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Mr. Phil Eure
NYPD Office of the Inspector General
100 Church Street, 10th Floor
New York, NY 10007

Re: Misconduct Complaint Against NYPD Commissioner Dermot Shea in Violation of Departmental “Values” Regarding Disrespectful Conduct with a Private Citizen and Abuse of Authority Toward Detective Jonathan Rivera, a Fellow Officer Under His Command, in Connection with the Dorothy Kilgallen Murder Case

Dear Mr. Eure,

Based on my interaction with NYPD Commissioner Dermot Shea since February 2020 as a private citizen attempting to secure justice for Dorothy Kilgallen, a homicide victim denied that justice in 1965 and to this day, I wish to file a complaint against the commissioner for, among other matters, his disrespectful conduct toward me in violation of the NYPD’s “Values” as noted on the department’s webpage alongside “Mission” and “Vision” at <https://www1.nyc.gov/site/nypd/about/about-nypd/mission.page>. Due to this violation and other irreverent behavior, I am requesting that the commissioner be reprimanded for his overall conduct with the proper application of disciplinary measures commensurate with NYPD standards as noted in this complaint.

The appropriate text on the webpage reads:

Values

In partnership with the community, we [police officers] pledge to:

- Protect the lives and property of our fellow citizens and impartially enforce the law.
- Fight crime, both by preventing it and aggressively pursuing violators of the law.
- Maintain a higher standard of integrity than is generally expected of others because so much is expected of us.
- Value human life, respect the dignity of each individual and render our services with courtesy and civility.

While I am not a member of the NYC “community” per se, I’m certain that the values noted above are intended to extend to anyone who attempts to request that the commissioner

“impartially enforce the law” and “aggressively pursue violators of the law” all the while acting to “maintain a higher standard of integrity,” and at the same time, “value human life” whether the victim of a crime died last week or fifty-five years ago. Further, those who communicate with the commissioner should expect him to “respect the dignity of each individual,” while, as head of the department, he does so with “courtesy and civility.”

In each case, the commissioner, as I believe your probe will prove, has failed to live up to these standards while, even worse, by his actions, caused Detective Jonathan Rivera, a fellow officer under his command, to be put in an untenable position as the “fall guy,” the “patsy” resulting in the detective’s reputation being tarnished due to the necessity for public knowledge of the commissioner’s irreverent behavior. While this has occurred, the commissioner has ignored overwhelming evidence presented to him, Detective Rivera and Chief of Detectives Rodney Harrison, head of the Cold Case Squad, concerning one, Ron Pataky, the main suspect in Kilgallen’s death by failing to investigate Pataky even when I offered \$5000 to cover departmental expenses for doing so, something I am certain is a rarity. Failing to even interview Pataky has, to date, permitted a killer to go free since the commissioner has not “aggressively pursued violators of the law.”



Dorothy Kilgallen, circa 1960

As a member of the California bar and the bestselling author of two books about Ms. Kilgallen (more about me may be learned at www.markshawbooks.com), a woman of integrity turned media icon and crack investigative reporter who rose from being a college dropout to what the *NY Post* called, “the most powerful female voice in America” through her What’s My Line? TV appearances, her newspaper column syndicated to 200 papers across the country, and her coverage of major 20th century criminal cases including the Jack Ruby trial after which she investigated JFK’s assassination for 18 months becoming the most credible reporter in history to do so, I feel it a duty to expose the commissioner’s conduct for your review. Doing so, I presume, will permit you, as Inspector General for the NYPD, according to the office’s mission statement:

“To investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices of NYPD, with the goal of enhancing the effectiveness of NYPD, increasing public safety, protecting civil liberties and civil rights, and increasing the public’s confidence in the police force.”

Without question, based on Commissioner Shea's awareness of my allegations, most recently by Deputy Commissioner Public Information Richard Esposito, and his failure to refute them, he has, by all accounts, admitted being guilty of lying to me amounting to disrespectful conduct as well as "abuse of authority" regarding Detective Rivera, who would not be involved in this matter but for the commissioner's actions. Proof of these allegations run rampant through the various letters sent to the Commissioner and copied to Detective Harrison, several emails forwarded to Detective Rivera, a telephone message left for the detective, and the emails forwarded to Esposito advising him of Shea's actions (each enclosed with this complaint).

