

To: Rich John, Chair of the Tompkins County Ethics Advisory Board

From: Laura Branca, Project Director and a Senior Fellow at the Dorothy Cotton Institute (DCI)

Re: Ethics Investigation of (Complaint of Cynthia L Brock).

Date: July 14, 2022

DCI's Vision is the full realization of a just and peaceful community in which all people understand, respect, protect, and exercise full human rights.

DCI's purpose and programs focus on promoting and providing human rights education, encouraging civic participation and through community engagement, facilitating civil conversations and dialogue, study groups, supporting collective impact efforts, etc., and building Beloved Community. We strive to carry on the spirit and lifework of the late Dr. Dorothy Cotton, focusing on contemporary issues, supporting emerging leaders and social transformation. We promote the principles of popular education, human rights, collaboration across sectors and agencies for collective impact, and working towards **a socially just, ecologically sound local economy that works for all of us.**

DCI's Mission is to develop, nurture and train leaders for a global human rights movement, and to explore and promote practices that transform individuals and communities, opening new pathways to peace, justice and healing

The Dorothy Cotton Institute (DCI) is a project of our fiscal sponsor, the Center for Transformative Action (CTA). CTA is home for thirty remarkable projects, and it is through CTA that we are able to apply for grants and use the funding we receive.

In 2021, the City of Ithaca Common Council unanimously approved the 19 recommendations of Public Safety Reimagined, approved the creation of a new department of public safety, and Council directed former Mayor Myrick to convene a task force comprised of police, City staff, Common Council alderpersons, and representatives of people from communities and identity groups who have been most impacted by police contact, i.e., people with lived experience and expertise (PLEE). Locally, collective impact efforts have referred to such community voices as "context experts." Increasingly, municipalities, institutions, businesses, and community-based organizations recognize those voices and perspectives as vital and essential to the legitimacy of efforts to identify and remedy how their existing policies and practices may disproportionately impact, exclude, harm, alienate or otherwise fail to serve segments of our community. As the disability rights movement has proclaimed, *"Nothing About Me Without Me!"*

I have a decades-long relationship with Director of Human Resources, Schelley Michell-Nunn, who is both a colleague and a friend. Living in this relatively small county and city, we develop professional connections and opportunities for meaningful collaboration. Schelley and I have worked together on many collaborations for collective impact and community benefit. For example, the creation of the Hospitality Employment Training Program, the Ultimate Re-entry Opportunity, Understand to Overcome; the Diversity Consortium of Tompkins County and the Diversity Roundtable, the Equity Inclusion Leadership Council, to name only a few of the valuable programs and collaborative efforts that Schelley Nunn either initiated or helped to develop from the ground up with my late partner Kirby Edmonds and myself. I am always happy and honored to design, implement and support worthy efforts that produce community benefit. DCI is likewise committed to building stronger relations across race, class, place and other ways that our people are socially separated and become

alienated from one another. I consider Schelley a truly visionary leader with whom we have partnered on innovative efforts that are now part of Ithaca and Tompkins County's social landscape and reputation as a progressive and caring community that values diversity, equity, inclusion and justice.

In all of her tenure as Director of Human Resources for the City of Ithaca, neither Schelley nor any other City staff has ever solicited any award, contribution, donation, endowment, funding, grant support for a City department or program from DCI or CTA.

Allow me to share the ways that DCI has supported Reimagining Public Safety.

On June 12, 2020, New York State Governor Andrew Cuomo issued Executive Order 203 to call upon local governments that operate police agencies to study their current operations and develop a plan to address 'the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color'.

The six-month effort called Reimagining Public Safety resulted in an exhaustive document with nineteen recommendations to improve public safety, centered on the BIPOC and most vulnerable communities, although benefiting *all* communities.

