Indisputed as part of the Internal Affairs's file. Yet, Headley denied it. As she denies everything. Foster alleges that the progression ultimately culminated on a March 14th assault. One just has to take a look at one case in particular where two police officers got arrested for accessing or misusing their authority and wind up getting sent to prison for the very same thing that Headley did.

Case called People v. Moreno, right here in the First Department. And it says 100 A.D. 3rd 435. And it's important precisely for this reason. Moreno stands for the proposition that a personal or sexual objective does not necessarily become unrelated to a public office merely because the objective is personal. And that includes using department facilities, accessing department databases, and accessing personal for their own personal gratification. That's the crime that was never investigated. Notwithstanding the fact that the sex act is a separate matter. That's a baseline. But she was never questioned and it was

never part of this investigation.

What they want to do and what they did here is present an incomplete picture. And the Department knew this. No one *was Foster was the only woman with interactions Headley raised concerns. Notwithstanding the fact that she had a prior disciplinary matter. Yet, other women interviewed in this case. They either felt they were bullied or taken advantage of. Including a civilian member that was part of the case.

MR. GREEN: Objection.

HONORABLE MALDONADO: Sustained.

MR. SANDERS: Okay. Then I'll back out of there. But they knew about other women alleging abuse. The investigation didn't expand. What it did is it stayed controlled right on Foster. The department's own adjudication Headley's conduct towards another female subordinate prior act, made the need for scrutiny more obvious. Headley admitted to physical act, but characterized it as consensual. That's in the prior case. The tribunal found material inconsistencies between Headley's trial testimony and her early EEO testimony and declined to credit Headley's.

MR. GREEN: Objection. This is not part of the record.

MR. SANDERS: Well, she took judicial notice, if I remember correctly. I'm making an argument.

HONORABLE MALDONADO: Judicial (crosstalk) --

MR. SANDERS: Right.

HONORABLE MALDONADO: It was an issue to be approved by the PC.

MR. GREEN: Yes, ma'am.

MR. SANDERS: And especially rejected the suggestion that silence or failure to resist established consent. The tribunal also recognizes an inherent power imbalance created by Headley's supervisory position. That determination is not offered to prove that Headley committed the acts that Foster alleges. It's significance was the credibility in investigating necessity. The Department already knew when Headley -- sexually crossing misconduct was scrutinized, she could mislead, deny, and minimize what occurred. The Department, therefore, had every reason to confront Headley with objectives and contemporary evidence. The Department's own records began supplying objective evidence inconsistent with Headley's account, including the incident that was reported in the summons. Well, the verifying answer with the court's

claims. They knew that. And I'm going to tell you how they knew it because it comes out in the final.

They knew from the very beginning, November 13th, prior to any sexual contact between these parties, that Headley accessed the CPR system. And what's pretty interesting is you have a person investigating it who doesn't even know what the CPR system is. The CPR is specifically used for supervisor to look at the profiles of the officers. Most of the time it's either for --

MR. GREEN: Objection. Is counsel testifying?

MR. SANDERS: I'm giving a closing. I'm not testifying.

MR. GREEN: This is testimony.

HONORABLE MALDONADO: We can discuss. I know what the CPR is. I know what the CPR is.

MR. SANDERS: Okay. I'm just talking about the witness necessarily.

HONORABLE MALDONADO: Yes, I understand.

MR. SANDERS: Okay. He can't even tell you what the system is. He didn't bother to investigate. Because that is a problem. That system is supposed to be secure because it has people's records, personal histories, et cetera. Including what

Foster alleged, that she talked to her about Redhead in a prior incident. That was never effectively investigated. As a matter of fact, she didn't know about it until this trial room case started. This is before the charge decision, before the sexual contact, before anything. Internal Affairs knew this. They didn't expand the investigation. They clapped and said oh, we're past the statute of limitation. I didn't see them running over to the police accountability unit at the District Attorney's Office asking for criminal charges. That was a crime. Never investigated.

