
MUNICIPAL GOVERNANCE - NEW YORK

Rochester Police Locust Club, Inc. v. City of Rochester

Court of Appeals of New York - November 20, 2023 - N.E.3d - 2023 WL 8007121 - 2023 N.Y. Slip Op. 05959

Police union, its president, and an individual officer commenced hybrid article 78 proceeding and declaratory-judgment action against, among others, the city, the mayor, and the city council, alleging that newly enacted local law illegally transferred virtually all authority over police discipline to a police accountability board (PAB).

The Supreme Court determined that portions of the local law were invalid and unenforceable. City council appealed. The Supreme Court, Appellate Division, affirmed as modified.

The Court of Appeals held that:

- City's repeal of its charter's provision that granted the commissioner of public safety, among other things, cognizance, jurisdiction, supervision and control of the police bureau, including the officers and members thereof, meant that, in the absence of a collective-bargaining agreement permitting it, city could not enact a local law transferring virtually all authority over police discipline to a PAB; and
- Even if that charter provision had not been repealed, the provision would not have permitted the challenged local law.

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