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

***Statement on Surge of Public Lewdness Arrests by Amtrak Police in Penn Station
Bathrooms Allegedly Targeting LGBTQ+ New Yorkers***

***This Practice Mirrors Similar Tactics Employed by Port Authority Police That
Were Found Unconstitutional***

Arrests Have Placed at Least 20 New Yorkers into ICE Custody

(NEW YORK, NY) – The Legal Aid Society issued the following statement in response to reporting from [THE CITY](#) and [Gothamist/WNYC](#) on a surge of public lewdness arrests by Amtrak Police in Penn Station bathrooms allegedly targeting LGBTQ+ New Yorkers:

“We are deeply disturbed by the surge in public lewdness arrests that appear to target LGBTQ+ New Yorkers. Our caseload reflects this troubling pattern, especially since the start of summer — including 20 arrests in a single day this September. Too often, these arrests are based on an officer’s perception of a person’s sexual orientation rather than on probable cause.

“This practice is not new. For nearly two decades, the Port Authority Police Department (PAPD) used similar tactics in the men’s restrooms of the Port Authority Bus Terminal — until a federal judge ruled there was enough evidence for a jury to hold multiple officers, and the PAPD itself, liable for violating plaintiffs’ constitutional rights.

“Equally distressing are the devastating immigration consequences. These arrests have funneled immigrant New Yorkers into the deportation pipeline, [with at least 20 people](#) transferred to Immigration and Customs Enforcement custody since May, according to reporting. For many, a baseless arrest for public lewdness can trigger detention, prolonged separation from family, loss of employment, and even deportation.

“The Legal Aid Society will continue to closely monitor the situation at Penn Station and explore all available avenues to help ensure that this troubling trend does not persist.”

Background

In [2005](#), a federal jury found the PAPD liable for discriminatory arrests that violated constitutional rights. The case centered on sweeps of a Port Authority Trans-Hudson station men’s restroom, where officers admitted to arresting as many as 30 people for public lewdness in a single shift during the 1990s. The jury concluded that these arrests were made without regard to probable cause.

Nevertheless, in 2013, attorneys at The Legal Aid Society identified a [new pattern of false public lewdness arrests](#) at the Port Authority Bus Terminal. These arrests targeted people based on their actual or perceived sexual orientation and appeared designed to inflate “quality of life” statistics.

Despite media scrutiny and the prior 2005 ruling, PAPD officers continued this practice, knowing most people would plead to lesser charges to avoid humiliation, legal costs, and reputational harm.

In [2017](#), The Legal Aid Society, along with pro bono counsel, filed [Holden et al. v. The Port Authority of New York and New Jersey et al.](#) in the Southern District of New York, challenging PAPD’s bathroom sting operations and seeking injunctive relief and damages.

In [2022](#), The Legal Aid Society and pro bono counsel secured a [settlement](#) with the Port Authority that delivered broad reforms and compensation for the plaintiffs.

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The Legal Aid Society is a nonprofit organization that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

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