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Council on American-Islamic Relations

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**STATEMENT OF
ALBERT FOX CAHN, ESQ.
LEGAL DIRECTOR
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**BEFORE THE
COMMITTEE ON IMMIGRATION;
COMMITTEE ON PUBLIC SAFETY; AND
COMMITTEE ON EDUCATION
NEW YORK CITY COUNCIL**

**FOR A HEARING CONCERNING,
IDENTIFYING INFORMATION AND T2017-1557 and T2017-1588**

**PRESENTED
April 26, 2017**

Good morning, my name is Albert Fox Cahn, and I'm the Legal Director for the New York Chapter of the Council on American-Islamic Relations ("CAIR-NY"). CAIR-NY is a leading civil rights advocacy organization for the Muslim community here in New York State. Our organization works with at-risk communities that have witnessed a surge in harassment, discrimination, and hate crimes since President Trump's rise to prominence. According to CAIR's recently-released 2017 Civil Rights Report, anti-Muslim hate crimes increased dramatically in the last two years, rising more than 500% since 2014. In our work to fight these heart-breaking crimes, it's essential that victims know that they will not risk deportation for reporting their attacks. All too often, members of marginalized communities are unwilling to report crimes to police, fearing that interactions with law enforcement will invite scrutiny of the victim's status and potentially even deportation.

For nearly 15 years, Executive Orders 34 and 41 have made clear that New Yorkers cannot be interrogated about their immigrant status when trying to report a crime or access city services. These protections are vital in not only protecting the rights of immigrant communities, but in helping all New Yorkers. We all are safer when police can investigate attacks on immigrant victims. At this moment, when the Federal Department of Justice is trying to stop immigrant communities from accessing the courts, our city must do everything in our power to make sure that no New Yorker suffers in silence, scared to report their attacker to authorities. We must also ensure that city programs such as ID NYC can't be used by federal authorities to target the very New Yorkers they're designed to help.

CAIR-NY is grateful that the City Council is working to strengthen the protections afforded by existing executive orders, making sure that no future Mayor can reverse these crucial policies, and ensuring that all agencies consistently follow the law. As we build on the foundation presented by drafts of bills 1588 and 1557, we must address gaps in the proposed legislation, which largely exempt the NYPD. While there are certainly times when the NYPD would have a bonified interest in sharing information with other law enforcement agencies, we must ensure that those extraordinary exceptions do not become the rule. Specifically, if the City Council creates a centralize authority to guarantee proper handling of private information, that authority must have oversight over all agencies, including the NYPD.

Additionally, the privacy protections contemplated here today would be greatly enhanced by the passage of other NYPD reform measures that have been contemplated by this Council. Crucially, the Public Oversight of Surveillance Technology ("POST") Act, would eliminate a major loophole that has allowed the NYPD to deploy new surveillance technologies without any oversight of what technologies are purchased and how they are used. These novel surveillance technologies present a potent threat to privacy, raising many of the same issues contemplated in bills 1588 and 1557. Given the long history of unlawful and unconstitutional surveillance of Muslim New Yorkers, we cannot simply let the NYPD police itself on privacy.

We at CAIR-NY look forward to partnering with Council Members and other civil rights groups in the coming weeks and months to ensure that bills 1588 and 1557 are as strong as possible. Together, I know that we can make New York a true sanctuary for all who call it home.