Then came the sequence from June 27th to 29th. They knew based upon the answer on the counterclaim, that now there's an allegation of sexual assault and grooming, and other charges. Why does that matter? We're not here to litigate the case, but we do know one thing based upon policy is what they're supposed to do? Open an inquiry. Sergeant Morano testified he spoke to his management. And I know he's just the investigator, but he specifically said he did what he's supposed to. He went through Fikru and the other supervisors. And guess what? It wasn't investigated. So now was there a reassessment? Apparently not. And it's obvious because he didn't testify to anything. The charge and decision went

forward. There was never an investigation to show the first part of the picture. And we're not suggesting that they're supposed to investigate the fine on behalf of Foster. This is to give you the Commissioner the fuller picture. Not a part of a picture. The fuller picture. It wasn't done.

They want you to figure it out. Fill in the blanks. Skip to Headley. She was aware that she was served. She testified and I got her to admit, according to department policy, when you become aware that you're allegation of misconduct, allegation however severe they are, you have an obligation to self-report. She didn't. What does that tell the Commissioner? Just as consistently as she's always done, and according to Foster she's done, she protects herself. She flaunts the department rules and she did it here because if you believe these sex acts occurred, guess what? She's flaunting department rules. So she had a motivation. You know what her motivation was? To protect against the act that she performed against this subordinate. It doesn't have to be her subordinate. A subordinate. She never reported it. And according to Department Policy 207-21, she has an absolute duty to report herself. She didn't. She also has an obligation under the Administrative Guide, which

is the EEO policy 332-01. Likewise to do the same thing. She never reported herself. But again, why would she? Because she may be subject to criminal liability for her very conduct. No one questioned her. No one ever challenged her. The case remained closed. They wanted to present the stalker. Meanwhile, I don't see anyone physically following Headley. Because she was never physically followed and there's no proof that Foster did. The things that she did admit, she talked about being a victim of domestic violence; you can't trust her because she's abusive, she's overpowered, whatever she said. We don't know for sure. You know why? No piece of evidence here. What they want you to do, Commissioner, is they want you to figure it out instead of presenting evidence.

The law mandates that here when the NYPD is the employer, Foster is employed, not merely disciplinary prosector. Under Labor Law, I want you to take judicial notice of this, too. 201-G. It requires that sexual harassment prevention policy contain a procedure for the timely and confidential investigation of complaints ensuring due process. And by the way, it doesn't say whether it's believable or not. It doesn't say if I personally believe in it. It says an investigation. And all you heard from the investigator

is what he knew. Same thing with Labor Law 27-B. Requires a separate public policy for public employees to develop and implement workplace violence prevention program. Go further with what they were supposed to do. They gave a fuller investigation for this trial room. This is, again, not a civil case. This is basic stuff that's related to due process. There's a case called Duch v. Jakubek and it says 588 F.3d 757, which is a 2nd Circuit case of 2009. That case stands for the proposition you can't pretend like I don't want to know and I'm not going to do anything. You have an obligation as an employee to investigate whether you want to or not. That protects the employee. It protects everyone. It's also consistent with the law.

There's also another case to take notice of: Reynolds vs Fraser, which is 5 Miscellaneous 3rd 758, which is a Supreme Court county case from 2004. And that stands for the proposition. If you read the legislate history, it kind of goes with what happened here. That case, and it's very few that's talked about that's in the Administrative Code code section that specifically protects victims of sexual violence. In that case, it stands for the proposition that there's a specific statute in the City of New York that apply to people with DV. Why? Because you have people who are

victims of domestic violence that may not disclose. They may act differently than what you expect or normally. Whatever that means. The bottom line means that law, if you look at the legislate history, it talks about that. Sometimes they do things that doesn't make sense to you, but guess what? You have to make sure that you apply this law equally. And it wasn't done here. So Foster's things look incredible. It looks outrageous to certain people that like to make bad judgments in the department. But guess what? It's totally consistent with the research on this stuff, and that means the law.

The department cannot avoid investigative motive than select the most inculpatory motive for purposes of prosecution. Nor can the investigator label like fake 311, stalker, obsess, substitute for evidence. Which was done repeatedly in this case. Indeed, the stalker, an obsessed characterization emerged while the identity of the anonymous sender was still unresolved. And still unresolved today. There is no evidence said otherwise. That's evidence of danger here. The investigative narrative was formed long before the attribution question had been objectively resolved.

