

Female officers get 2d chance in suit over locker rooms

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By Maria Cramer, Globe Staff | March 29, 2008

For decades, male superior officers and patrolmen in Boston police district stations have had their own locker rooms, a separation that allowed patrolmen to grouse about superiors without worrying they will be overheard and that spared supervisors the awkwardness of changing in front of men they supervise.

Most female superior officers, however, have had to share a locker room with the women they command. Five years ago, three female superior officers sued the Police Department and the city, asserting they were victims of gender discrimination and retaliation for their complaint.

A superior court judge had ruled against them, but yesterday the state Appeals Court threw out the decision and sent the case back to superior court, which will allow the officers to make their case before a jury, the women's lawyer said.

Justice William Cowin, one of the three judges who ruled unanimously yesterday, wrote for the panel and said that the department's failure to provide locker rooms for female superiors "could well be construed by subordinates as devaluing and therefore undermining the rank and authority of those female superior officers."

Cowin said the department appeared to have retaliated not only against the women, but against the male superior officers who backed their allegations of discrimination, only to have department officials threaten to eliminate locker rooms for all superior officers.

Elaine Driscoll, spokeswoman for the Boston Police Department, declined to comment. "At this time, our lawyers will take a look at this latest decision and decide how we will proceed," she said in an e-mail.

Shannon Liss-Riordan, the officers' lawyer, praised the decision, which she called a vindication for the women and the Boston Police Superior Officers Federation, whose leaders backed the officers.

"The Boston Police Superior Officers federation stuck its neck out for the female superior officers and said this is sex discrimination," Liss-Riordan said. "You should not punish a predominantly male union that went out on the line for its minority officers."

Since at least 1980, male superiors have had their own locker rooms, which are considered a perk that came with a high rank, according to the ruling.

For patrolmen, the locker room has been a place to decompress after a stressful shift. Sometimes, it serves as an informal meeting place where officers can talk about union action and collective bargaining strategies without scrutiny, according to the ruling.

All 11 district stations have locker rooms for male superior officers, but only five stations have locker rooms for female superior officers.

In April 2000, Lieutenant Genevieve King was assigned to the Mattapan district station, where the drug unit was using the locker room that had once been assigned to female supervisors. King asked to use the room, but her supervisors refused and told her she could change in a closet in the women's locker room, according to the ruling.

King took her complaints to a deputy superintendent and union officials, who asked department officials to make a change.

Instead, the officials suggested taking away all the locker rooms for superior officers. In February 2003, King, who is now a captain, and two other officers, Sergeants Debra Gifford and Anne Stuart, who is now retired, filed a lawsuit.

Soon after, the lawsuit was mentioned in a local newspaper and the department's superintendent in chief at the time ordered district commanders to eliminate locker rooms for all superior officers, a move that was later blocked by a

superior court judge. Cowin said the department's order was enough evidence to suggest that officials wanted to "retaliate against male superior officers for supporting the female superior officers' complaints."

Driscoll said the department will not set up any more locker rooms for female superior officers until the case is resolved.

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