

# HUFFPOST

RELIGION 01/25/2015 08:00 am ET Updated Jan 27, 2015

## Muslim Woman Sues Police For Forcing Her To Remove Hijab



A Muslim woman who was forced to remove her hijab by police in Michigan claims her religious rights were violated, and she's hoping a civil rights lawsuit will ensure other women don't have the same experience.

Malak Kazan, 27, is suing the police department and city of Dearborn Heights, a suburb of Detroit, after officers refused her request to keep her headscarf on while taking a booking photo. Her attorney Amir Makled filed the lawsuit in federal court Thursday.

"Malak has been very brave by going forward with this case," Makled told The Huffington Post. "It's something that's going to be heightened exposure for her, and she's kind of already suffered a little bit of backlash ... The level of racism that's out there, that she has witnessed on some of these websites

[that covered her case], it's been very upsetting to her. But she still carries on and is still proud to be a trailblazer for a just cause."

Kazan was stopped for a traffic violation in Dearborn Heights on July 9, and was then arrested; Makled says her license had been suspended for outstanding traffic tickets. The lawsuit states that at the police station she was asked to remove her headscarf, which she wears in public and when she is in the presence of men who aren't family members, for her booking photo. When she told the unnamed officer that to do so would violate her religious beliefs, he said there were no exceptions. She spoke with his supervisor, who also allegedly refused her request.

Kazan says she then requested that a female officer take the photograph, which was also denied. The lawsuit alleges the first officer then threatened her with further detention if she didn't comply.

The suit claims Kazan experienced "extreme shame, humiliation, mental anguish, and emotional distress" when she was forced to remove her hijab.

"To Ms. Kazan, wearing a headscarf is a reminder of her faith, the importance of modesty in her religion, and her religious obligations, as well as a symbol of her own control over who may see the more intimate parts of her body," the lawsuit states.

Kazan's lawsuit calls on the police department to change its policy to allow headscarves worn for religious purposes and to provide training about the change.

"She doesn't want to have other women [undergo similar experiences]," Makled said. "It's a women's rights issue as well as a Muslim rights issue."

Dearborn Heights Police Chief Lee Gavin, who is named in Kazan's lawsuit, did not return a request for comment but told FOX 2 that the department requires individuals to remove hats and other head coverings for safety reasons, as they can "contain concealable items that could pose a threat or chance of injury to the cops or to themselves." He said procedure is to have women remove hijabs in the presence of a female officer, but there aren't always enough female officers at the station.

"Our number one concern is security of our officers and the prisoners," Gavin said.

Makled said from a legal standpoint, the police department would have to have a compelling reason in order to not make accommodations for a person's religious practice, and he doesn't believe that was the case in this incident.

The city had not been served with the lawsuit as of Friday afternoon, Dearborn Heights Corporation Counsel Gary Miotke told HuffPost. He said he couldn't knowledgeably comment until he had seen the allegations.

The Detroit area has one of the highest concentrations of Arab-Americans in the country, with a particularly strong community in Dearborn, adjacent to Dearborn Heights. In the last several years, Dearborn Heights' Arab-American population has grown significantly, according to the Arab American News.

In December, the Arab-American Civil Rights League filed a different lawsuit against the city on behalf of a family who allege the police department discriminated against them, making anti-Arab remarks and retaliating when they complained.

In nearby cities and around the country, other Muslim women have faced circumstances similar to Kazan's, being forced to remove headscarves worn for religious reasons while detained. Safety appears to be the primary reason cited for those rules, but, in recent years some departments — including Washington, D.C. police — have changed policies to allow women to keep their headscarves on in custody.

Another agency that now allows headscarves is the Orange County Sheriff's Department in California. In 2007, Anaheim resident Souhair Khatib sued after officers at a courthouse holding cell compelled her to remove her hijab for security reasons. The civil rights lawsuit was settled in 2013, and the OCSD changed their policy to allow religious headscarves, conducting trainings about the change.

*HUFFPOST: RELIGION 01/27/2015*