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BY FAX: (212) 788-0074 (Tel: 788-2950)

**Mr. Bruce Teitelbaum
Chief of Staff
City Hall
New York, New York 10007**

October 21, 1997

Re: Reinstatement of former Police Officer Gary Moskowitz

Dear Mr. Teitelbaum,

In January 1991, a grave injustice was done to one of the finest and most devoted police officers in New York City, Mr. Gary Moskowitz. As explained herein (as succinctly as possible), Mr. Moskowitz's dismissal from the police force was unwarranted, and has caused untold and continuing damage to him and the people of this city who have been deprived of his services and his unique expertise in areas such as avoiding police brutality (of major concern today!).

I spoke briefly with your very friendly assistant several weeks ago, who assured me that you would be returning my call. In the interim, I am writing to outline certain salient facts.

1. Mr. Moskowitz's Contribution and Skills:

Mr. Moskowitz served on the police force for nine years without a single civilian complaint (prior to the unfortunate events described below).

Community Service: Mr. Moskowitz's work went well beyond that of the typical police officer. While off duty, he directed numerous youth groups, organized and led a national poverty organization, lectured nationwide to ameliorate inter-ethnic conflict, taught college courses, and worked with youth gangs, the elderly poor and other needy groups. He won numerous favorable citations for this work (and continues to receive such awards to this day), including:

- Mayoral Community Service Supervisor's Award (from Mayor Ed Koch)**
- Raoul Wallenberg Hero's Award**
- Fox Television Jefferson Community Service Award (1987)**
- White house Commendation from President Reagan for supervising volunteers with the National Association for the Jewish Poor**
- Education and charity award from the Coalition for the Advancement for Jewish Education (CAJE) (1986)**
- St Jerome La Vertie (Haitian community group) award for personal achievement (for teaching martial arts to neighborhood kids who could not**

achievement (for teaching martial arts to neighborhood kids who could not afford it) (1995)

- Jamaican Community Service Award
- United Brotherhood of Construction Workers Community Service Award

Qualifications: Mr. Moskowitz's qualifications for police work are impeccable, exceeding those of most officers on the force. A few items of note:

- Holder of fifth degree black in both Ju-Jitsu & Karate; black belt in judo
- Expertise in non-violent police restraint tactics
- New York City police department handgun marksman
- National Rifle Association certification in special weapons and tactics
- American Red Cross certification (now expired) in water safety instructing and adapted aquatics (swim safety for the handicapped)
- Coach and captain of NYC Police Benevolent Assoc. police karate team
- Certified advanced scuba diver, Professional Assoc. of Diver Instructors
- Teacher of high school social studies, NYC Board of Education (1980)
- Graduate studies in social work and education, Wurzweiler School of Social Work and CUNY
- Law studies at Touro Law School (eligible to take NYS bar exam)
- Speaks conversational Hebrew
- Guest tactics instructor in hostage negotiations and riot control for Israeli border police anti-terrorist unit

Special police assignments: While on the police force, Mr. Moskowitz consistently used his talents for the benefit of the police force and its constituents. Some of his special assignments included:

- Moderator in youth outreach unit ameliorating youth gang and student conflicts
- School liaison officer to Mid-town North Precinct
- Taught police department civics course at Park West High School (one of the city's most dangerous schools at the time)
- Frequently called upon to provide expertise to: the Homicide Task Force; Missing Persons Bureau; Bias Crime Unit; FBI Joint Terrorist Task Force; Yeshiva University Snipings Task Force
- Undercover officer for Manhattan South Narcotics
- Made several off-duty arrests, including two for armed robbery

2. Mr. Moskowitz's Dismissal Was Unwarranted:

(a) **The charges against Mr. Moskowitz were false.** Mr. Moskowitz was dismissed following a seriously flawed administrative hearing before Hearing Officer Ray Koshetz. Mrs. Koshetz decided (against the overwhelming weight of the evidence) that Mr. Moskowitz had engaged in actions which "bordered on extortion" against an investment banker (whose name will be left out of this letter, but is on the record; he'll be referred to herein as "Executive").

