

July 8, 2022

Jason Molino



Tompkins County Ethics Advisory Board
Attn: Rich John, Chairman
121 East Court Street, 2nd Floor
Ithaca, NY 14850

RE: Ethics investigation (Complaint of Cynthia L. Brock)

Dear Rich,

I am in receipt of your June 21, 2022 letter, in which the Tompkins County Ethics Advisory Board is requesting I submit a detailed written response to issues raised in regard to an Ethics Investigation (Complaint of Cynthia L. Brock).

While I respect and appreciate the Ethics Advisory Boards responsibility in undertaking this investigation, I feel it would be conflict of interest to respond to you due to our prior communications (see attached) regarding this matter which occurred just prior to the complaint being filed with the County Attorney. As such, I will decline the Board's request at this time.

Sincerely,


Jason Molino

Jason Molino

From: Jason Molino
Sent: Tuesday, April 5, 2022 8:21 PM
To: Richard John
Subject: RE: Brock Op-Ed re RPS

Good evening Rich,

My apologies for my delayed response, but I think having another discussion with you would be the best way to relay my thoughts about this exchange and op-ed.

First and foremost, I'm grateful you were able to experience our wonderful safe drinking water and benefit from our excellent "exit services". As I like to say, "I'm #1 in the #2 business!"

In short, I gather from Cynthia's emails and op-ed that she is not happy or doesn't agree with the outcomes/recommendations of the reimagining public safety process. That said, her op-ed is suggesting that the procurement process of CPE has skewed or favored results leaning towards fulfilling the prior Mayor's interests?

I'm not clear as to what point she is trying to make with op-ed, but it appears she is complimenting the reimagining public safety initiative in that it is intended to achieve equity in policing, and it seems she is in agreement with the direction the City is heading with IPD despite her accusations of incorrect procurement, etc. If that's not correct, then I missed her message.

From an outsiders perspective, the op-ed seems more focused on destroying CPE's credibility by connecting it to the prior Mayor's missteps during the process (GQ article and discussions with founder of CPE). You know my feelings with respect to the GQ article and how it compromised the integrity of the process.

I'm not really sure what the intentions are with the op-ed, but I can say that the County's professional staff (I can't speak on behalf of the Sheriff and his staff involved) participation in the process was focused, genuine and real. CPE did facilitate conversations with City and County leadership as well as the volunteers and working groups and they did provide data analysis, but it was reviewed different participants in the process particularly county leadership as well and IC faculty. To assume CPE (and by association the prior Mayor) influenced the process to achieve a predetermined outcome, would be an inaccurate statement, at least from my perspective as a co-author of the plan.

If you want to talk more I'm happy to set up a time. I would also offer the opportunity to invite Cynthia and/or Laura if you think it would be a productive conversation. I have nothing to prove or hide with what we did other than I firmly believe we (at least on behalf of the County's involvement) did good work and tried to move the needle in a direction towards policing with equity. That said, there are definitely differences in opinion on how to get there.

If you'd like to talk more, let me know what works for you and I'll make time. Take care, drink water plenty of water (from the faucet, not a bottle) and remember flushing twice is nice!

Best,

Jason

Jason Molino
Executive Director

Livingston County Water & Sewer Authority
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P.O. Box 396
Lakeville, NY 14480
Phone: (585) 346-3523
Fax: (585) 346-0954

From: Richard John <rjohn@tom-pkins-co.org>
Sent: Monday, April 4, 2022 7:37 AM
To: Jason Molino <jMolino@LCWSA.us>
Subject: Fw: Brock Op-Ed re RPS

Jason - I hope this message finds you well. I am forwarding an e-mail exchange between Cynthia Brock and Laura Lewis that you may find of interest, together with an op-ed that Cynthia has submitted. Perhaps since our last conversation, you have now placed these unhappy memories in a deep hole, but if you are willing to share your thoughts on what is going on here, I would be very curious to hear your thoughts.

