

February 3, 2012

The Honorable Eric Schneiderman
Attorney General of the State of New York
The Capitol
Albany, NY 12224

Re: Complaint and Request for Investigation of the New York Police Department

Dear Attorney General Schneiderman:

The undersigned American Muslim, Arab, South Asian, civil rights and civic groups¹ write to you regarding the New York Police Department's ("NYPD") promotion and use of anti-Muslim training materials, the NYPD's violations of the civil rights of law-abiding New Yorkers (as well as residents of 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.²

Last year, it was first 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.³ In response, the NYPD assured the public that the film had only been shown "a few times" to some officers.⁴ 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 Ray Kelly.⁵ 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 appears to be a misguided effort to train officers that using religion as a proxy for criminal activity is permissible.

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

¹ Several civil rights groups and individuals who are party to this letter have been directly affected by the NYPD's surveillance tactics described.

² The Attorney General is statutorily responsible for the enforcement of civil rights laws of the U.S. and of New York State, pursuant to N.Y. Exec. Law § 63(1), (9), (10).

³ "New York 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/>.

⁴ "In Shift, Police Say Leader Helped with Anti-Islam Film and Now Regrets It," Michael Powell, *The 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>.

⁵ *Id.*

The Honorable Eric Schneiderman

February 3, 2012

Page 2

religious beliefs and practices. In August 2011, the Associated Press 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.⁶ The NYPD was exposed as targeting the entire Muslim community – and approximately 250 mosques, schools, and businesses – without any evidence of wrongdoing.⁷ 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 cafes and clubs to collect information about Muslim patrons.⁸ Most recently, 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 preparation for possible international conflict with Iran without any evidence of wrongdoing taking place in those institutions.

Taken together with Commissioner Kelly's active participation in an interview for an offensive and hateful film that was subsequently used to train police officers, 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. The NYPD's historical use of widespread ethnic, racial, and religious profiling to target Americans for stops, frisks, arrests, and surveillance is a threat to the rights of all Americans. It also erodes the public's trust and confidence in the NYPD and instead sends the message that law enforcement is not accountable for upholding the law and rights of all Americans.

In response to the AP investigative reports, on October 5, 2011, at least seven members of the New York Senate requested that you conduct an investigation into the NYPD's massive, abusive surveillance and mapping of the Muslim community.⁹ In light of Commissioner Kelly's recent false statements and cover-up about *The Third Jihad* and the newly released information about wholesale surveillance of the Shi'a community, the need to hold the NYPD accountable for its flagrant use of discriminatory policing practices has never been more glaring and urgent.

We therefore respectfully request that your office undertakes an immediate investigation into the practices outlined above. We appreciate your attention to this matter and look forward to your response.

⁶ “What's the CIA Doing At NYPD? Depends Whom You Ask,” Apuzzo & Goldman, Associated Press, Oct 17, 2011, available at http://www.ap.org/pages/about/whatsnew/wn_101711a.html.

⁷ Associated Press' reporting on NYPD Intelligence Operations, available at <http://www.ap.org/nypd/>.

⁸ “Inside the Spy Unit That Doesn't Exist,” Apuzzo & Goldman, Associated Press, Aug 31, 2011, available at: http://www.ap.org/FOI/foi_083111c.htm.

⁹ Letter to Hon. Eric Schneiderman, Oct 5, 2011, available at www.nysenate.gov/files/pdfs/Schneiderman%20NYPD%20Investigation%20Letter.pdf.

The Honorable Eric Schneiderman

February 3, 2012

Page 3

Sincerely,

ACCESS Michigan

Al Kauser

American Coalition For Good Government

Arab American Association of New York

Arab American Institute

Arab Muslim American Federation

Council of Shia Professionals

Council on American-Islamic Relations (CAIR)

Desis Rising Up & Moving (DRUM)

Emerge USA

Florida Muslim Bar Association

Imam Husain Islamic Center (IHIC)

Imamia Medics International

Independent Viewpoints

Islamic Center of Zahra-SA (ICZ-SA)

Islamic Circle of North America (ICNA)

Islamic Information Center (IIC)

Labor for Palestine

Muslim Advocates

Muslim Alliance in North America (MANA)

Muslim Bar Association of Chicago

Muslim Bar Association of New York

Muslim Consultative Network (MCN)

Muslim Foundation Inc. (MFI)

Muslim Law Students Association at Fordham Law School

Muslim Public Affairs Council (MPAC)

Muslims for Peace, Inc.

National Network for Arab American Communities

New England Muslim Bar Association

New York City Labor Against the War

Shia Association of North America (SANA)

Shia Association of the Bay Area (SABA)

Universal Muslim Association of America (UMAA)