Prior to your examining these documents, here is a summary of my interaction with Commissioner Shea:

This unfortunate experience happened following several letters sent to the commission, the first one on January 14, 2020, none with the courtesy of a response, requesting an investigation by the department's Cold Case Squad regarding the murder of Dorothy Kilgallen based on a plethora of evidence presented in my books, "The Reporter Who Knew Too Much," and "Denial of Justice" (a copy was enclosed with first letter forwarded) proving Ron Pataky, still alive today, set her up for the kill or actually poisoned her.

This evidence I provided to the Commissioner included a primary source who had recently provided the scenario as to how Pataky set up Kilgallen "to be dead," as he put it after her JFK assassination evidence was passed to "the wrong people," two poems written by Pataky including this one regarding the means to kill her only the murderer could know based on my lengthy investigation of her death which included forensic evidence pointing to her having been poisoned, and his admission to relatives that he was the last person to see her alive on the night before she was found dead in what certainly was a staged death scene.

Vodka Roulette Seen As Relief Possibility



While I'm spilling my guts
She is driving me nuts
Please fetch us two drinks
On the run
Just skip all the noise'n
Make one of 'em poison
And don't even tell me
Which one!

Continuing my effort to get the revered reporter the justice she deserves as the victim of a homicide, I flew 3000 miles from California to New York City so as to meet the commissioner at a Police Activities League luncheon on February 19, 2020 where he was the main speaker. Just before he spoke, this photo of our shaking hands was taken of the two of us as I introduced myself as the author of the two books about Ms. Kilgallen, whom more may be learned about at www.thedorothykilgallenstory.org .



As Commissioner Shea, whom I believed was an honorable man, wound down his speech, he offered to take questions and I stood and asked him about his view of cold cases in general and the Kilgallen death in particular with him answering that he does take such cases seriously (Dr. Karen Burke was a witness to these remarks). [Point of interest: In May 2020, at a press conference called by Queens County DA Melinda Katz, the commissioner stated, "NYPD detectives are relentless and never stop working to being justice to past crime victims."

Towards the end of his response, Commissioner Shea invited me to speak with him after the luncheon was over. I waited patiently before approaching and ask him, as a courtesy, if there was someone in his office that I could correspond with regarding Ms. Kilgallen's

case so I wouldn't have to bother him again. He thanked me and then asked Detective Rivera to step forward and join our discussion whereupon he requested the detective's business card. Commissioner Shea handed it to me with the invitation to get in touch with the detective when I returned to California. We then shook hands and I left believing that I might finally get the thorough investigation of Ms. Kilgallen's death I'd been seeking for going on four years.



To my dismay, the Commissioner, instead of keeping his word, apparently instructed Detective Rivera to ignore any correspondence since this author received no replies to five emails sent to Rivera (enclosed) as well as a voice message left for Detective Rivera on July 8, 2020. Waiting patiently until the Pandemic scare and the race relations turmoil in NYC had somewhat subsided, I sent the Commissioner notice of the account of what had happened advising him that I intended to include it in "Collateral Damage," a new book touching on Ms. Kilgallen's death to be published in early 2021 so he could respond to the account's accuracy. He did not do so then or when I advised Esposito of my intentions causing him to become an enabler to the commissioner's failure to reply.

As you read this complaint, you may be asking yourself the same questions I have asked myself, among others:

"Why did the commissioner promise that I could communicate with Detective Rivera when he apparently had no intention of that happening?"

"Why didn't the commissioner, instead of giving me the "brush off," of making me "play the fool" since I believed he was a man of his word and not a liar, simply show respect by communicating to me through a letter or by way of Richard Esposito that he was denying my request for a Cold Case Squad investigation?"

"Why did the commissioner choose to employ a fellow officer under his command as part of the ruse, realizing that he was showing disrespect for Detective Rivera in violation of any possible Code of Ethics at the NYPD?"

"Why has the commissioner completely ignored the mountains of evidence regarding Pataky's complicity in Ms. Kilgallen's death as presented in "Denial of Justice," and my letters to him and the emails to Detective Rivera and thus take no action regarding a Cold

Case Squad investigation when the case qualifies across the board for an investigation when he knew and knows today there is sufficient evidence to investigate Pataky?"

"What is the commissioner hiding about Ms. Kilgallen's death by choosing to be part of a cover-up that has been ongoing for years on end?"

