



**NYCLU**

NEW YORK CIVIL LIBERTIES UNION

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BY FACSIMILE AND FIRST CLASS MAIL

November 13, 2006

Raymond Kelly  
Commissioner  
New York City Police Department  
1 Police Plaza  
New York, N.Y. 10038

Dear Commissioner Kelly:

On behalf of the New York Civil Liberties Union, we write about the issue of “professional courtesy” and the belief that police officers, their family members, or their friends are entitled to immunity from certain forms of law enforcement. Our letter is prompted in particular by a report released today by the Civilian Complaint Review Board and by an incident that occurred last month.

Starting with last month’s incident, a police officer named John McNeeley, who we understand to be assigned to the 75<sup>th</sup> Precinct in Brooklyn, was pulled over for speeding in Kansas. According to a letter written by Officer McNeeley, when he was pulled over he gave the Kansas officer his driver’s license and NYPD identification card. The letter, a copy of which we obtained and enclose, then continues,

About 5 minutes later, he brought back a summons to me and thanked me for my cooperation. I was dumb founded. I then tried to ask him why a cop would write another cop a ticket? He would not answer. I have stopped many people and the minute they pull out their Law Enforcement ID card I say “Sir or Mam have a nice day” No questions asked. No matter where they are from or what they do. You see it’s called professional courtesy.

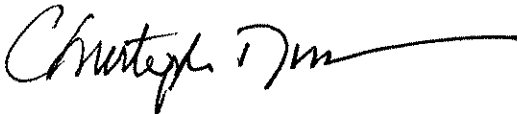
Today’s CCRB report raises similar issues. That report arises from a significant number of recent CCRB complaints filed by people who, after being stopped or investigated by police officers, produced cards issued by the Patrolman’s Benevolent Association (PBA) or the Sergeant’s Benevolent Association (SBA). As you presumably are aware, these cards are made available to members of the Department to provide to family members and friends and are commonly used to seek favorable treatment on behalf of the cardholder from police officers. The CCRB report explains that the officers in these cases wrongfully seized the cards, when in fact

the cards should be treated like any other form of personal property.

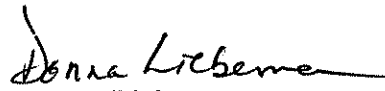
While we agree that police officers should be retrained on this issue, what we find most noteworthy about the CCRB's report is what it reflects about ingrained expectations of professional courtesy. It is quite extraordinary that family members and friends of police officers were so upset about how they were treated when they presented PBA or SBA cards that they filed complaints with the city agency that is anathema to so much of the NYPD community. Just as Officer McNeeley's complaint was based on a firm commitment to professional courtesy, these CCRB complaints reflect what we suspect is a widespread understanding that those bearing PBA and SBA cards are entitled to a "free pass." Indeed, we note that in two of its cases the CCRB reports that the officers did not issue summonses after being shown the cards (cases 200504854 and 200504867).

We are confident that you share our view that nothing is more corrosive to law and order than the perception that law-enforcement officials are above the law. We therefore call on the Department to take steps to assure police officers are not, in the name of "professional courtesy," choosing not to enforce the law against other officers or against their family members or friends. Whatever might be the proper bounds of professional courtesy, it does not include ignoring violations of the law. And we urge an investigation of Officer McNeeley, who at the very least should receive training in the appropriate bounds of professional courtesy.

Sincerely,



Christopher Dunn  
Associate Legal Director



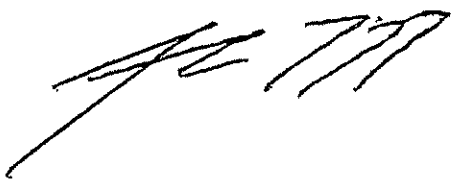
Donna Lieberman  
Executive Director

c: Franklin Stone, Florence Finkle, Civilian Complaint Review Board

To whom it may concern: (Preferably to the aviation officer with shield number 82 and belongs to Co. # 78)

My name is John McNeeley and I am a New York City Police Officer. I recently was back in KS visiting my family and friends. We were on our way to the state fair on K-96 when I was pulled over by a State Highway Patrolman. I pulled over, gave the officer my Driver's License and my NYPD Identification card. I was polite and I did everything that I was supposed to do, as far as turning off the car, rolling down all the windows, and putting my keys on the dashboard, to make the officer "feel at ease" with his car stop. I have done MANY car stops and know how dangerous they can be, because you never know what the people in the vehicle have that can harm you. About 5 minutes later, he brought back a summons to me and thanked me for my cooperation. I was dumbfounded. I then tried to ask him why a cop would write another cop a ticket? He would not answer. I have stopped many people and the minute they pull out their Law Enforcement ID card I say "Sir or Mam have a nice day" No questions asked. No matter where they are from or what they do. You see it's called professional courtesy. In closing, I just hope that one day that I get the opportunity to pull a Kansas Highway Patrolman who is visiting our city, and let him or her know what their fellow officer did to me. In closing, just remember that being a cop is just a job, there really are good people in the world and not everyone that you pull over or encounter is a bad person. Keep that in mind, and be safe.

Sincerely,



#25035

John McNeeley

P.S. I need a receipt as well.