The facts reveal Mr. Moskowitz's innocence. Hearing testimony, tape recordings and other evidence confirm that: Executive's secretary (referred to herein as "Secretary") approached Mr. Moskowitz and complained that Executive had been making outrageously offensive sexual demands on her. She alleged that Executive had promised her money and other benefits if Secretary engaged in sex with Executive's business partners; and conversely, had threatened to have her fired (and to help her husband win child custody proceedings against her) if she didn't comply. Secretary also complained about Executive's use of cocaine and securities laws violations. Secretary desperately pleaded with Mr. Moskowitz to help her to end Executive's demands without jeopardizing her job. Mr. Moskowitz called Executive, and Executive suggested that they meet. At the meeting, Mr. Moskowitz warned Executive to stop sexually harassing Secretary, and to not retaliate against her job conditions.

The following uncontroverted facts revealed that Mr. Moskowitz engaged in absolutely NO extortion of Executive:

- After receiving Secretary's pleas for assistance, prior to taking any action, Mr. Moskowitz immediately discussed the matter with Mr. Moskowitz's commanding officer at the police department, Captain McCormick. Captain McCormick ordered Mr. Moskowitz to file a report on the matter with the Organized Crime Control Bureau ("OCCB") inasmuch as Executive's alleged activities constituted criminal promotion of prostitution and narcotics use. Mr. Moskowitz duly filed the OCCB report prior to his one meeting with Executive. It is axiomatic that extortion requires a threat of future action: one cannot extort anything if a report has already been made about the improper activities! Yet hearing officer Koshetz ignored this salient fact.
- Captain McCormick also directed Mr. Moskowitz to file a personal criminal complaint against Executive, inasmuch as Executive had been following and threatening Mr. Moskowitz. Mr. Moskowitz gave the district attorney tapes Mr. Moskowitz had made of phone conversations with Executive. It is also obvious that someone engaging in extortion does not make and provide to the district attorney tapes of the supposedly "extortionate" conversations!
- During the taped conversation, Mr. Moskowitz told Executive some 128 times to simply stop harassing Secretary! This is hardly extortion!
- Mr. Moskowitz presented another taped conversation in which Executive apologized for inferring that Mr. Moskowitz engaged in extortion!
- Finally, the administrative extortion "charges" brought against Mr. Moskowitz were initiated long after the fact, in retaliation for Mr. Moskowitz lodging a criminal complaint against Executive, and in order to subvert Secretary's multi-million dollar civil suit against Executive.

Clearly, if Executive had really been "extorted", he would have proffered criminal charges immediately.

In addition, Mrs. Koshetz found Mr. Moskowitz guilty of filing a false police report although he merely reported Secretary's allegations, as the supervising officer had instructed. Significantly, police officers are required to report complainants' allegations, without making their own determination as to the allegations' validity. Detectives investigate and make the determination later. Yet, Mrs. Koshetz declared that Mr. Moskowitz should have just rejected Secretary's allegations as preposterous! It is an outrage that a fine officer's dismissal should have been ordered on this absurd basis!

Mrs. Koshetz also found Mr. Moskowitz guilty of various absurd minor patrol "violations", such as entering buildings in Hell's Kitchen "without [police] necessity". Mrs. Koshetz stated that she did "not credit his claim that he regularly left his post to roust drug traffickers from the two locations" despite police logs replete with complaints about the drug trade in the buildings.

(b) Mr. Moskowitz was denied any semblance of due process at the hearing.
Among other things:

- The police department was not ordered to turn over discovery material prior to the hearing. (Some materials were finally provided at the hearing; some materials were never provided. Moreover, interrogation tapes were blanked out at key times.)
- Mrs. Koshetz denied Mr. Moskowitz the right to bring in numerous key witnesses.
- Mrs. Koshetz excused Mr. Moskowitz's attorney from the case when Mr. Moskowitz refused to "plea bargain", despite the fact that the attorney, who was a PBA attorney (and should have handled the case for free), had persuaded Mr. Moskowitz to pay him \$12,000 to handle the case. Incidentally, that same firm is under indictment now for its criminal handling of PBA cases! As a result, Mr. Moskowitz was forced to defend himself at the hearing, pro se.
- Mrs. Koshetz permitted Executive's team of five attorneys to continually consult with the police department's advocate (prosecutor) while Executive was on the witness stand and at other times!
- Please also note that the "Article 78" proceeding following the hearing was handled by a PBA attorney from the recently criminally indicted firm. The attorney outright refused to meet with Mr. Moskowitz and filed nearly incomprehensible papers which failed to properly advise the court of

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the salient facts and the foregoing serious defects with the hearing.

