

Court: Rochester must release police discipline records

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The city of Rochester must review and release all police disciplinary records upon request – even if allegations of misconduct are found to be unsubstantiated, the state’s highest court has ruled.

The decision upends a city practice that kept some complaints of police misconduct secret even though a change in state law required their release. And it sets a precedent for records requests related to police discipline statewide.

“The question on this (case) is whether FOIL’s personal privacy exemption ... provides a basis for agencies to categorically withhold all disciplinary records

related to complaints against law enforcement officers that were not deemed substantiated,” the state Court of Appeals decision reads. “The answer is no.”

The records can still be redacted for privacy-related information, the court ruled.

State lawmakers in 2020 repealed a section of the Civil Rights Law known as 50-a, opening police disciplinary rec-

ords to public view for the first time in decades. Rochester officials released information on substantiated cases of police misconduct – but refused to make public records that included complaints dismissed by internal investigators, arguing that it would present an “unwarranted invasion of privacy.”

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Police records

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The New York Civil Liberties Union took the city to court for the refusal of records.

Those against the release of unfounded complaints argue that it could lead to unjustified scrutiny of police officers that have been exonerated of wrongdoing.

Those who want the records say they could reveal patterns of misconduct or systemic issues in how police agencies handle discipline.

Without the records, we have little information about what kinds of complaints are dismissed by police investigators, how often and by what means.

The state Court of Appeals decision on Thursday was unanimous and upheld an appellate court ruling from 2022.

"This landmark decision from New York's highest court is a huge win for transparency," Bobby Hodgson, assis-

tant legal director for NYCLU, said in a statement. "It puts all police departments across our state on notice that they cannot ignore or rewrite the law – which is crystal clear in requiring them to show the public their misconduct records."

"Rochester argued the police must be trusted to police themselves in secrecy, but that's not how accountability works, and this decision confirms that it's not how the law works either," he added.

A spokesperson for the city of Rochester said the court's decision provided clarity over how the change in state law should be interpreted.

"We are prepared to move forward in accordance with the court's decisions," the city said in a statement.

D&C police discipline database

The Democrat and Chronicle maintains a database of police disciplinary records we've received, read and sorted through after filing hundreds of public records requests statewide over the last

five years. More records will be uploaded to the database in coming months.

Gannett, the parent company of the D&C, has lawyers and reporters still fighting to secure records that many of the largest police departments across the state are unwilling to give up – often stalling through exorbitant fees, in-person requests or other unrealistic requirements, along with legal challenges.

In light of the Court of Appeals decision, our reporters will also be following up on public records requests for unsubstantiated complaints of police misconduct that were previously denied by city officials. As we receive those records, we will share what we learn.

– Kayla Canne covers community safety for the Democrat and Chronicle with a focus on police accountability, government surveillance and how people are impacted by violence. Follow her on Twitter @kaylacanne and @bykaylacanne on Instagram. Get in touch at kcanne@gannett.com.