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Cases Seeking Disclosure About NYPD Muslim Surveillance Will Be Heard by Appeals Court

Joel Stashenko, New York Law Journal

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The Court of Appeals agreed Monday to hear a case challenging the New York City Police Department's refusal to acknowledge the existence of records sought under the state Freedom of Information Law.

The Appellate Division, First Department, [had decided](#) in one ruling covering two cases, *Matter of Abdur-Rashid v. New York City Police Department*, and *Matter of Hashmi v. New York City Police Department*, that the NYPD may invoke the so-called "Glomar doctrine" when responding to FOIL requests.

In both instances, the NYPD was asked about the existence of information about Muslim anti-terrorist activities, but would not say whether or not the materials existed.

While the "Glomar doctrine" allows federal departments to cite security concerns when giving nonresponsive answers to FOIL requests, the First Department said the NYPD may use the same principle in response to records requests in the two cases.

The Court of Appeals did not elaborate on its reasons for hearing the appeal in motion No. 2016-722. It generally takes about 13 months from the time the court accepts an appeal until it renders a ruling.

Omar Mohammedi of Manhattan represented the plaintiffs in both matters.

Assistant New York City Corporation Counsels Devin Slack and Richard Dearing filed papers on the city's behalf.

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