

The NYPD's Surveillance and Targeting of Muslims in New Jersey

What is the NYPD Surveillance and Mapping Program?

Since 9/11, (actual or perceived) Muslims, Arabs and South Asians have been viewed by law enforcement as a potential threat on no basis other than religion, casting guilt on all members of that faith.

The New York City Police Department (NYPD) has developed a sweeping and secretive human surveillance program that targets Muslims and members of the Arab and South Asian communities in New York City, New Jersey, and elsewhere - solely on the basis of their religious affiliation.

This massive mapping and surveillance program has been used to monitor the lives of Muslims, their businesses, houses of worship, organizations and schools despite any basis for belief of criminal activity.

Who is Targeted by NYPD Surveillance and How They Targeted?

A wide range of individuals, communities and businesses have been targeted by the NYPD's surveillance program. Communities targeted in New Jersey range from Newark to Somerset to New Brunswick.

The NYPD has designated 28 countries and "American Black Muslim" as "ancestries of interest." This means that for the NYPD, every Muslim individual from those countries, community and business is under suspicion and a potential target.

The Department has strived to have an informant inside every mosque within a 250-mile radius of New York City and has, in fact, prepared an analytical report on every mosque within 100 miles.

As part of the Program, NYPD officers have snapped pictures, taken video, and mounted cameras aimed at mosques for the purpose of round-the-clock surveillance in order to help identify worshippers. The NYPD has also employed "Mosque crawlers" are undercover officers who monitor sermons and conversations in mosques and report back to the NYPD. As a result, thousands of prayer services in mosques have been monitored and documented.

The NYPD also uses undercover officers called "rakers" to monitor daily life in neighborhoods and locations they believe to be heavily Muslim - including bookstores, bars, businesses, cafes, delis, restaurants and nightclubs. Officers have taken note of flyers offering Qur'an classes and which delis that offer halal meat. One woman was surveilled because she operates a grade-school for Muslim girls.

The Impact of Surveillance

The NYPD's surveillance program has had a chilling effect on Muslim American communities, particularly in New Jersey and New York City. By suggesting that Muslims pose a special threat to public safety and treating them with suspicion as such, the program has led to the alteration and reduction of religious practices, decreased mosque attendance, and loss of business—not to mention a widespread sense of fear, distrust, and alienation.

Furthermore, in ten years, this surveillance program has not produced any leads to criminal activity. Instead, by targeting Muslims based on their beliefs and affiliations rather than their actions, the NYPD has equated Islam with predisposition to criminality.

I have seen firsthand the damage the NYPD spying program has done to my community and to individual Muslims and their families, profoundly disrupting our lives at work and at home, and our ability to worship.

This surveillance is extensive and deeply invasive, touching every part of our community, from our religious institutions to our businesses to our schools.

- Imam Abdul Kareem Muhammad,
Masjid Al-Haqq in Newark, New Jersey and
Plaintiff in *Hassan v. The City of New York*

The NYPD's Use of Discriminatory Policing Practices

The targeting of Muslim communities in New Jersey by the NYPD must be contextualized as another facet of the Department's use of discriminatory policing practices – that is, when law enforcement targets communities for enforcement activities not on the basis of what they have done, but who they are. This is not only unjust, it is also unconstitutional.

The issue of discriminatory policing policies is an issue that the Center for Constitutional Rights (CCR) has challenged for years. CCR has long been active in the movement to challenge the NYPD's use of discriminatory policing practices through advocacy, organizing and litigation, including efforts to combat the unconstitutional use of stops and frisks.

Moreover, CCR has a long history of fighting illegal domestic surveillance of groups on the basis of their political, religious and racial affiliations.

Hassan v. The City of New York

After allegations of unlawful surveillance were reported to the public, the Muslim Advocates and CCR filed *Hassan v. the City of New York*, a legal challenge alleging that the Program's targeting of Muslims in New Jersey violates the First and Fourteenth Amendments.

Among the people represented in *Hassan* are a decorated Iraq war veteran, current and former Rutgers University students, the parent organization of the Muslim Student Associations of Rutgers University (Newark and New Brunswick campuses), a coalition of New Jersey mosques, and the owners and proprietors of a grade-school for Muslim girls.

Hassan is the first direct legal challenge brought by a broad group of American Muslims from a variety of ethnic and racial backgrounds who have been victims of discriminatory police surveillance by the NYPD.

In February 2014, a federal court dismissed the case and ruled that by breaking the stories on the NYPD's secret surveillance program, the Associated Press, not the NYPD who actually engaged in the discriminatory and unlawful surveillance, caused the *Hassan* plaintiffs' harm. What's worse, the Court accepted the City's view that there is no effective way to do counterterrorism policing without profiling the entire Muslim community.

Plaintiffs appealed to the Third Circuit, which heard oral argument in January 2015. In October 2015, the Third Circuit Court of Appeals issued a strong opinion in our clients' favor that reversed and remanded the case back to the district court.

Learn more about the legal challenge at:
ccrjustice.org/hassan