

Winston Wins Historic Reforms Preventing Police Profiling of LGBTQ+ Individuals

JUNE 1, 2022

Winston and The Legal Aid Society of New York have reached a settlement agreement in an LGBTQ+ profiling case against the Port Authority of New York and New Jersey. The agreement provides compensatory damages as well as significant changes to the way that Port Authority Police Department (PAPD) officers interact with the LGBTQ+ community.

“We are proud that this litigation has compelled 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 facilities—both in New York and New Jersey,” said Winston Vice Chairman **Michael Elkin**. “This lawsuit and our plaintiffs have proven that it is unacceptable for anyone, let alone a police force, to blatantly discriminate against those in the LGBTQ+ Community based solely upon their appearance—and that change, although slow and gradual, is achievable.”

The federal lawsuit, filed in 2017 in the United States District Court for the Southern District of New York, asserts that PAPD officers routinely engaged in policing that illegally targeted men perceived to be members of the LGBTQ+ community.

In a February 2021 summary judgment decision allowing the case to move to trial, the court found plaintiffs had “proffered evidence to establish that the PAPD officers had 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 Port Authority Bus Terminal men’s restrooms.”

After more than 12 months of negotiations, the PAPD has agreed to provide monetary relief to plaintiffs and institute sweeping reforms including:

- Ending plainclothes patrols of restrooms for lewdness and exposure and requiring the highest level senior PAPD sign-off for any future patrols
- Designating a high-ranking PAPD staffer as the Chief of Agency Affairs to be a point of contact for LGBTQ+ community members
- Adopting revised LGBTQ+ non-discrimination policies that incorporate modern terminology

- Implementing LGBTQ+ non-discrimination training for new recruits that will be conducted by the Gay Officer Action League
- Roll-call trainings on PAPD's policy banning bias-based policing and requiring a statement of individualized probable to justify an arrest
- Posting signs outside single stall restrooms designating them as gender neutral
- Updating the Civilian Complaint form to include broader categories of sexual orientation and gender identity categories and to make it more accessible on the Port Authority website

Additionally, the PAPD will advise commands that the department views any substantiated complaint of discrimination based on race, religion, national origin, or sex as a serious violation of an officer's oath of office that warrants disciplinary charges.

The Winston team that worked on this matter includes New York Partner **Michael Elkin**, Washington, D.C. Associate **David Houck**, and New York Senior Paralegal **Karen Forte**.

You can read *The New York Times* story about this historic settlement [here](#).

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