

The Honorable Judge Haight
Southern District of New York
500 Pearl Street
NY, NY 10007

RE: Handschu/Raza Comment

Dear Judge Haight:

We write on behalf of the The Bangladesh-American Community Council to comment on the fairness and reasonableness of the Handschu/Raza proposed settlement.

The Bangladesh-American Community Council serves the immigrant Bangladeshi community in the Parkchester, Bronx region of New York. The population we serve is a predominantly blue collar and working class immigrant population. Many of us are shopkeepers, cab drivers, and are first-generation Americans who came to the United States to make a better life for ourselves and our children. We host educational forums, workshops, peace rallies, and engage in local community advocacy.

In our humble Parkchester, Bronx, neighborhood many mosques have been infiltrated by suspicious people. Our shops have been “visited” by law enforcement without warrants to intimidate immigrant shopkeepers who do not necessarily understand the full panoply of their constitutional rights. There have been incidents of peaceful people being aggressively questioned and visited by law enforcement, again without warrants, for engaging in first-amendment protected activity. These types of law enforcement incidents have put a great strain between law enforcement and our community. We think it is due to lack of trust instilled by unwarranted surveillance and over-policing of our law-abiding community.

While we commend the attempts of Raza/Handschu counsel and the NYPD to reconstitute some semblance of oversight and accountability to the NYPD after over a decade of unwarranted surveillance and unconstitutional policing of Muslims, we hope the Court will approve the guidelines. We also would like to take the time to suggest ways to strengthen the proposed guidelines.

The creation of a Handschu Committee, is a key first step in the right direction toward establishing accountability, transparency, and respect for the rule of law. However, we remain concerned that the current proposed guidelines do not provide enough oversight authority to the Civilian Representative (CR). In order to ensure that the CR has the power to truly fulfill her role, the CR should be able to initiate formal investigations, should have access to all NYPD records (not just statements), and should be able to make inquiries which may take her outside the contours of the Handschu committee. Specifically, we think that the CR should have access to NYPD documents subject to information-sharing with state or federal agencies, such as the FBI, as was the case under the prior Handschu regime. The current proposed guidelines have an NYPD-FBI information-sharing loophole that allows fertile possibility for abuse without oversight. Lastly, on the matter of the Handschu Committee and the CR, given the importance of checks and balances, and the devastation of the overreach which has ripped apart Muslim

communities, like ours, we cannot afford to have this type of baseless, overbroad, mapping of Muslim or any community, occur again. Therefore, we believe that the Civilian Representative should be a permanent position that cannot be abolished without judicial order.

Moreover, to ensure that the privacy rights of New Yorkers have been protected, we believe that the documents retained by the NYPD's former intelligence-gathering regime must be destroyed. This must be overseen by either the Inspector General or the Civilian Representative.

The devastation to Muslim communities over the last decade or so, is hard to quantify. Muslims have suffered humiliation and fear for doing nothing but practicing their religion. And to make matters worse, this program has killed trust between the NYPD and Muslim communities. At a time when vitriol is prompting people more than ever to instigate hate crimes like never before, Muslims feel unable and afraid to report hate crimes because of the fear, and stigma that illegal surveillance has planted.

Let us hope that this proposed settlement curtails the NYPD's unwarranted surveillance program that has broken the Muslim community's ability to find peace.

Respectfully submitted,

Muhammad Mujumder, LLM