



April 21, 2022

Hon. Alvin L. Bragg Jr.
District Attorney
One Hogan Place
New York, NY 10013
via email: manhattanda@dany.nyc.gov

Re: Referral To The Honorable Alvin L. Bragg Jr., New York County District Attorney, Of New York City Police Department Deputy Commissioner John Miller For Possible Criminal Prosecution For Violations Of One Or More Criminal Statutes Based On Statements to the New York City Council Committee on Public Safety.

Mr. District Attorney:

We, the undersigned parties, do hereby refer NYPD Deputy Commissioner of Intelligence & Counterterrorism John Miller to your office for possible criminal prosecution based on their apparently false testimony to the New York City Council (“Council”) Committee on Public Safety on March 18, 2022. Repeatedly, while testifying under oath, Deputy Commissioner Miller apparently perjured himself by claiming that the NYPD had not illegally surveilled Muslim New Yorkers. This statement is false. We have included, for your review, Deputy Commissioner Miller’s relevant statements and reports of the NYPD’s prolonged pattern of discriminatory surveillance of Muslim New Yorkers.

During the Public Safety meeting on March 18, Councilmember Shahana Hanif asked if the NYPD would apologize for its history of targeting Muslim New Yorkers. In response, Deputy Commissioner Miller falsely claimed that there is no reliable evidence that NYPD discriminatorily surveilled Muslims. Specifically, he said:

“I know from my own conversation with Muslim members of the community and Muslim community leaders, that there are people who have believed and will believe forever, that there were spies in their mosques who were trying to entrap people. And that when they kneel down to pray today, before their God, when they get up, they are still suspicious that that person who engages with them in a conversation as a new friend, or a stranger, may be that undercover officer ... I know that there is no evidence that, that occurred based on every objective study that's been done ...”

But that, in fact, is exactly what happened, and that abuse is well documented.¹ NYPD documents show that the intelligence division intentionally singled out mosques, civic organizations, small businesses, and Muslim households simply because of their faith and “ethnicity.”² The Department identified 28 “ancestries of interest,” meaning people whose family’s immigrated from Muslim majority regions.³ Further, NYPD reports, including “Radicalization in the West: The Homegrown Threat,” single out Islam as being connected to “radicalization.”⁴ Informants even admitted that NYPD hired them to “bait” New Yorkers by joining their mosques, befriending them, and initiating conversations about Islam and terrorism.⁵ Based on the numerous objective reports and NYPD’s own internal documents, there is overwhelming evidence that NYPD “put spies in their mosques”; claims to the contrary are not credible in light of such evidence.

When police officials lie under oath, it not only undermines the Council’s ability to carry out its Charter-mandated oversight function, it undermines democracy itself. What power do our publicly elected officials have to truly govern our city if the police can lie to them without consequence? Your office routinely prosecutes charges under N.Y. Penal Law Section 210.05 and Section 210.15, and you should hold those who swear to protect and serve New Yorkers to a higher standard, not give them a get out of jail free card. If your office is unable or unwilling to promptly launch the requested investigation, we ask that you meet with our group at the earliest possible opportunity.

Sincerely,

Albert Fox Cahn, Esq.
Executive Director
Surveillance Technology Oversight Project

Hon. Shahana Hanif
New York Council Member
39th City Council District

¹ <https://www.pulitzer.org/winners/matt-apuzzo-adam-goldman-eileen-sullivan-and-chris-hawley>

² <https://web.archive.org/web/20120307184221/http://wid.ap.org/documents/nypd-demo.pdf>;
<https://www.theguardian.com/world/2012/mar/09/nypd-monitored-groups-based-religion>

³ <https://nymag.com/news/features/nypd-demographics-unit-2013-9/#print>;
<https://web.archive.org/web/20120307184221/http://wid.ap.org/documents/nypd-demo.pdf>

⁴ <https://www.brennancenter.org/sites/default/files/legacy/Justice/20070816.NYPD.Radicalization.in.the.West.pdf>

⁵ <https://www.ap.org/ap-in-the-news/2012/informant-nypd-paid-me-to-bait-muslims>