

Temporary measure or permanent condition?

Rochester has been under gun violence state of emergency for 3 years – residents wonder how long it could last

Kerria Weaver and Kayla Canne Rochester Democrat and Chronicle | USA TODAY NETWORK

The city's top lawyer said Rochester will remain in a gun violence state of emergency until shootings become "unusual," perhaps as rare as only a couple per year. • Mayor Malik Evans first declared a state of emergency in July 2022 following a record-breaking year of deadly violence. The action granted his administration special authority to shut down streets and local businesses thought to be contributing to violence and to increase coordination with county, state and federal law enforcement partners. • "I don't have a magic wand," the first-year mayor said at the time. "I want to be clear ... What I do have, like carpenters have, are various tools."

Three years later, the state of emergency remains in effect, even as gun violence has fallen toward pre-pandemic levels. It has started to attract criticism from local businesses who say they've been hurt by the city's indiscriminate use of its emergency powers.

A North Clinton Avenue grocery store owner said he lost three months of revenue and his shop was damaged by burglars after the city shut it down over a nearby shooting that took place outside of his normal business hours. Across town, on East Avenue, an ax-throwing bar closed this summer after its owner claimed city-run security checkpoints drove away his customers.

City: Level of shootings 'qualify as an emergency'

Patrick Beath, the city's corporation counsel, said state law empowers local officials to declare a state of emergency during periods of natural or man-made disasters. Despite the improvement in the last few years, Beath said the current city administration considers even the pre-pandemic gun violence totals unacceptable.

"We have people who are victims and those victims, unfortunately, number in the dozens every year still – even at the lower levels," Beath said. "If we're still seeing shootings across the city causing widespread or severe injury or loss of life, that qualifies as an emergency."

Cities nationwide saw a surge in violence over the pandemic. In Rochester, the number of shooting victims spiked from 172 in 2019 to 419 in 2021. As of Oct. 1, 129 people have been shot this year in Rochester.

Beath declined to define what threshold would lead city officials to lift the state of emergency, saying it is something they will "keep an eye on" and adjust as needed. The city could also decide to enact a seasonal emergency order or limit its use to neighborhoods where violence is most prevalent.

"If we have a situation where shootings are unusual – we only get a couple a year – then I think at that point, certainly, we would call an end to the emergency," he said. "... We're not there yet."

Historically, that hasn't been the reality for Rochester. A review of available police data revealed the lowest number of shooting victims in any 365-day period since 2010 was 122.

How long could Rochester's state of emergency last?

While Evans must renew the state of emergency declaration every 30 days, there is no limit on how many times he can do so. Statewide, New York communities have been under several extended emergency orders over the last few years,

including:

- A “humanitarian crisis” due to an influx of asylum seekers in New York City, declared in October 2022 and still in effect.
- A statewide gun violence state of emergency, first enacted by former Gov. Andrew Cuomo in January 2021 and continued by Gov. Kathy Hochul until at least February 2024.
- A “disaster emergency” at New York prisons due to strikes and shortages of corrections officers, declared by Hochul in February 2025 and still in effect.

Short-term emergency orders are used more commonly for severe weather events and natural disasters.

Janet Penksa, a senior fellow at the CUNY Institute for State and Local Governance, said extended emergency orders run the risk of bypassing legislative and public checks that are the cornerstone of a democracy. “Transparency and legislative and public review and input over major policy decisions made by the mayor is diminished without the normal public and deliberative process,” she said.

Lisa Parshall, a fellow with the Rockefeller Institute of Government, said citizens can challenge an emergency order in court if they believe the power is being abused or is not working. Government officials must weigh the cost of potential litigation and public backlash against the effectiveness of the measure when deciding how long to keep an emergency order in place.

In general, she said, they are seen as a powerful public policy tool and commonly used by local, state and federal governments.

“One thing to note is that the use of emergency declarations has become normalized post-

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Rochester police continue their investigation into where two men were shot at the corner of North Clinton Avenue and Evergreen Street in Rochester, on Sept. 5, 2024. They were taken to Strong Memorial Hospital. TINA MACINTYRE-YEE/ROCHESTER DEMOCRAT AND CHRONICLE

Rochester Mayor Malik Evans celebrates his reelection during the election night Democratic Party celebration at the Hyatt in downtown Rochester Tuesday, Nov. 4.

SHAWN DOWD/ROCHESTER DEMOCRAT AND CHRONICLE

State of emergency

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pandemic and concern over crime and violence provides a basis of public support for such actions,” she

said. “Emergency declarations carry symbolic weight as well as conferring curfew and restriction of movement powers.”

The owner of the North Clinton Avenue grocery store shut down by the city did sue the city, asking a judge to intervene and allow him to reopen. His attorney, Miguel Reyes, called the mayor’s use of the gun violence state of emergency “dictatorial,” even as he acknowledged the corridor is riddled with drugs and crime.

“According to the mayor, this is a state of emergency for over three years,” Reyes said. “What kind of an emergency is that? Three years? It’s more like a permanent condition.”

Asked about the risk to public trust, Beath said he believes the emergency order may increase trust for some community members because it shows the city is taking “quick action in response to outbreaks of gun violence.”

Does Rochester City Council support the state of emergency?

The Democrat and Chronicle asked all nine city councilmembers to weigh in on the emergency order: Do they believe it should still be in effect? Why or why not?

Only two councilmembers responded, both in support of the measure.

Councilmembers LaShay Harris, Mitch Gruber, Stanley Martin, Kim Smith, Mary Lupien, Bridget Monroe and Michael Patterson did not respond to multiple emails for comment.

Councilmember Willie J. Lightfoot Sr. credited the state of emergency with mobilizing resources and fostering collaboration that has led to the decrease in gun violence.

“It has allowed us to respond with urgency,” he said, “whether through targeted outreach, youth engagement or trauma-informed support for families affected by violence. Rolling back this designation prematurely could signal a retreat from the very momentum that has helped drive progress.”

Council President Miguel Melendez agreed, calling the emergency order a tool to address the ongoing challenge of gun violence in the community.

“The declaration creates opportunities for swift emergency action when an incident occurs. We have seen a reduction in violence, in part, because of the ability to address the issue head on,” Melendez said in a statement. “I am in favor of continuing the designation as needed to help us achieve public safety in our city.”

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Volunteer Stephen Wallace walks through a parking lot near Avenue A and North Clinton Avenue where he collects syringes and hands out Narcan and other supplies to help protect those in the drug community in February 2024. JAMIE GERMANO/ROCHESTER DEMOCRAT