Regarding the latter, the denial of any investigation of her death amounts to denial of justice even though she died decades ago since as Commissioner Shea stated at DA Katz' press conference, "NYPD detectives are relentless and never stop working to bring justice to past crime victims." This means that a case like hers, whether it is "colder than cold," deserves consideration especially when the main suspect is still alive and should be investigated regarding a death that happened when Ms. Kilgallen was too close to exposing the truth about the JFK assassination as explained in my various letters to the commissioner. If this case were presented to the NYPD today, there is no question it would be thoroughly investigated and that Pataky would be questioned immediately.

In my last letter to the commissioner, and the emails I sent to Mr. Esposito which were ignored as well, I gave Commissioner Shea every chance to behave with respect toward me and open the possibility of meaningful dialogue with him, or perhaps Chief of Detective Rodney Harrison, regarding Ms. Kilgallen's case before exposing to the world through my new book, presentations about it that will be videotaped for YouTube (to date, there are more than *two million* views of previous presentations about her case, one of which went viral), and media interviews such as the one recently on the highly popular Coast to Coast program with George Noory and ones upcoming on WABC radio, various podcasts and television programs. All I wanted is what I seek now in addition to an apology (the commissioner should also apologize to Detective Rivera), a thorough investigation of Ms. Kilgallen's death so that Ron Pataky may be interviewed and then brought to justice. Regarding any discipline for the commissioner, that is up to you especially after you interview Detective Rivera to learn exactly what he was told regarding how to stonewall any communication with me for weeks on end.

You may find it interesting that in an email sent to Detective Rivera on February 21, 2020, I wrote:

I might add that I have always had the upmost respect for police. When I was a criminal defense lawyer many moons ago, I counted many on the force as good friends. We both had our jobs to do in the courtroom but there was a mutual respect which carries to this day. In fact, one of my fondest memories is a weekly gathering in my law office where several homicide detectives, judges, prosecutors, etc. gathered for a lively dice game. If you or the Commissioner ever need any references, I would be pleased to provide them since I've kept in contact with a few on the force back then. We joke that we've all made it into our 70s, a true gift from the Good Lord.

Unfortunately, never in my interaction with police then, or since, have I been treated with such disrespect as that exhibited by the commissioner. When, as head of the department, he makes a promise, he should keep it instead of lying to one's face, and then compounding that lie by pulling into the mix a fellow officer under his command and, it appears certain, ordering him to

never communicate with me whether via email or by phone resulting in my spending considerable time gathering evidence and then sending in good faith multiple emails that had no chance of being answered. In addition, emails sent to Richard Esposito have gone unanswered, ignored, meaning that the commissioner had also told him to give me the brush off, to continue playing the fool. Such conduct is abominable toward me and toward Dorothy Kilgallen, a mother of three who was a true patriot as thousands of people around the world have told me via email, a reporter of integrity like few others then or now.

Mr. Eure, thank you for the attention to this matter. I am available to speak with you or your staff on a continuing basis regarding commissioner Shea's violation of the "Values" the NYPD holds sacred for its officers, commissioner, or otherwise. Of these, the need for "integrity" and being "courteous and acting with "civility" towards others, especially private citizens wherever they may live, is paramount and I am certain those around the world who read this complaint, now posted on my website for internet search, will agree with the hope that disclosure of the commissioner's unprofessional behavior will permit a full review of the "operation, policy, and practice" of his leadership of the NYPD in this matter so as to "enhance the effectiveness of the NYPD," all while "increasing the public's confidence in the police force" with my being part of the public on this occasion.

Sincerely,

Mark Shaw

P. S. Regarding my credentials, and the credibility connected to my body of work including both of the books I have written about Ms. Kilgallen, you may be interested to know that my alma mater, Purdue University, honored me recently by becoming the archival repository alongside those of Neil Armstrong and Amelia Earhart for what will be called "The Mark Shaw Papers." The collection will include all of my published books, nearly 30 of them, research books, notes, articles about my legal career, interview videos, YouTube presentations, photos, videos of my days with *Good Morning America* and *CNN*, *ABC*, and *ESPN* appearances as the legal analyst for the Mike Tyson, O. J. Simpson and Kobe Bryant cases, etc.

cc: Mayor Bill de Blasio
Councilman Keith Powers
Mr. Patrick J. Lynch, President Police Benevolent Association
Mr. John Catsimatidis
Ms. Karen Burke