

Tompkins County
DISTRICT ATTORNEY

Matthew Van Houten
District Attorney

320 North Tioga Street
Ithaca, New York 14850

Tel: (607) 274-5461
Fax: (607) 274-5429

"Inclusion Through Diversity"

April 6, 2022

Reimagining Public Safety (RPS). As District Attorney, my primary focus is public safety. Every person in Tompkins County deserves to live in a place where they are both physically safe and treated with dignity and respect. We should be able to trust the system to work equitably to address conduct that threatens our personal well-being and the sanctity of our homes and businesses. I recognize that we can and must do better, and it is incumbent upon the elected leaders in Tompkins County and the City of Ithaca to embrace this process in good faith with an open mind.

I want to express my commitment to the goals of the Reimagining Public Safety process. Our justice system must address its longstanding inequitable impact on our community. Pursuit of this goal necessitates both an unflinching look at the functioning of our current system and an application of thoughtful changes.

From the very beginning I repeatedly expressed my willingness to assist with the reimagining process. I emphasized the unique perspective my office has with regard to how IPD operates. The District Attorney's Office relies on the local law enforcement agencies, including the Ithaca Police Department, for the justice system to work effectively.

Though I was designated a technical advisor to the working group, my efforts to provide a background presentation about the local system, the alternatives to incarceration, and the quality of work product we need from IPD were rebuffed. I have been compiling data and analyzing the demographics from our local justice system and I have valuable insights to share.

As a result, I'm concerned that the RPS Working Group has operated without full knowledge of how the local justice system functions. This is reflected in the report. Without an understanding of the interaction between the Ithaca Police Department, the courts and the District Attorney's Office, a vital piece of the equation is missing, relative to any organization that responds to calls for service.

In a typical scenario in the City of Ithaca:

**IPD responds to a call, investigates, collects evidence, takes photographs, and interviews witnesses.*

**IPD determines if charges are applicable and files them with the City Court.*

**All paperwork and investigative work product is then sent by IPD to the DA's Office.*

**The attorneys in the DA's Office review the case, the evidence and the equities, and decide on next steps, whether that is dismissal, diversion, substance abuse or mental health court, probation, or trial.*

When it is necessary to file criminal charges against an individual it is critical that the first responders are trained to investigate and collect evidence. If the point is to insist on equity in all interactions with law enforcement, we must conduct thorough and accurate investigations to preserve the rights of all parties involved. Often, we only have one chance to document an event and there can be irreparable consequences if a proper investigation is not conducted. As District Attorney I need assurances that any new approach would not impair the quality of investigations. For example, under the proposal submitted by the working group, an unarmed civilian responder could be the first person to interact with a victim of sexual assault. If evidence is not collected timely and properly, the entire case could be jeopardized. What tools will the civilian responders be equipped with to document an incident? Will they have body worn cameras? Will the civilian responders be trained in the collection of evidence? Public safety could be compromised if we are unable to support a criminal prosecution because of insufficient evidence.

The report, on page 30, questions how to measure success, asking “did the presence of the Division of Community Solutions reduce the likelihood of negative outcomes, like arrest or use of force?” Reducing the use of force by law enforcement is essential. While arrests are inherently negative, they can result in our ability to provide services and the support and supervision that may be necessary to address the underlying conduct.

I support all of the training suggested by the report (crisis intervention, procedural justice, implicit bias, enhanced communication techniques, trauma informed training, brain development, conflict resolution, critical thinking/problem-solving, collaborative public safety, data collection, among others) but these suggestions don’t go far enough. For example, there is no mention of the training that would need to be provided to the dispatchers who take the calls and determine whether to send an unarmed civilian or an armed police officer.

The opportunity to reimagine and improve our public safety institutions in Ithaca and Tompkins County is one that we should take with the utmost seriousness. This is a chance to rebuild the community’s relationship with the police and regain the trust of its most vulnerable citizens. Taking this process seriously means listening to all stakeholders. It’s not too late to get this right, but that will require a more cooperative effort than we have seen so far.

Respectfully,



Matthew Van Houten