



May 14, 2018

VIA FIRST CLASS MAIL AND EMAIL

Chief of Police Eddie Garcia
201 W. Mission Street
San Jose, CA 95110

RE: Discrimination Alleged by Muslim Police Officer

Dear Chief Garcia:

My name is Sally Horna, and I am a Legal Fellow at the Council on American-Islamic Relations, San Francisco Bay Area (“CAIR-SFBA”) office. I write today regarding the recent news of a Muslim San Jose Police Department (“SJPD”) officer’s allegations of the blatant racism he faced personally and the existing culture of rampant religious bigotry within the SJPD.¹ CAIR-SFBA was disappointed to learn of these allegations.

According to reports, the officer, Nabil Haider, alleges the harassment began in 2011, when fellow SJPD officers regularly asked Haider, “How many infidels are you going to kill today?”; “You aren’t gonna fly an airplane, are you?”; and “Have you lost your way to the White House?” SJPD officers even went so far as to repeatedly call Haider “Taliban” and “Bin Laden.”

More recently, in November 2017, Haider attended a briefing where the Briefing Sergeant and Captain recognized all the present veterans in honor of Veteran’s Day. Then, the Briefing Sergeant said, “Captain, you forgot to mention Nabil. He is an ISIS veteran. He was with ISIS for two years.” In January 2018, while Haider was at the scene of a burglary, a fellow officer approached him making hand motions and an explosion sound. The officer proceeded to make exploding sounds and used his hands to pretend he was a suicide bomber. The officer then asked whether Haider’s knife was a “F----- Lebanese throat cutter.” This blatantly racist mockery was captured on Haider’s body camera. Nevertheless, this officer moved closer to the camera and gave Haider the middle finger.

Haider took appropriate measures and reported this incident with SJPD’s Internal Affairs. However, he contends there has been no action taken with respect to either incident.

These allegations reflect an atmosphere of egregious workplace harassment and a troubling lack of departmental oversight and accountability. All individuals should be able to work in environments free of discrimination or harassment, regardless of their race, color, religion, sex, or national origin.

¹ See, e.g., Damian Trujillo, *Muslim Officer Files Discrimination Claim Against SJPD, City*, NBC BAY AREA (May 7, 2018), <https://www.nbcbayarea.com/news/local/SJPD-Officer-Files-Discrimination-Claim-Against-Department-City-481990411.html>; see also Sophie Haigney, *San Jose police officer alleges racist department culture against Muslims*, SFGATE (May 8, 2018), <https://www.sfgate.com/bayarea/article/San-Jose-police-officer-alleges-racist-department-12898438.php>.

Unless substantial steps are taken to change the culture of the police force, these latest allegations will erode the faith the public has in SJPD's ability to protect and serve communities of color in a competent and unbiased manner. Time and again, minority communities have raised concerns about the Department's ability to address concerns about its policing practices and various manifestations of racial bias.² Unfortunately, this latest complaint demonstrates that SJPD continues to allow officers to make racist remarks without proper consequences.³

To effectuate meaningful change and prevent a further erosion of community and confidence, CAIR-SFBA urges SJPD to:

1. Investigate complaints of racial bias committed by police officers against their colleagues and community members, and take corrective action
2. Implement Arab, Muslim, Middle Eastern, and South Asian ("AMEMSA") cultural-sensitivity education and training in SJPD's periodic training bulletins, as well as in SJPD Academy's curriculum; and
3. Implement independent review mechanisms to ensure all complaints are adequately investigated and corrective measures are successfully executed.

We are of course happy to meet with you to discuss these matters more fully or provide additional information. We look forward to hearing from you.

Sincerely,



Sally Horna
Legal Fellow

cc:

San Jose Mayor Sam Liccardo
San Jose Board of Supervisors
San Jose Community Advisory Board
San Jose Office of the Independent Police Auditor

² David Louie, *Report: SJPD has a big problem being racially biased*, ABC 7 NEWS (April 10, 2015), <http://abc7news.com/society/report-sjpd-has-big-problem-being-racially-biased/649558/>; see also Jennifer Wadsworth, *San Jose Police Find Silver Lining in Report on Racial Disparities*, SAN JOSE INSIDE (Feb. 20, 2017), <http://www.sanjoseinside.com/2017/02/20/san-jose-police-find-silver-lining-in-report-on-racial-disparities/>.

³ Damian Trujillo, *San Jose Police Officer Fired for Racist Tweets Back on Patrol*, NBC BAY AREA (Feb. 18, 2016), <https://www.nbcbayarea.com/news/local/Officer-Fired-for-Racist-Tweets-Back-on-Patrol-for-San-Jose-Police-Department-369351621.html>.