In June 2020, our late Program Coordinator, Kirby Edmonds, applied for a \$5,000 Park Foundation mini-grant with which we were able to offer gift cards to those PLEE without housing and the most vulnerable community members as an incentive to participate in interviews and focus groups. It is highly unlikely that these individuals would ever have otherwise come forward and shared their experiences, insights and perspectives with Common Council and the Legislature in Zoom focus groups. Our mini-grant provided gift cards to over thirty participants whose voices were significant and immeasurably valuable in determining the nineteen recommendations. Without an incentive or a thank you, RPS would not have captured these perspectives. Although an ad hoc Community Engagement committee determined participant recruitment and logistics to bring them to interviews and focus groups, DCI had absolutely no contact with the participants nor influence over their recruitment or testimonies. We bought gift cards that were distributed by others in thanks to PLEE participants. It is notable that none of these participants called for defunding or abolishing police. They called for being treated by police with respect. They did not need or receive any coaching or influence from DCI. They are experts on their own lived experience.

During this data collection phase of RPS, I voluntarily participated in a focus group for BIPOC individuals and was later hired by the City through a Professional Services Contract to facilitate two other focus groups during December of 2020. These were among the 23 focus groups that generated qualitative data that led to the 19 recommendations in Public Safety Reimagined.

As you are aware, on March 31, 2021, Common Council unanimously adopted the 19 recommendations and passed a resolution, in response to the community feedback, to address systemic inequities including disparate treatment of people of color, specifically Black people's encounters with the Ithaca public safety system.

Specific to the City of Ithaca is Common Council's charge to create a new Department of Public Safety and tasking former Mayor Myrick to create a Working Group to design the department which would include unarmed and armed first responders. The Working Group would comprise Ithaca Police Department representatives, Council members, City staff, community members, and outside consultants with expertise in community engagement and in public safety transformation.

It is our understanding that the mayor carefully selected the make-up of the Working Group to include community members from Black, Indigenous and People of Color (BIPOC) and the most vulnerable communities. Neither I nor anyone else in DCI or CTA were involved in identifying or recruiting the Working Group representatives. I was not aware of who or how many community representatives agreed to participate.

When the Working Group was convened, I asked Schelley Nunn whether the community reps with lived experience and expertise would be paid by the City for their participation. She said she wasn't sure, but that it was her understanding that the working group project leader would be paid. She later reported that the City would not be able to pay the community reps.

Early in June 2021, DCI expressed our interest in support of the IGND; civics education; and community engagement of PLEE in Reimagining Public Safety. It was then clear that the second phase of RPS would be asking for a much deeper level of commitment and time from the Working Group members than a one-time interview or one-hour focus group. Therefore, DCI submitted a new grant proposal to the Park Foundation to support community engagement in RPS which was approved in September 2021. The purpose of the grant was to provide honoraria for community members from marginalized and minoritized groups to fully participate on the Reimagining Public Safety Working Group. Individuals would be expected to attend ongoing meetings throughout the remainder of 2021 to design the new Department of Public Safety. We anticipated that this was not a firm deadline. For the project co-leads, the work of preparing then presenting and explaining the Working Group Report did continue well into April.

The organization and membership of the Working Group did not involve any DCI, CTA or Park Foundation input. The Working Group had already been established, and community members had agreed to join without any knowledge or promise of future stipends or honoraria. Facing a tight July submission deadline, I asked Schelley to sketch out the basics such as the number of community reps who might need a stipend or honoraria. We agreed that working Group reps might get up to \$2,000 (\$500 for attending a two-day orientation training, and \$75 per meeting) and that PLEE on subcommittees could get \$500 total. Schelley let me know that the City was likely going to offer project leaders \$10,000 each. We agreed that given a 6-month commitment to facilitate many meetings and write and present a report, that fee was inadequate, so I included a match of an additional \$10,000 for each co-leader. Over 50 meetings, it might be equivalent to the rate of \$400/meeting that I had been paid as a focus group facilitator the previous year. In fact, their work was much more extensive and time-consuming.

I wrote and submitted the DCI proposal in July 2021. We received approval of the grant in September. My role on this grant was administrative. When community reps logged the dates of their meetings, they submitted them to Schelley for verification; she forwarded their reported dates to me, and I submitted them to CTA for payment based on the number of meetings they attended. I had no communication with the PLEE on the working group, subcommittees, nor with the project co-leaders about the RPS effort. I simply processed disbursement of the honoraria following CTA guidelines.

