New York Police to Pay \$1 Million to Settle Discrimination Case

Two plaintiffs had accused the police of systemic discrimination against victims of sexual assault.



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By Christopher Maag

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New York City's Police Department agreed on Thursday to pay \$1 million to settle a long-running lawsuit in which two people accused the police of systemic discrimination against victims of sexual assault.

The settlement, which includes no admission of wrongdoing by the police, also empowers private citizens to monitor the Police Department's staffing levels and caseload limits for detectives in the Special Victims Unit, which investigates sex crimes.

"While we may not have totally transformed the culture of the N.Y.P.D., you've got to take your wins where you get them," said Jennifer Welch Demski, one of the plaintiffs.

Longtime advocates for sexual assault victims described the settlement as an important first step toward greater police accountability but expressed concern that the deal imposes few new requirements on the Police Department to improve.

"I applaud these plaintiffs for doing more than any two people can be expected to do," said Jane Manning, director of Women's Equal Justice, a nonprofit that works to improve the criminal justice system's handling of sexual assault cases. "But the onus is still on the N.Y.P.D. to make truly comprehensive changes."



At a news conference in 2019, the plaintiffs and their lawyer, Mariann Wang, describe their case against the New York Police Department. Stephanie Keith for The New York Times

The Police Department did not respond to a request for comment.

The lawsuit was brought by Ms. Welch Demski, who reported that she had been raped by a former partner in July 2015, and Alison Turkos, who reported being taken hostage, transported across state lines and raped at gunpoint by three men in October 2017. Both plaintiffs said they had tried to report the assaults to the police, only to be met with hostility, disbelief and incompetence by police officers and detectives.

A police officer who interviewed Ms. Welch Demski told her that what happened to her "was not rape," according to the lawsuit, and a police sergeant asked why she "was doing this to" her ex-boyfriend.

In the later case, investigators with the Federal Bureau of Investigation said that officers had bungled the investigation so badly that the agency could not pursue criminal charges against the assailants, according to the lawsuit.

Their experiences with rank-and-file police officers and detectives in the Special Victims Unit were not unique, lawyers for the plaintiffs found. The unit was created in 2003. By 2010, then-Police Commissioner Raymond Kelly convened a Sex Crimes Working Group to investigate systematic mishandling of sexual assault investigations by the unit, the plaintiffs wrote in their lawsuit.

At least four more investigations and reform efforts inside the Police Department followed over the next eight years. All found similar problems, including understaffing, crushing caseloads and inexperienced and undertrained detectives who were unprepared to handle investigations as complex and sensitive as sex crimes.

"The root of the failure is gender bias against female victims," according to the lawsuit.

The suit was filed in January 2019. Six and a half years later, the plaintiffs said they were happy to finally find some kind of resolution, even if the settlement may mean few concrete changes for the Police Department.

"It's a step forward," Ms. Welch Demski said. "Here is something they have to stick to. It's one little thing, but its an important thing."

As part of the settlement, investigators in the Special Victims Unit cannot be assigned more than 64 cases per year and cannot have more than 20 open cases at any time. Beginning on July 1, the department must report these caseload numbers to the lawyers for plaintiffs for the next three and a half years. If the Police Department exceeds the caseload requirements, the lawyers may seek remedies from Judge Jeanine Johnson, who heard the case in State Supreme Court in Manhattan.

Advocates for sexual assault victims said that additional reforms would be needed to improve the Police Department's handling of sexual assault investigations.

Under the settlement, investigators must have at least four years of experience before joining the Special Victims Unit. If those four years are spent as a regular police officer, however, and not as a detective or investigator, it may mean little improvement in training and preparation for people in the Police Department who respond to complaints of sexual assault, said Mary Haviland, former executive director of the New York City Alliance Against Sexual Assault.

"I'm not sure that four years of experience as a police officer is going to prepare somebody for duty" in the Special Victims Unit, Ms. Haviland said.

The Special Victims Unit employs more than 300 investigators, who handle about 14,000 complaints of sexual assault every year, according to the Police Department. Many more investigators are needed to handle that volume of complex, sensitive cases, said Helen Rosenthal, chair of the board of the New York City Alliance against Sexual Assault.

"This is a huge victory for survivors," she said. "Fundamentally, though, we must double the size of the unit. That's how people like Alison Turkos could be served better, could be served with dignity."

Christopher Maag is a reporter covering the New York City region for The Times.