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VIA OVERNIGHT MAIL

The Honorable Linda Kelly
Pennsylvania Office of Attorney General
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Harrisburg, PA 17120

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Re: Complaint and Request for Investigation of New York Police Department Activities in the Commonwealth of Pennsylvania

Dear Attorney General Kelly:

The American Civil Liberties Union Foundation of Pennsylvania, Muslim Advocates, and the undersigned civil rights, faith-based, student and civic groups write to you regarding the New York Police Department's ("NYPD") violations of the civil rights of law-abiding Pennsylvanians (as well as residents of New York, New Jersey, and Connecticut) who have been the targets of massive, abusive surveillance practices based on their ethnic or faith background, and the NYPD's false and misleading statements about these discriminatory policing activities. The seriousness of this problem cannot be overstated, and we urgently request that you conduct a prompt investigation into this matter.¹

On February 18, 2012, the Associated Press ("AP") reported that the NYPD monitored Muslim college students at more than a dozen schools far beyond the New York city and state limits, including at the University of Pennsylvania.² The report stated that detectives routinely trawled Muslim student organization websites and blogs at universities including Penn, Rutgers, Yale, and Columbia. Furthermore, undercover agents surveilled student group trips and activities; these agents recorded student names, political opinions, and other activities protected by the First Amendment. For example, police intelligence files documented the number of times students engaged in prayer.

Unfortunately, this is not the first time the NYPD has demonstrated a pattern of blanket suspicion towards the American Muslim community based on race, ethnicity, or religious

¹ The Commonwealth Attorneys Act establishes the Attorney General as the chief legal and law enforcement officer of the Commonwealth of Pennsylvania. Act of Oct. 15, 1980, P.L. 950, No. 164 (as amended 71 P.S. §§ 732-101 to 732-506).

² "NYPD monitored Muslim students all over Northeast," Chris Hawley, Associated Press, Feb. 18, 2012, available at http://www.ap.org/pages/about/whatsnew/wn_021812b.html.

beliefs and practices. In August 2011, the AP began publishing a series of investigative reports about the NYPD's intelligence gathering program specifically targeting the American Muslim community, and the CIA's involvement in this program.³ The NYPD was exposed as targeting the entire Muslim community—and approximately 250 mosques, schools, and businesses—without any evidence of wrongdoing.⁴ AP reports indicate that, as part of ethnic mapping programs throughout the city, the NYPD targets Muslim neighborhoods, maintains a list of “ancestries of interest,” and receives daily reports from informants who visit cafés and clubs to collect information about Muslim patrons.⁵ On February 2, 2012, an AP report also revealed that the NYPD has engaged in rampant surveillance of thousands of Shi'a Muslims, their mosques, and community spaces in New York, Connecticut, and New Jersey, without any evidence of wrongdoing taking place in those institutions.

NYPD surveillance of Pennsylvania residents is especially troubling because of recent revelations regarding offensive trainings New York police officers received from their department. Last year, for example, it was reported that *The Third Jihad*, a film containing inaccurate and inflammatory depictions of Islam and Muslims seeking world domination, was being shown to NYPD officers.⁶ In response, the NYPD assured the public that the film had only been shown “a few times” to some officers.⁷ This claim was recently revealed to be false when newly released documents showed that the film was played for three months, viewed by almost 1,500 officers, and even more troubling, that its producers conducted a ninety-minute interview with NYPD Commissioner Ray Kelly.⁸ The NYPD's continuous false and misleading statements about its role in the production and dissemination of the film, and its use of a patently bigoted film that paints the entire American Muslim community as a national security threat, are not only insulting to millions of Americans, but also appear to be a misguided effort to train officers that using religion as a proxy for criminal activity is permissible.

The above-described measures uncover a disturbing picture about the NYPD's institutional approach to American Muslim, Arab, South Asian, Iranian, and Middle Eastern communities. Furthermore, such measures are the newest manifestation of the NYPD's well-documented discriminatory practices against other communities of color.

³ “What's the CIA Doing At NYPD? Depends Whom You Ask,” Adam Goldman & Matt Apuzzo, Associated Press, Oct. 17, 2011, *available at* http://www.ap.org/pages/about/whatsnew/wn_101711a.html.

⁴ Associated Press' reporting on NYPD Intelligence Operations, *available at* <http://www.ap.org/nypd/>.

⁵ “Inside the Spy Unit that NYPD Says Doesn't Exist,” Matt Apuzzo & Adam Goldman, Associated Press, Aug. 31, 2011, *available at* http://www.ap.org/FOI/foi_083111c.htm.

⁶ “NYPD Cops' Training Included an Anti-Muslim Horror Flick,” Tom Robbins, *Village Voice*, Jan. 19, 2011, *available at* <http://www.villagevoice.com/2011-01-19/columns/nypd-cops-training-included-an-anti-muslim-horror-flick/>.

⁷ “In Shift, Police Say Leader Helped with Anti-Islam Film and Now Regrets It,” Michael Powell, *New York Times*, Jan. 24, 2012, *available at* <http://www.nytimes.com/2012/01/25/nyregion/police-commissioner-kelly-helped-with-anti-islam-film-and-regrets-it.html>.

⁸ *Id.*

The actions of the NYPD are inconsistent with the values of the Commonwealth of Pennsylvania. We therefore respectfully request that your office undertake an immediate investigation into the practices outlined above. We appreciate your attention to this matter and look forward to your response.

Sincerely,

American Civil Liberties Union Foundation of Pennsylvania
Muslim Advocates
Brandywine Peace Community
BuxMont Coalition for Peace Action
Council on American-Islamic Relations – Pennsylvania
Decarcerate PA
Delaware Valley Veterans for America
DreamActivist Pennsylvania
Indian Muslim Advocacy Network (ImanNet)
Muslim Law Students Association of the University of Pennsylvania Law School
Muslim Peace Coalition – USA
National Lawyers Guild – Philadelphia Chapter
Nationalities Service Center
New Sanctuary Movement of Philadelphia
Northeast Philly for Peace and Justice
Philadelphia Branch International Action Center
Philadelphia Medical Mission Sisters, Peace and Justice Group
Philly Against War – Philadelphia UNAC
The Shalom Center
University of Pennsylvania Muslim Students Association
Ursinus College Muslim Student Association

cc: The Honorable Eric Holder, Attorney General, U.S. Department of Justice