

American Leaders Against Hate
and Anti-Muslim Bigotry
Policy Recommendations for
Cities and Counties



Introduction

In the years since September 11, 2001, anti-Muslim sentiments have increased significantly and resulted in hateful rhetoric and hate-based violence towards Muslims and those perceived to be Muslims. Americans who are Muslim are being questioned and sometimes attacked on the basis of their skin color, attire, and how they practice faith. As elected officials, there are several actions that lawmakers can take to protect the Muslim community from policies driven by fear, stigma, and mistrust.

Policy Recommendations

Limit surveillance

After 9/11, our country's already growing surveillance infrastructure increased dramatically. The federal government drastically expanded its capacity to monitor the activities of citizens and non-citizens, at home and abroad. This included the deployment of new technologies (such as drones), the development of new methodologies (such as the aggressive gathering and sharing of personal information by state, local, and federal government entities), and the widening of the pool of people subject to these many new varieties of surveillance.

But no community has been targeted more heavily than the Muslim community. Federal intelligence agencies began collaborating with local law enforcement, justifying an intense scrutiny on the basis of a false and unconstitutional identification of Muslim religious belief and practice as an indicator for criminal activity. Their tactics include: increasing photo and video surveillance near mosques; mapping neighborhoods dominated by people of national origins usually associated with the Muslim religion; and planting informants inside of mosques to report on the activities of worshippers and in some cases even instigating conversations about terrorism. According to the Muslim American Civil Liberties Coalition, these activities have interfered with the free exercise of religion, sown distrust between Muslim communities and law enforcement, and contributed to the increasing stigma and bias that Muslim residents have faced since 2001.¹

Though large scale change at the federal level is necessary to reform surveillance practices, there are some steps that local governments can take to mitigate the impact on local constituents. In June 2016, **Santa Clara, CA**, became the first county to institute transparency, accountability, and oversight measures for all surveillance decisions.

¹ "Mapping Muslims: NYPD Spying and its Impact on American Muslims." Muslim American Civil Liberties Coalition, The CLEAR Project at CUNY School of Law, Asian American Legal Defense Fund, 2013. Available at: <http://www.law.cuny.edu/academics/clinics/immigration/clear/Mapping-Muslims.pdf>.

Known as the “Surveillance Technology and Community Safety Ordinance”² the new law requires that any officials who want to use surveillance technology in Santa Clara County (1) provide an analysis of the privacy and due process implications of the technology they wish to acquire, (2) submit for county approval a set of “use policies” governing the use of the technology, before the technology is acquired or used, and (3) report back annually on the use of the technology. The law covers existing technology as well as any future technology “used by law enforcement to collect or share audio, electronic, visual, or similar information.”

Local governments can also help protect community members, including Muslims, who are targeted by law enforcement based on their race or religion or citizenship status, by limiting the extent of their collaboration with federal law enforcement agencies and their participation in broad information sharing with those agencies. For example, over three hundred cities and counties, and two states, have adopted policies to limit cooptation of local law enforcement by ICE and to avoid facilitating the deportation of immigrant residents. Some cities, such as **Portland, OR**, have withdrawn or refused to participate in the Joint Terrorism Task Force (partnerships between law enforcement entities to investigate potential terrorist activity) because the secrecy of task force operations made local oversight impossible. In 2001, The **Detroit** Police Chief refused to participate in a federal initiative to interview 5,000 foreign men of Middle Eastern background to assess their “threat level,” because of concerns that the interviews would alienate Arab-American residents. Many jurisdictions also have law and policy preventing the sharing of particular types of information or databases (such as those relating to state or local ID cards) with federal authorities.

Prohibit profiling based on race and religion

Illegitimate profiling by law enforcement impacts a wide range of communities, on a variety of bases, throughout the United States. Muslim communities are subjected to profiling on the basis of race and religion, and can become targets of discriminatory practices by police as well as by immigration authorities and other federal law enforcement entities. Many non-Muslims of Arab and Asian descent face the same profiling and discrimination because they are erroneously perceived as Muslim.

