



**PAB**

**POLICE  
ACCOUNTABILITY  
BOARD**

# **ISSUE BRIEF**

## **UNDERSTANDING THE ROCHESTER POLICE ACCOUNTABILITY BOARD LITIGATION**

*How Court Decisions Reshaped Civilian Oversight in Rochester*

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## Executive Summary

The Rochester Police Accountability Board (PAB) was established in 2019 following a citywide referendum in which approximately seventy-five percent of Rochester voters approved the creation of an independent civilian oversight agency focused on police accountability, transparency, and public trust.

Since its creation, however, the PAB has been the subject of extensive litigation involving the Rochester Police Locust Club and questions surrounding the interaction between local oversight authority, collective bargaining agreements, and New York State labor law. Over several years, multiple court decisions, including rulings by the New York Court of Appeals and the Appellate Division, Fourth Department, substantially limited the PAB's disciplinary and investigative authority.

This public explainer provides a high-level overview of the major litigation involving the PAB and explains, in plain language, how those court decisions reshaped civilian oversight in Rochester. It also outlines the PAB's current role and the broader implications these decisions may have on the future of police accountability in Rochester and throughout New York State.

Importantly, the courts did not conclude that civilian oversight itself is unconstitutional or improper. Rather, the litigation focused on whether certain powers granted to the PAB conflicted with collectively bargained disciplinary procedures protected under New York State labor law.

*This public explainer is intended for educational and informational purposes and provides a general overview of the litigation involving the Rochester Police Accountability Board and its impact on civilian oversight in Rochester, New York.*

## Key Takeaways

- The courts did not eliminate civilian oversight in Rochester or conclude that civilian oversight is unconstitutional or unlawful.
- Court decisions determined that certain powers originally granted to the Police Accountability Board conflicted with New York State labor law and collectively bargained police disciplinary procedures.
- Through litigation commonly referred to as “Locust I” and “Locust II,” the PAB lost the authority to independently investigate individualized allegations of police misconduct, issue subpoenas involving officers, conduct disciplinary hearings, and impose or recommend discipline.
- Despite these legal limitations, the PAB continues to receive and document complaints, identify systemic concerns and trends, conduct policy analysis, issue Proposals for Change, engage the community, and promote transparency and public accountability.
- The Rochester PAB litigation has become one of the most significant civilian oversight legal cases in New York State and may influence future oversight models throughout the state.
- The courts repeatedly noted that future changes to police accountability authority may require action by the New York State Legislature.

## Litigation Timeline

November 5, 2019 → PAB Created

Rochester voters approve the creation of the Police Accountability Board through a citywide referendum.

December 2019 → Initial Legal Challenge Filed

The Rochester Police Locust Club files litigation challenging portions of the PAB law.

2020 → Locust I Litigation Begins

Litigation focuses on whether the PAB's disciplinary authority conflicts with collective bargaining protections.

April 15, 2020 → Monroe County Supreme Court Decision

The court rules portions of the PAB law related to discipline are invalid.

March 19, 2021 → Appellate Division Affirms

The Appellate Division, Fourth Department affirms portions of the lower court ruling.

April 20, 2023 → New York Court of Appeals Decision

New York's highest court largely affirms prior decisions limiting the PAB's disciplinary authority.

April 28, 2025 → Locust II Supreme Court Decision

Additional litigation challenges the PAB's remaining investigative powers.

March 20, 2026 → Appellate Division Affirms Locust II

The Appellate Division affirms the lower court ruling further limiting the PAB's investigative authority.

Spring 2026 -Present → Transition Toward Systemic Oversight & Policy Review

The PAB continues its work through complaint intake, systemic review, policy analysis, public education, transparency efforts, and community engagement.

## Key Terms & Context

**Civilian Oversight:** An independent process or body designed to promote police accountability, transparency, and public trust through review, policy analysis, community engagement, and oversight functions.

**Collective Bargaining Agreement (CBA):** A legally binding contract negotiated between an employer and a labor union that establishes terms and conditions of employment.

**Court of Appeals:** The highest court in New York State.

**Disciplinary Authority:** The legal ability to determine violations of rules or policies and impose or recommend consequences or penalties.

**Investigative Authority:** The legal ability to independently gather evidence, interview witnesses, review records, and determine facts related to alleged misconduct.

**Locust Club:** The labor union representing sworn officers of the Rochester Police Department.

**Locust I:** Litigation primarily focused on the PAB's disciplinary authority.

**Locust II:** Litigation primarily focused on the PAB's investigative authority.

Police Misconduct

Alleged actions by police officers that may violate department policy, law, or professional standards.

**Proposal for Change:** A formal public recommendation issued by the PAB intended to improve policing practices, transparency, accountability, or public trust.

**Subpoena Power:** The legal authority to compel testimony or require the production of records or evidence.

**Supreme Court:** A trial-level court in New York State that hears major civil and criminal cases and issues legal decisions that may later be appealed to higher courts. Despite its name, the New York State Supreme Court is not the highest court in the state.

**Systemic Oversight:** Review focused on patterns, trends, policies, practices, and broader organizational issues rather than individual incidents alone.

**Taylor Law:** A New York State law governing labor relations between public employers and public employees, including police unions.

**Transparency:** Providing the public with access to information, data, policies, and processes related to policing and accountability.