In response to the Brock complaint that we were asked to get money for the City or a City program, we were not. In response to the accusation that Park, CTA and DCI exerted third-party influence over the integrity of the RPS working group's independence, we did not. We had no written or spoken contact with any participants. Regarding whether the honoraria we offered influenced how people behaved or the positions they took, they did not request or receive any money until weeks or months after their attendance and input. I personally learned about the Working Group's recommendations only after the report was published and presented to the public.

The Code of Ethics governing these matters was no doubt written to discourage influence peddling, bribes, quid pro quo transactions, lobbying, kickbacks, etc. However, our national and local governments are now

increasingly trying to be inclusive of groups and voices that have historically been intimidated, ignored, intentionally discouraged or dismissed. Too often, people have given up on expecting government and elected officials to take them seriously. Participation often requires persistence and emotional stamina and sustaining one's engagement can be personally costly and burdensome. To expect people to provide their expertise for free is based on an old assumption that everyone is resourced enough to be able to do their civic duty and participate in *government by the people*. But the disparities in wealth, stable circumstances and quality of life can mean that some people most affected simply can't afford to do so. The impact of expecting people to donate their work as volunteers can quickly become unsustainable, inequitable, extractive and exploitative. This is the opposite of applying an equity lens to public participation and it thwarts the goals of equitable inclusion. In this instance the PLEE were invited to a process at which everyone else at the table was being paid to be present except the very people who are most negatively impacted by the problems the City ostensibly wanted them to help solve. They had already agreed to serve as volunteers. The City staff and elected officials were paid by us, i.e., the taxpayers.

In the absence of a local policy on how to incentivize, recognize, or respectfully compensate people with lived experience and expertise serving on the Working Group, DCI and CTA looked to Federal guidelines and best practices. We are confident that our actions represent current best practices that call for meaningful collaborations between municipalities, not-for-profits, businesses, community groups and philanthropies. The City of Ithaca and Tompkins County governments might review Federal resources shared in Dr. Wessels' response and create new infrastructure and thoughtful policies for our local needs and purposes.

DCI wishes to thank and acknowledge the RPS Working Group and subcommittees. We applaud their work and are pleased that Common Council has approved their report and is planning action on its recommendations. The Working Group Report on Reimagining Public Safety contains impressive evidence of months of intensive labor, deliberation, due diligence, consensus building and compromise for the collective benefit of our community. This work has been shepherded, accessibly reported, presented and defended by project co-leads Eric Rosario and Karen Yearwood. We've all seen them at many Common Council meetings and town halls, patiently and graciously explaining the process, answering questions educating the public. The excellent work produced speaks to their skill and fidelity to the best thinking of people with diverse perspectives and interests. Kudos and respect to Eric Rosario and Karen Yearwood.

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March 15, 2021

Dear Mayor Myrick, Common Council Members, Administrator Molino and Tompkins County Legislators,

In response to your call for public comment before ratifying and submitting the Public Safety Reimagined plan by April 1, we Community Leaders of Color (CLOC) wish to express our support for the report and the draft recommendations. We ask that Tompkins County Legislators and Common Council unanimously accept and approve the report.

While we do not believe that the recommendations go far enough, we do see this report as a living document and reasonable foundation to develop, resource and implement. More importantly, we view it as a last chance to transform the structure, relationship, design, and capacities of our public safety resources and critical human services to build community trust and truly serve and protect all our people in an integrated and principled way. These recommendations must be developed to produce substantive systemic change, including in policies, procedures, staffing, culture and accountability.

It is critical that you keep in the forefront of your decisions that the purpose of Governor Cuomo's Executive Order 203 is for municipalities to examine and address racial inequities in policing.

Based on the Governor's mandate, CLOC members participated in a focus group, and we can report that the facilitation was unbiased, the questions we were asked were relevant, and they allowed for frank answers about some very troubling interactions some of us have had with local law enforcement.

