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Contact:

Redmond Haskins
The Legal Aid Society
(929) 441-2384
rhaskins@legal-aid.org

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

Legal Aid, Winston & Strawn Secure Court Decision Allowing Claims that Port Authority Police Maintained a “De Facto Policy” Targeting Gay and Gender-Nonconforming Men in PANYNJ Bus Terminal Restrooms to Proceed to Trial

(NEW YORK, NY) - The Legal Aid Society and Winston & Strawn LLP celebrated a [decision](#) rendered in Holden et. al. v. Port Authority of New York and New Jersey [litigation](#) filed in 2017 against the Port Authority Police Department (PAPD) challenging a discriminatory policy of falsely accusing gay and gender-nonconforming men of masturbating in the Port Authority Bus Terminal restrooms and arresting them on the false charges (PABT).

In the February 22, 2021 summary judgment decision, the Court found that plaintiffs had “proffered evidence to establish that the PAPD officers engaged in a pattern of policing specifically targeting men perceived as gay, bisexual, or otherwise gender non-conforming for arrest without probable cause on charges for Public Lewdness after using the PABT men’s restrooms.” The Court further found that a jury could conclude that this discriminatory pattern was the result of PAPD’s failure “to train or to supervise and discipline plainclothes officers, despite awareness of past issues.”

“This decision affirms the discriminatory treatment our clients have been suffering for years at the hands of the Port Authority Police Department,” said **Molly Griffard, Legal Fellow with the Cop Accountability Project at The Legal Aid Society**. “These illegal practices have been previously raised with the PAPD but, to date, the Department has refused to offer training or discipline officers to curb these problematic tactics. The PAPD must be held to account for these policies that grossly infringe on our clients’ most basic civil rights.”

“We are hopeful that the Court’s decision will encourage the PAPD to meaningfully reevaluate the way it trains and supervises its officers and the way they engage with the diverse communities that pass through its doors on a daily basis, including the LGBTQ+ community,” said **Seth E. Spitzer with Winston & Strawn LLP**. “We believe this lawsuit proves that in this day and age it is unacceptable for police officers to blatantly discriminate

against innocent men perceived to be LGBTQ+ based solely upon their appearance and the PAPD should be held accountable.”

Background

The lawsuit, filed in the United States District Court for the Southern District of New York, asserts that PAPD officers engaged in a pattern and practice of targeting men perceived as gay, or gender or non-conforming, and arresting them on baseless charges including public lewdness and exposure.

According to the complaint, PAPD officers made targeted arrests on the discriminatory basis of actual or perceived sexual orientation to boost “quality of life” arrest statistics. The PAPD have continued to make such targeted arrests knowing or believing that most of those arrested will ultimately be forced to plead guilty to lesser charges to avoid public embarrassment and humiliation, costly legal fees, and jail sentences, as well as reputational and professional harm associated with the false charges, the suit explained.

In 2014, Legal Aid [sounded the alarm](#) on the unusual spike in arrests at PANYNJ bus terminal bathrooms targeting LGBTQ+ New Yorkers.

Plaintiffs are seeking significant changes to the way the Port Authority polices public restrooms and how their officers interact with members of the LGBTQ+ community, in addition to compensatory damages.

The Legal Aid Society legal team includes Tina Luongo, Corey Stoughton, Erin Beth Harrist, Marlen Bodden and Molly Griffard. The Winston & Strawn LLP legal team includes Michael S. Elkin, Seth E. Spitzer, Matthew Stark, Cesie Alvarez, Michelle Tuma, Allison N. Skopec, Phoebe Rosenfeld, and Jack Cartwright.

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