(c) The punishment far exceeded the "crime": Even if Mr. Moskowitz had engaged in action which "bordered" on extortion, this does not constitute sufficient grounds for removal from the police force. I understand that police officers guilty of serious criminal conduct, who lack Mr. Moskowitz's exemplary record, have been retained on the force.

(d) The charges brought against Mr. Moskowitz were the culmination of years of anti-semitic incidents he was subjected to while on the police force:

Throughout the years Mr. Moskowitz was on the police force, doing his job in an outstanding manner, he was subjected to numerous acts such as the following: (Incidentally, he can provide complete records and dates of these incidents, most of which recurred repeatedly.)

- Nazi swastikas, KKK crosses and anti-semitic statements such as "Jew Go Home" painted on Mr. Moskowitz's police locker. A cardboard cross was affixed to the locker and set on fire on one occasion. The locker was also damaged & overturned.
- False accusations of disloyalty to America and the police department due to Mr. Moskowitz's Jewish faith
- False accusations that Mr. Moskowitz was a Mossad agent: including interrogations, personal surveillance & internal affairs investigations
- Supervisors speaking to Mr. Moskowitz in German and shouting at him the infamous Auschwitz slogan: "Arbeit Macht Frei"
- Severe physical attacks on Mr. Moskowitz by other police officers
- Orders to work on the Sabbath, despite an agreement that Mr. Moskowitz, a devout orthodox Jew, would not be subject to such demands. Mr. Moskowitz was disciplined for not working on Saturday!
- Orders to remove his kippah (yamulka)
- Last minute "renegging" on approximately 30 choice details (assignments) he had been offered based on his qualifications
- Refusal of backup assistance in dangerous situations, one of which resulted in severe injury to Mr. Moskowitz, from which he still suffers to this day (see paragraph 4. below)
- Picayune, selective enforcement of patrol regulations which are generally never enforced against other officers
- Constant ethnic slurs by other officers and supervisors

3. Continuing Harassment of Mr. Moskowitz & Impact on his life of the unwarranted dismissal:

Mr. Moskowitz has been refused job after job due to his dismissal, including board of education and department of social services jobs for which he is

eminently well-qualified -- jobs in which Mr. Moskowitz's skills (such as working with youth, promoting non-violent behavior, etc.) would greatly benefit the community. The financial impact has been disastrous. In addition, the police department continues to harass Mr. Moskowitz. Recent acts have included:

- Improper denial of all gun permits without cause (cause must be stated!), including a target permit, impeding Mr. Moskowitz's ability to make a living as a private investigator or personal security specialist.
- False arrest for allegedly jumping a turnstile. Witnesses who told the arresting officers that Mr. Moskowitz had inserted a token into the turnstile were threatened and told to get lost or face arrest for obstructing justice. Mr. Moskowitz later located several of the witnesses and the charges were dropped.

4. Police Department's Failure to Cover Ongoing Expenses for Serious Injury Incurred in the Line of Duty:

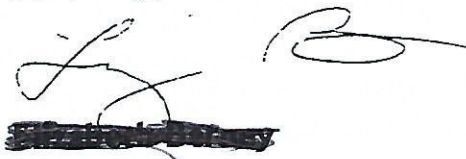
Mr. Moskowitz suffered a dislocated jaw, numerous injuries to his back and neck and broken teeth (in the line of duty) when he was attacked by an armed gang on December 18, 1988 while Mr. Moskowitz was trying to protect students who were being beaten by the gang members at Park West High School (in Hell's Kitchen). Mr. Moskowitz had called for emergency backup several times, and no backup was sent for an extended time. In addition, Mr. Moskowitz had previously filed intelligence reports requesting additional police coverage, since it came to his attention ahead of time that there would be a massive fight at the school that day. Mr. Moskowitz's request was denied and he was sent into the school alone. Incidentally, the New York Times reported that Park West was one of the most violent schools in the city and the National Guard should be sent into the school.

Mr. Moskowitz continues to suffer from these injuries, and has received no compensation or medical care payments from the police department since his unwarranted dismissal.

Mr. Moskowitz asked me to speak with you to see whether an amicable resolution can be worked out prior to his taking further legal action to correct the injustices described herein.

Thank you for your consideration!

Sincerely,


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