## Introduction

The Rochester Police Accountability Board (“PAB”) was created in 2019 after years of public debate regarding police oversight and accountability in Rochester. Approved through a citywide referendum, the PAB was initially granted broad authority to receive and investigate complaints of police misconduct, issue subpoenas, conduct disciplinary hearings, and increase transparency related to police accountability.

Almost immediately after its creation, however, the PAB became the subject of extensive litigation. Over several years, multiple courts, including New York’s highest court, issued decisions significantly limiting the Board’s authority.

As a result, many Rochester residents have questioned what authority the PAB still retains, why the courts ruled the way they did, and whether civilian oversight can still exist in Rochester.

## Locust I: The Discipline Litigation

Shortly after the PAB law was adopted, the Rochester Police Locust Club and several police officers filed lawsuits challenging the legality of the Board’s disciplinary authority.

The primary legal issue involved police discipline. Under New York’s Taylor Law, many terms and conditions of employment for public employees must be negotiated through collective bargaining agreements between municipalities and unions. The union argued that Rochester had already negotiated disciplinary procedures with the Locust Club and therefore could not create a separate disciplinary system through local legislation.

The litigation focused on the PAB’s authority to conduct disciplinary hearings, adjudicate misconduct charges, and impose or recommend discipline.

In 2020, Monroe County Supreme Court ruled that portions of the PAB law conflicted with collectively bargained disciplinary procedures already contained in the union contract. The Appellate Division, Fourth Department later affirmed that ruling.

In 2023, the New York Court of Appeals largely affirmed the lower court decisions. The Court held that Rochester could not unilaterally create a disciplinary structure that conflicted with negotiated union protections.

Importantly, however, the Court did not rule that civilian oversight itself was unconstitutional or improper.

## Locust II: The Investigations Litigation

Even after the Court of Appeals decision, disputes continued regarding what authority the PAB still retained.

The Locust Club filed additional litigation challenging the PAB's remaining investigative powers, including the authority to independently investigate officer misconduct, issue subpoenas, compel testimony, and prepare disciplinary recommendation reports.

Supporters of the PAB argued that investigations were separate from discipline itself and were necessary for meaningful civilian oversight. The courts ultimately disagreed.

In 2025, Monroe County Supreme Court ruled that the PAB's investigative powers were sufficiently connected to discipline that they also conflicted with collective bargaining protections and New York State labor law. In 2026, the Appellate Division affirmed that ruling.

As a result of those decisions, the PAB no longer independently investigates individualized allegations of police misconduct or exercises subpoena powers involving officers.

## What the Litigation Means

The Rochester PAB litigation has become one of the most significant civilian oversight legal battles in New York State.

The courts did not conclude that civilian oversight is unconstitutional or inherently improper. Instead, the decisions focused on the interaction between local government authority, state labor law, collective bargaining agreements, and police disciplinary procedures.

In simple terms, the courts repeatedly held that Rochester cannot create a police disciplinary or investigative system that conflicts with negotiated union protections unless specifically authorized by the New York State Legislature.

The litigation also clarified that courts may view investigations, subpoenas, and compelled testimony as closely connected to the disciplinary process itself.

## Why This Matters

The litigation involving the Rochester Police Accountability Board extends beyond legal questions surrounding collective bargaining and municipal authority. At its core, the litigation reflects broader public conversations about police accountability, transparency, community trust, and the role civilian oversight should play in modern policing.

For many Rochester residents, the creation of the PAB represented a public expectation that allegations of police misconduct would be reviewed through an independent and transparent process. At the same time, the litigation highlighted longstanding legal protections related to collective bargaining rights and police disciplinary procedures under New York State law.

The resulting court decisions underscore the ongoing challenge of balancing public demands for independent oversight and accountability with existing labor protections governing police discipline.

## Current Role of the PAB

Although the litigation substantially narrowed portions of the PAB's original authority, the Board continues to serve an important role in promoting transparency, accountability, and public engagement related to policing in Rochester.

Consistent with its current legal authority, the PAB continues to:

- Receive and document public complaints related to Rochester Police Department officer conduct, policies, and practices.
- Identify trends, patterns, and systemic concerns reflected in community complaints and public feedback.
- Conduct policy analysis and systemic review related to policing practices and public accountability issues.
- Develop and publish Proposals for Change informed by community input, research, and data analysis.
- Promote transparency through public reports, complaint data, and educational materials.
- Conduct community engagement and public education initiatives throughout Rochester.
- Support informed public discussion regarding policing policies, oversight, and accountability.

Following the court decisions, the PAB's work has increasingly focused on systemic review, policy oversight, trend identification, public education, transparency, and community-informed reform efforts.

## Conclusion

Since its creation in 2019, the Rochester Police Accountability Board has faced years of litigation that significantly changed its authority and structure. Courts first eliminated the Board’s ability to independently discipline officers and later restricted many of its investigative powers as well.

At the center of the litigation has been a conflict between Rochester’s efforts to create independent civilian oversight and New York laws protecting collectively bargained police disciplinary procedures.

The courts repeatedly suggested that future changes to police accountability authority may require action by the New York State Legislature. As discussions surrounding civilian oversight continue throughout New York State and across the country, the Rochester litigation may continue shaping future conversations regarding transparency, accountability, labor protections, and public trust.

## Sources & References

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- Rochester Police Locust Club, Inc. v. City of Rochester  
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Appellate Division, Fourth Department (2026)
- New York Civil Service Law Article 14 (“Taylor Law”)
- Rochester City Charter Article XVIII – Police Accountability Board