We think it is important to recognize the considerable planning, time and effort that resulted in convening 15 separate focus groups with vulnerable populations in our community, whose encounters with law enforcement are relevant and compelling evidence of the need for structural and cultural change.

In addition to focus groups and interviews engaging Black, Latinx, Asian American, military veterans, LGBTQ, Indigenous, Houseless, students, younger and older people, we are aware of 8 focus groups centering the voices of law enforcement leaders, union and officers. From our perspective, the mandate has been met to engage the voices of key stakeholders. Our concerns, frustrations, and mutual desire for greater diversity in staffing, and specialized areas of expertise, greater accountability and transparency, and more respectful and trusting relationships between public safety and community, are reflected in the 19 recommendations. That is a relief, because we know that within our communities, there is significant mistrust, fear, animosity, and despair that this process of community engagement would be anything but window-dressing to meet the minimum required to receive continued State of NY funding.

There are examples from marginalized people that might never have otherwise been shared because people believe that there is nothing they can say that will bring about accountability and positive change. We cannot overstate how important it is to respect the courage and willingness of people who have been mistreated and disrespected to share their experiences with the facilitators, despite their skepticism that it would be taken seriously and influence you to institute the substantive changes we need. The City and County called for the inclusion of the voices and perspectives of people who have high incidences of interaction with police—often unpleasant, unhelpful, and disrespectful encounters—and who are

extremely reluctant to call police when needed, fearing that the police may make things worse. The fact that these voices and experiences have not been heard, effectively, for so long contributes to the crux behind the Executive Order. That is a real shame.

As you pay attention to the qualitative data in your hands, we are confident that you have recognized that there are many, many people who are extremely uncomfortable with police and view the police as hunters and themselves as prey. That is a horrible situation and a problem for all of us. No wonder people recommended expanding mental health resources for police and civilians alike. This environment is the antithesis of public safety. While the recommendations call for innovative and somewhat uncharted territory, they have the potential to make life better for all of us and humanize our mutual relationships.

Despite what people may think or have heard, most people who engaged in this process did not call for completely abolishing a policing function or completely defunding public safety. There are some vocal folks who are calling for abolition, and who assume the engagement process lacked integrity, legitimacy, or the potential to make a positive difference. Many people are opposed to reforming a broken criminal justice system with a terrible history of mass incarceration, targeting and doing violence to BIPOC individuals, families and neighborhoods. But many of us also see the need for some number of trained professionals to function as guardians and protectors of the community when people attempt to do harm to themselves and others or violate people's right to safe, peaceful communities. We do not think we can reliably patrol our neighborhoods or intervene in break-ins or assaults. We are not advocating that civilians take all of that on.

That said, please refrain from privileging the voices of the PBA as though they were excluded from participation in this process. Having participated in 8 out of 23 focus groups, their voices are indeed over-represented in the data. It is ironic that the very system that is under scrutiny and in need of major change, is nevertheless claiming that the process was not inclusive or respectful. They seem to be well-organized to influence your decision-making to dismiss the voices of the people who pay their salaries and are their customers. The process did include law enforcement, but other perspectives were involved as well. We need superbly trained, competent and compassionate people who are skilled in law enforcement abilities, have great self-discipline, maturity, are accountable, and who are not threatened by reorganization, or drawing weapons only as a last resort, or by working alongside human service experts who can share the responsibility and the mission of serving people better and keeping the peace.

CLOC members know and appreciate police officers who know and help the community. The PBA is not the only voice that matters. It is the PBA's job to protect the interests of their members. But it is your duty to listen to and advocate for the entire community, particularly residents' interests.

The report reflects the community's call for holding sworn law enforcement officers accountable should they act unethically or abuse their power. We strongly advocate that they live in this community and get to know the people they serve. We want the City and County to recruit and hire many more qualified people of color to staff the Community Solutions and Public Safety Department, people with lived experience who understand the history of policing and its impact on the BIPOC community. Please work to remove achieving the top civil service scores as a systemic barrier to selecting the best candidates based on their character, ability, people skills and proven cultural responsiveness. We support the recommendation of a community-based public safety commission with the authority to investigate complaints of misconduct, access the findings, and to impose or influence consequences and disciplinary action.