And when you look at the transcript and look

it testimony, Foster didn't make a blanket admission to everything attributed to her. Not at all. Matter of fact, we don't what she admitted to. If you look at the transcript and look at what she testified to, she denied certain things. But yet, we don't know what she looked at. They want you, Commissioner, to figure it out and say oh she admitted to behaviors so. No, she didn't say she committed a crime. She said she felt sorry for her. She felt sorry. Yeah, she felt sorry. That's not what she wanted to do. What she wanted to do is she lashed out. And it's not inconsistent with people with domestic violence. It's not inconsistent. Just it's not inconsistent does not say a word. And we act like we're surprised by this. You see cases like this all the time. We hear cases like this all the time. We hear investigators get on the stand and commissioners has it. And we know that there's people who don't disclose. They do disclose. Sometimes they disclose late. Sometimes they disclose years later. That's why we have statutes and laws and supposed to be reasonably objective people to try to make an evaluation of this. That wasn't done here.

Ultimately, this case is not about whether every action Foster took was advisable. That's not the issue here. It's about whether the Department proved

the charged misconduct by the preponderance of the evidence. The Department asked this tribunal to evaluate Foster's actions without adequately investigating why she acted that way. The Department cannot create gaps, which there's lots of gaps in this case, and then receive the benefit of them. That's not proof of preponderance of the evidence beyond the credible evidence. Therefore, Police Officer Foster should be found not guilty. Thank you.

HONORABLE MALDONADO: Thank you, Mr. Sanders. Mr. Green.

MR. GREEN: Yes.

HONORABLE MALDONADO: You may proceed.

MR. GREEN: Thank you, Commissioner. Good afternoon everyone. I will attempt to keep this very brief. The overwhelming evidence in this case has proven that the Respondent has engaged in both administrative and criminal misconduct, which warrants the termination of her employment with the department. And this is the one of the rare cases where even if you were to ignore the department's case and chief, and paid attention only to what the Respondent said during her testimony. The Respondent's own testimony. Not even counting her GO15, her official interview. Her own testimony during the direct and cross examination

alone is enough to recommend termination of her employment.

The Respondent admitted that on multiple occasions, seven different times actually, she accessed the 311 system and made false, fake allegations against Sergeant Headley. Desiring to have an armed police response to her residence based upon reports of a physical assault occurring inside with people needing help and screaming for help. The only explanation she offered for doing so was that she said "well this reminded me of how I had been treated." And "I wanted to her hurt her." "I wanted her to suffer." This Respondent admitted just during her direct examination to her own attorney that she falsified reports causing a police response that created extraordinarily dangerous situations where none should have existed.

However, things got really juicy during cross examination. During cross examination, the Respondent admitted that she watched Sergeant Headley testify about losing friendships, about being scared, about having to call her aunt when she walked to her car at the end of her tour because she felt that she was being followed and didn't know who was watching her. She was being stalked. And the Respondent admitted a sense of satisfaction. If you have the expression of remorse

over here, what you have is the Respondent 500 miles away from that. This Respondent took a sense of pleasure, enjoyment, satisfaction, closure, completion from her criminal acts.

She admitted that she, despite being directed during previous discipline not to, that she accessed department computer systems. But not just any department computer systems. She accessed headquarters security cameras so that she could track Sergeant Headley's movements. So that she could send her messages saying I know where you are; I'm watching you. That is textbook stalker stuff. This is a member of the service who was assigned to the First Deputy Commissioner's Office security detail who engaged in this pattern of behavior, and she has the gull to paint herself as a victim. Without offering a shred of evidence to support it. Everything she testified that she suffered is belied by her own choice. Her own statements. She told you she desperately wanted to get away from Sergeant Headley, her abuser. The person who beat her up and sexually assaulted her.

