

March 11, 2019

Hon. Mayor Bill de Blasio
City Hall
New York, NY 10007
via email and U.S. mail

Re: NYPD Policy forcing removal of hijab and other religious attire.

Dear Mayor de Blasio:

We, the undersigned elected officials and faith-based, civil rights, and community organizations, hereby call on Mayor de Blasio to immediately end the NYPD policy of forcing arrestees to remove religious head coverings, including turbans, wigs, hats, and the hijab, when arrested.¹ No New Yorker should be forced to undress against their will, in violation of their faith, simply because they are accused of a crime.

The NYPD's current policy falls far short of the standards you've set for our city. When an individual who wears a religious head covering that reveals the face is arrested, the NYPD forces them to make a traumatizing choice. Either they can remove their head covering in central booking,² in full view of officers and arrestees of the opposite sex, or they can request to be transferred to One Police Plaza.

If they choose to be transferred, are they spared the indignity of undressing against their will? Are they permitted to retain the attire they believe their faith commands? No, they are simply given the chance to be traumatized by officers of the same gender, who still force the arrestees to undress for a NYPD mugshot. Those who choose to be transferred also face the prospect of hours more in custody as they are shuttled back-and-forth across New York City.³

This is not enough. Arrestees shouldn't be forced to stay in custody even longer just to have their religious rights respected. But even if there were no delay, the policy would still fall short of what we expect of New York City. That's because once the mug shot is taken, the photo is visible to officers and court personnel of the opposite sex, violating these arrestees' deeply held beliefs. This price is far too high for a policy that serves no legitimate policing function.

This policy is bad as written, but it's even worse as implemented. Numerous Muslim women reported that officers failed to give them the option of a private mug shot. Instead, they were threatened and harassed for simply asserting their rights under current NYPD policy.⁴ Moreover, there is evidence that the policy is applied discriminatorily, targeting Muslim women who wear the hijab. For example, Jewish arrestees who wear the Yarmulke are frequently permitted to retain their head covering.

¹ The NYPD should permit arrestees to retain any religious attire that leaves the oval of the face visible, including, but not limited to, the Muslim hijab.

² New York City Police Department amended Patrol Guide, Interim Order 29, at 208-03.

³ The Mass Arrest Processing Center at One Police Plaza only operates from 8:00 AM to Midnight, so arrestees who are detained in evenings can be forced to wait overnight for MPAC to open and to be processed.

⁴ <https://www.nytimes.com/interactive/2018/03/16/nyregion/document-Hijab-Removal-Lawsuit.html>

We urge you to consider the impact that the NYPD policy is having on the religiously observant individuals who are unfortunate enough to fall into custody. One woman, Jamilla Clark, described her January 2017 arrest. After being held for hours, she broke-down into tears when repeatedly told to remove a head scarf that is part of her Muslim faith.⁵ Jamilla was eventually transferred to One Police Plaza, but only after NYPD officers threatened her with jail time for invoking her right to retain the hijab.

The frustrating reality is that none of this heartbreak is necessary. The NYPD can easily take a suitable mugshot while arrestees still wear religious head coverings. Increasing numbers of cities allow arrestees to wear the hijab while photographed, and New York City should follow their lead, not fall further behind.⁶

It is wrong for the NYPD to force New Yorkers to violate their faith, and it's wrong for you, Mayor de Blasio, to defend this policy. Mr. Mayor, you could end this disgraceful policy right now, with the stroke of a pen. Rather than fighting in court, to defend discrimination, you should be standing with Muslim New Yorkers. New York City should be fighting to protect religious freedom, not working to weaken it.

We demand you immediately instruct the NYPD to implement a religious head covering policy that allows arrestees to retain their head coverings so long as they leave the face fully visible. The NYPD should also agree to purge any photos taken of arrestees whose hijab or other head covering was removed against their will.

Sincerely,

Elected Officials

Council Member Brad Lander
Council Member Carlos Menchaca
Council Member Justin Brannan

National Organizations

African Communities Together
Center for Media Justice
Data for Black Lives, Inc
Make the Road New York
MPower Action
NAPAWF NYC Chapter
The Sikh Coalition

New York Organizations

Academy of Medical & Public Health Services
Arab American Association of New York
Asian American Arts Alliance
Brooklyn Community Bail Fund

⁵ <https://www.nytimes.com/2018/03/16/nyregion/hijab-police-lawsuit-new-york.html>

⁶ See, e.g., <http://time.com/4897803/long-beach-kirsty-powell-police-hijab/>

CAIR New York
Carroll Gardens Association
Chinese Progressive Association
Chinese-American Planning Council
Greater New York Labor Religion Coalition
Hillside Islamic Center
Majlis Ash-Shura: Islamic Leadership Council of New York
Muslim Community Network
North Star Fund
OCA-NY
Project New Yorker
Sakhi for South Asian Women
Surveillance Technology Oversight Project
Street Vendor Project/ Urban Justice Center
The Interfaith Center of New York
The Legal Aid Society of New York City