The charitable and community outreach work like Cop on Top and Polar Plunge that police do are important and appreciated. The community also needs everyone in law enforcement to understand that their outreach work does not replace, cancel out or repair the lack of community trust and dehumanizing treatment as reflected in the focus group data. These genuinely charitable outreach efforts do not repair the damage done by the unfriendliness of their fellow officers, suspicion and profiling of our youth, using

unnecessary or impulsive roughness and force, and patterns of racial bias such as disproportionate stops and arrests of Black and Brown people that result, for example, in currently having 32 inmates in the TC County Jail, 15 of whom are Black males. We have seen enough interactions where unarmed civilians have been handled with excessive force by local law enforcement to not believe that if the civilians were affluent young or older white people, there would most likely be different consequences.

We believe that between the most polarized perspectives, our position is that supporting these recommendations represents a reasonable way forward. Doing nothing is not an option. Sometimes perfection is the enemy of the good. To do nothing because the plan does not handle everything seems misguided. Vulnerable people took the risk to share our stories. If Common Council and the Tompkins County Legislature move to diminish or reject the recommendations, you will convey a strong message to the people this Executive Order was set out to help that you do not value them. Please think about your place in history and on which side you want to stand.

You have an opportunity to do something this year that is as controversial, but consequential, ethical and groundbreaking as Local Law C was and as visionary and crucial as the Ithaca Green New Deal is. While it may seem revolutionary to some, this is a chance to transform public safety so that the relationship between the public and law enforcement across Tompkins County is no longer polluted by mutual fear, mistrust and contempt.

Sincerely,

the undersigned on behalf of Community Leaders of Color:

Laura Branca, Project Director, Dorothy Cotton Institute

Patricia Fernandez de Castro Martinez

Leslyn McBean-Clairborne, Director, GIAC

Tommy Miller

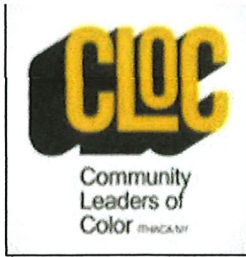
Davi Mozie

Dr. Neoma Mullens

Eric Rosario

Reverend Nathaniel Wright, Calvary Baptist Church

Karen A. Yearwood



April 4, 2022

Dear Acting Mayor Lewis and Common Council Members,

The undersigned members of Community Leaders of Color (CLOC) express our strong support for the planned new Department of Community Safety. All our members are grateful to the Working Group and sub-committees who devoted the past eight months researching and conceiving a plan for a department of responders dedicated to the safety and well-being of the people of Ithaca. We are proud that innovative recommendations emerged from the yearning and diligence of our community representatives, police officers, and technical experts who collaborated for a kinder, safer community. This fosters an Ithaca where skills, expertise, and resources are focused on holistic well-being, compassion, and respect for the dignity of all our people. We are under no illusion that this process was without disagreement and strong positions. The quality, depth, and tone of the report is evidence that community engagement and collaboration ultimately worked. Now it is up to Common Council to see that this work is affirmed, resourced, and put into action.

We believe that the Department of Community Safety will be best under the leadership of a commissioner and two Division Directors, all three of whom must have superb leadership ability and deep commitment to racial equity. Snapping back to the status quo is not acceptable. To us, this new department signals an era of respect and trust between our community and those who safeguard our peace and justice. This new plan reflects the impetus for the former governor's Executive Order and Common Council's charge to the working group and, more importantly, it expresses the spirit of good faith in which the community has been willing to recount trauma and move through fear and mistrust to create real benefit for all of us. The projected costs of \$1 million seems not only a good investment on the pathway of healing but can also promote a sense that "I am my brother's/sister's keeper."