But she also concocted a devious plan where she included herself in the stalker's text messages, so that she could have this shared experience with her victim. And her victim come running back to her and

they could share this. She went so far as to create scenarios where they could all meet together. The two personalities that are the Respondent, the stalker and Respondent herself as well as Sergeant Headley, getting together to meet to talk it out. To work it out, she said. Let's work all this out. Let's see if we can get back together. Look at the words in the text messages. Specifically those involving the arranging of meetings. Made completely belied the Respondent's claim of victimhood.

Timing is also crucial in this case. You heard the Respondent testify that she didn't become physical and things didn't get uncomfortable with Sergeant Headley, according to her, until sometime in January 2024 or thereafter. Yet in December 2023, she already had signed up on Pinger, got anonymous telephone numbers, and was sending anonymous messages to Sergeant Headley. Describing who she's with and asking her what she's doing at the holiday party that they both attended. None of that seems to make sense. She tells you that she didn't trust the Internal Affairs Bureau and desperately wanted to not include them in recording the really bad stuff. Yet, she sent all sorts of anonymous claims against Sergeant Headley to Internal Affairs. Then, when she got confronted and

caught in her own web of lies, she started spilling her guts in person. No longer anonymous about Sergeant Headley. She was told look, even if you don't want to meet with us in person, send us a letter. Communicate with us. Let us know if you have any other information. She didn't. She saved this for her answer and cross complaint, and apparently for this courtroom.

Commissioner, as I said during my opening statement, the Respondent through her counsel was going to blame everyone and everything for what she did, and take no blame for herself. You heard from her attorney describe everybody in the NYPD who didn't investigate things. EEO. IAB. The Police Commissioner. All sorts of investigative units. Everybody dropped the ball. Yet, conveniently, not one statement was made by Respondent's counsel during summations about the fact that he didn't --

MR. SANDERS: I'm not part of this case. Okay.

MR. GREEN: About the fact that she admitted her misconduct during her interview. She admitted it in detail. She corrected the investigators when they assumed she accessed the 311 application. She said no, I accessed their website through my

cellular telephone. This was not a plan that occurred to her spontaneously. This was planned. This was calculated. She accessed different databases. She accessed different videos. She tracked people. She sent messages. Not just to Sergeant Headley, but to Sergeant Headley's family, friends, and associates. She went so far and she admitted this during cross examination. It's shocking.

She went so far as to actually send messages to another member of the service who previously had dated Sergeant Headley and that person's sister and mother. And she told you on cross examination that she found those phone numbers on the internet. That means she actually went looking for those things. What does that tell you? This is a police officer, a former probationary detective, who was assigned to the security of the First Deputy Commissioner, and she tells you that she, like a common perp, went online to track down the phone numbers of people distantly associated with Sergeant Headley just to trash Sergeant Headley's reputation to them.

There is no way on this planet or elsewhere that the Respondent can keep her job with the NYPD. Her misconduct has effectively disqualified her from any and all law enforcement. She has offered no

evidence other than her own inconsistent and unsupported and uncorroborated claims that she was a victim of something. I urge you to find the Respondent guilty of each of the charges pending against her and to recommend her dismissal forthwith. Thank you.

HONORABLE MALDONADO: Thank you, Mr. Green. All right. I'm going to address you, officer. I am going to review the transcript and all the evidence submitted. If I should find you guilty of any specification, I will be reviewing your employment record in connection with a recommendation I will make to the Police Commissioner as to penalty. The review will include any prior formal disciplinary actions, prior disciplinary monitoring, any department recognitions, and consideration of your last three performance evaluations.

You have the right to review your employment record. If there is anything besides what I mentioned that you wish to have considered on the issue of penalty, please have your attorney submit this material to our office no later than five business days from today. A draft of my report and recommendation will be sent to you through your attorney for comment. Your comments on the draft decisions will be sent to the Police Commissioner along with my report and

recommendation. All right. That's it. The record is now closed. Thank you very much.

(Time noted: 3:51 P.M.)

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C E R T I F I C A T E

STATE OF NEW YORK)
ss:
COUNTY OF KINGS)

I, VANESSA WALKER, a shorthand reporter within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the statement taken on 09/09/2026.

I further certify that I am not related to any of the parties to this action by blood or by marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of September, 2026.

Vanessa Walker

Vanessa Walker