Comprehensive, inclusive, and enforceable anti-profiling legislation at the local level can reduce discriminatory policing and improve relationships between law enforcement and the community. While many cities and counties and some states do have anti-profiling policies, very few explicitly mention, or track, profiling on the basis of religion. The

² Full text of the ordinance available at: <https://assets.documentcloud.org/documents/2854213/Attachment-149330.pdf>

NAACP's report, "Born Suspect," found that not a single state in the country has anti-profiling legislation strong enough to be considered a model.³

To be effective, anti-profiling laws should require training for local law enforcement to reduce implicit bias, and should create accountability for both intentional discrimination as well as for practices that have a disproportionate impact on specific communities, whether intended or not. Policies should require the tracking and public reporting of demographic data in police/community interactions. Also essential are meaningful enforcement mechanisms -- such as a private right of action allowing individuals to seek relief in court, and recourse to existing enforcement mechanisms within local governments (such as Human Rights Commissions).⁴

Report hate crimes and support victims

The rate of hate crimes against Muslims spiked after 9/11 and has never fully abated. In 2015, as hateful anti-Muslim rhetoric became an increasingly regular part of the presidential campaign season, there was a new escalation of this violence. A 2016 report by Georgetown University's Center for Muslim-Christian understanding found that between March 2015 and March 2016 there were 180 reported incidents of anti-Muslim violence including 12 murders, 34 physical assaults, 56 acts of vandalisms or destruction of property, nine arsons, and eight shootings and bombings.⁵

The Hate Crimes Prevention Act (HCPA) of 2009 allows the federal government to provide local jurisdictions with assistance in the investigation and prosecution of hate crimes committed on the basis of the victim's race, religion, disability, ethnic origin, or sexual orientation. But neither the HCPA nor any other federal law requires that local law enforcement agencies track hate crimes within their jurisdiction or that they report incidents of hate crimes to any federal entity. A June 2016 report by the Associated Press found that more than 2,700 city police and county sheriff's departments (about 17% of all city and county law enforcement agencies) have not submitted a single hate crime report to the FBI for the last six years.⁶

Many states do have hate crime legislation, but those laws do not always require the public reporting of hate crime data, and where they do compliance is spotty. Some cities

³ "Born Suspect: Stop and Frisk Abuses and the Continued Fight to End Racial Profiling in America." NAACP, 2014. Available at: <http://www.naacp.org/pages/racialprofiling>.

⁴ "Building Momentum from the Ground Up: A Toolkit For Promoting Justice In Policing." The Center for Popular Democracy, 2015. Available at: <http://populardemocracy.org/sites/default/files/JusticeInPolicing-webfinal.pdf>.

⁵ "When Islamophobia Turns Violent: The 2016 U.S. Presidential Elections." Engy Abdelkader. The Bridge Initiative, Georgetown University, 2016. Available at: <http://bridge.georgetown.edu/wp-content/uploads/2016/05/When-Islamophobia-Turns-Violent.pdf>.

⁶ "Patchy reporting undercuts national hate crimes count." Christina A. Cassidy. Associated Press, June 6, 2016. Available at: <http://bigstory.ap.org/article/13412889b85640cfb0adcd3c28ad0093/ap-patchy-reporting-undercuts-national-hate-crimes-count>.

and counties do have robust hate crime tracking practices which are used not only to provide accurate data to federal authorities, but to better understand the local situation and to shape local policies. For example, the **Los Angeles County** Commission on Human Relations publishes an annual report that not only includes data on the number and types of hate crimes committed in the last year, but also undertakes extensive analysis of that data.⁷

In addition to tracking, analyzing and reporting hate crimes, local governments can also invest in support services for victims and their families. While many cities and towns have non-profit organizations that offer support groups, counseling and other services to victims, they are often underfunded and sometimes disconnected from local government. Cities and counties should develop policy to help connect the victims of hate crimes with existing services, including offering funding to community based organizations that provide support to hate crime victims or allocating money specifically for this purpose within local social service agencies. Police Department policy should explicitly prioritize building and maintaining strong relationships with local organizations dedicated to victim services.

It is imperative for local elected officials to promote and advocate for tolerance, inclusion and community unity in the face of hate and violence. Americans who are Muslims should not fear for their safety because of the color of their skin, how they pray or what language they speak. Policies that discriminate and single out Muslims as a group are inherently unfair and largely counter-productive. By reducing targeted surveillance, prohibiting profiling and resources and avenues to report hate crimes, elected officials can help create more inclusive welcoming environments that encourage Americans who are Muslim to become a more visible face in our communities.

Landscape and Resources

The Clear Project, Bridge Initiative, NAACP and the **Center for Popular Democracy** have resources on a range of policy issues ranging from reducing racial profiling to incorporating justice into policing and improving reporting systems.

⁷ The Commission's 2014 report is available at:
http://www.lahumanrelations.org/hatecrime/reports/2014_hateCrimeReport.pdf.