We have heard inflammatory rhetoric from law-enforcement describing Ithaca as a violent, dangerous hellhole, where caring Community Solutions Responders will be woefully ill-equipped to handle calls and civilians facing abuse will be denied the protection of an armed responder. Surely the Department of Community Safety will be staffed and led by people who have rigorous standards and will be answerable for dereliction of duty. We are looking for more accountability, not a breakdown of civil order. Officers themselves have said on the record that too often they handle calls that are not criminal offenses and do not require weapons, tasers, nor handcuffs. So, let's establish alternatives and invest in responders with other skill sets and expertise in fostering different solutions. The following are some of CLOC's perspectives:

In a recent WHCU interview, Interim Chief Joly questioned, *Why do we need both a Division of Police and Division of Community Solutions with five unarmed responders? Why not add unarmed officers to the police and have all report to the Director (Chief) of Police?*

1. Retaining the current structure of the IPD is *contrary* to the charge of developing Recommendation 1. The RPS report was unanimously adopted by Council and the County Legislature in March 2021 with the caveat to convene a Task Force to plan the department of public safety. The Working Group's due diligence is apparent in their 120-page report. The impetus of RPS is to restructure how policing is done. It also dictates that the culture of law enforcement be examined and changed. This does not happen by simply adding unarmed civilian responders but by offering compassionate interventions and alternatives

to address problematic but non-criminal behaviors and calls that do not require armed police. These divisions will change the culture and capacity of public safety in Ithaca.

2. The Division of Community Solutions is the most innovative element of the reimagined department, with unarmed responders skilled in trauma-informed communication, de-escalation, recognizing social determinants of physical health, mental health, and behavioral issues. Law enforcement officers have stated that responding to these situations, for which they are not trained to address, increases stress for both police and the public and undermines the effectiveness of the interactions. Creating Community Solutions Responders directly addresses these needs and has the support of community residents as well as police.

It is not unusual to have City departments with fewer than 10 staff headed by Directors responsible for the day-to-day operations that require a front-line supervisor. However, given the large percentage of calls that do not require armed responders, we suggest that the number of unarmed responders be doubled in Year Two.

CLOC acknowledges the question: Will unarmed responders and the public be put at risk?

1. Being a public safety responder entails some risk, as does calling 9-1-1. How 9-1-1 calls will be dispatched is critical to ensuring that people get the help they need. If a call about domestic violence or abuse is thoughtfully fielded by a sensitive and well-trained dispatcher, a co-responder team of a civilian and an armed officer can be sent out. Upon assessing the situation, they can call for additional service from local resources such as APS, CPS, Mental Health, the Mobile Crisis Unit, or LEAD.
2. As community members of color, including parents and grandparents, we feel reassured by what is in this report if fully implemented. Some calls might be appropriate for both armed and civilian responders working together. Public trust and confidence will develop as calls are handled safely and effectively by responders trained to de-escalate and use assertive, trauma-informed communication instead of weapons. The training and safety of all responders is very important. Carrying a weapon does not guarantee that officers won't be injured.

➤ From the current RPS report:

For example, in a Times Union opinion piece, Tim Dymond, president of the New York State Investigators Association, noted, "The New York State Police...offers some of the best police training available. However, the amount of training we receive in mental health, crisis negotiation and de-escalation are woefully inadequate compared with the amount of time spent on vehicle operation, firearms, defensive tactics, penal law, criminal procedure law and investigation techniques."

-- Pgs. 25-26

Fear and resistance to structural and cultural change is predictable. Even when the changes are needed, changing old habits takes commitment, courage, accountability, and reinforcement. Imagine a city where the vast majority of the time Ithacans will be treated fairly and with respect for our dignity by our new progressive and highly capable responders. Imagine a city where Community Safety responders are trusted members of the Ithaca community. There is so much to be gained.

Sincerely,

Davi Mozie

Eric Rosario

Gladys Brangman

J.R. Clairborne

Karen Yearwood

Karl Graham

Laura Branca

Leslyn McBean-Clairborne

Rev. Nathaniel Wright

Dr. Neoma Mullens

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