

February 2, 2021

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*****FOR IMMEDIATE RELEASE*****

Legal Aid Statement on Governor Cuomo Repealing New York’s “Walking While Trans” Statute

(NEW YORK, NY) – Tina Luongo, Attorney-In-Charge of the Criminal Defense Practice at The Legal Aid Society, released the following statement in response to Governor Andrew Cuomo enacting legislation to repeal New York’s “Walking While Trans” statute:

“New York’s discriminatory, racist, sexist, and transphobic ‘Walking While Trans’ statute is finally a relic of the past, and this is a moment that all of New York should celebrate. Legal Aid applauds Governor Cuomo, Senate Majority Leader Stewart-Cousins and Assembly Speaker Carl Heastie for championing and enacting this legislation, but the true heroes are those New Yorkers who shouldered the brunt of this discriminatory enforcement for decades and worked tirelessly to secure this necessary change.”

Background

In 2016, Legal Aid and Cleary Gottlieb filed *D.H. et al v. City of New York, et. al.* – a civil rights lawsuit brought on behalf of women of color, many of whom are transgender, who were wrongly arrested under New York’s loitering for prostitution law.

In 2019, in light of the serious constitutional issues raised by these arrests, in a settlement, the NYPD [agreed](#) to revise its Patrol Guide section on the loitering for purposes of engaging in a prostitution offense, which now specifically prohibits officers from relying on “gender, gender identity, clothing, and location” alone or in combination to establish probable cause, and requires more detailed factual narratives about officers’ observations. The settlement also required that NYPD officers be similarly trained that “an individual’s history of arrests for prostitution-related offenses does not, by itself, constitute probable cause or reasonable suspicion.”

Lastly, officers in commands where these arrests had been made received training about the new rules and the settlement required the NYPD Legal Bureau to audit arrests for compliance.

This legislation will build on the protections secured in this settlement to protect New Yorkers from this kind of NYPD profiling, discrimination and harassment.

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