



**CITY PREVAILS IN CASE
IN WHICH POLICE COMMISSIONER RAYMOND KELLY
WAS ASKED TO TESTIFY**

***JURY FINDS NO RETALIATION EXISTED IN A LABOR & EMPLOYMENT MATTER INVOLVING
A NOW-RETIRED OFFICER; THE PLAINTIFF, WHO HAD SOUGHT \$3 MILLION, WILL RECEIVE NOTHING***

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New York, N.Y., April 4, 2013 – A jury unanimously decided for the City late today in a lawsuit that the Police Department had asserted from the beginning had no merit. The case included testimony from Police Commissioner Raymond W. Kelly and former First Deputy Police Commissioner George Grasso (now an acting Supreme Court Justice).

The plaintiff, Howard Henderson, is a retired police officer. He had been placed on modified duty in March 2002 following an internal affairs investigation which commenced after Henderson had been heard speaking with a suspected drug dealer on a wire tap. Charges were brought in conjunction with that investigation. Ultimately, a departmental trial found him not guilty in June 2005.

Police Commissioner Kelly endorsed a not-guilty finding the next month. However, a week before the Commissioner endorsed this finding (and unbeknownst to him), Henderson was involved in a domestic dispute with his wife, Melissa Owens, in which she struck him. The Department could not return him to full duty until the incident was investigated.

In December 2005, he was cleared of wrongdoing in relation to the domestic incident. In May 2006, following necessary review and training (e.g., reinstatement training and domestic violence training), he was returned to full duty. However, the plaintiff claimed that being kept on the modified duty past the "not-guilty" finding was actually done to retaliate against him for the complaints he made in January 2005.

Henderson sued in May 2005, and the case came to trial starting late last month. During the nine-day trial, Judge Frederic Block of the Eastern District requested that Police Commissioner Kelly testify, along with Former Commissioner Grasso, as they were the ultimate decision-makers to return Henderson to full duty.

Late this afternoon, the jury – having weighed all the testimony – exonerated the City and found no retaliation. Jessica Giambone, Senior Counsel in Law Department's Labor & Employment Law Division, served as the lead attorney. She noted, "The evidence supported no wrongdoing by the Police Department, and we're gratified that the jury unanimously agreed." The plaintiff, who had asked for approximately \$3 million, received nothing.

Corporation Counsel Michael A. Cardozo of the New York City Law Department noted, "In this case, the Police Department clearly acted responsibly to ensure that proper consideration was weighed before a

firearm was returned to Mr. Henderson.”

James Hallman, Ruby Bradley and James Lemonedes of the Labor & Employment Law Division also worked on the matter.

Henderson was a patrol officer in the 113th Precinct in Queens. While placed on modified duty, he was reassigned to the NYPD's Quartermaster Section, an administrative unit. Upon being returned to full duty, he was assigned to the 106th Precinct, also in Queens. Henderson retired from the force in June 2006, within a month of being returned to full duty.

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