By the way, Vicki and I attended a track meet in Geneseo, and I got a cup of coffee presumably brewed with local water. I also used the facilities while there. Excellent. - Rich

Richard John
District Four
Tompkins County Legislature
+1 607 279-9332
rjohn@tom-pkins-co.org

From: Cynthia Brock <CBrock@cityofithaca.org>
Sent: Sunday, April 3, 2022 11:31 PM
To: Laura Lewis <LLewis@cityofithaca.org>; sthayer@cityofithaca.org <sthayer@cityofithaca.org>; Schelley Michell-Nunn <smichell-nunn@cityofithaca.org>; Faith Vavra <fvavra@cityofithaca.org>; John Joly <jjoly@cityofithaca.org>; erosario.civitas@gmail.com <erosario.civitas@gmail.com>; kay27@cornell.edu <kay27@cornell.edu>; Monalita Smiley <msmiley@tom-pkins-co.org>; Aaron Lavine <ALavine@cityofithaca.org>
Cc: Common Council <council@cityofithaca.org>; tbrooks@cityofithaca.org <tbrooks@cityofithaca.org>; Richard John <rjohn@tom-pkins-co.org>; Shawna Black <sblack@tom-pkins-co.org>; Deanna Carrithers <dcarrithers@tom-pkins-co.org>; Matthew Van Houten <MVH@tom-pkins-co.org>; Veronica Pillar <vpillar@tom-pkins-co.org>; Henry Granison <hgranison@tom-pkins-co.org>; Anne Koreman <akoreman@tom-pkins-co.org>; Dan Klein <dklein@tom-pkins-co.org>; Randy Brown <rbrown@tom-pkins-co.org>; Mike Sigler <msigler@tom-pkins-co.org>; Deborah Dawson <ddawson@tom-pkins-co.org>; Lee Shurtleff <lshurtleff@tom-pkins-co.org>; Amanda Champion <achampion@tom-pkins-co.org>; Gregory Mezey <gmezey@tom-pkins-co.org>; Mike Lane <mlane@tom-pkins-co.org>; Derek Osborne <dosborne@tom-pkins-co.org>
Subject: Re: Brock Op-Ed re RPS

Laura,

At no point that I am aware of, did the Common Council discuss or agree to any of these arrangements. I do not know of any approved resolution or budget document which includes city payments for a working group or allows working group members to be paid consultants of a 3rd party.

Cynthia

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From: Laura Lewis <LLewis@cityofithaca.org>

Sent: Sunday, April 3, 2022 4:43:32 PM

To: Cynthia Brock <CBrock@cityofithaca.org>; Steve Thayer <SThayer@cityofithaca.org>; Schelley Michell-Nunn <SMichell-Nunn@cityofithaca.org>; Faith Vavra <fvavra@cityofithaca.org>; John Joly <JJoly@cityofithaca.org>; erosario.civitas@gmail.com <erosario.civitas@gmail.com>; kay27@cornell.edu <kay27@cornell.edu>; Monalita Smiley <mmsmiley@tompkins-co.org>; Aaron Lavine <ALavine@cityofithaca.org>

Cc: Common Council <council@cityofithaca.org>; Travis Brooks <TBrooks@cityofithaca.org>; Richard John <rjohn@tompkins-co.org>; sblack@tompkins-co.org <sblack@tompkins-co.org>; Deanna Carrithers <dcarrithers@tompkins-co.org>; Van Houten, Matt <mvh@tompkins-co.org>; vpillar@tompkins-co.org <vpillar@tompkins-co.org>; Henry Granison <hgranison@tompkins-co.org>; Anne Koreman <akoreman@tompkins-co.org>; dklein@tompkins-co.org <dklein@tompkins-co.org>; rbrown@tompkins-co.org <rbrown@tompkins-co.org>; msigler@tompkins-co.org <msigler@tompkins-co.org>; Deborah Dawson <ddawson@tompkins-co.org>; lshurtleff@tompkins-co.org <lshurtleff@tompkins-co.org>; Amanda Champion <achampion@tompkins-co.org>; gmezey@tompkins-co.org <gmezey@tompkins-co.org>; mlane@tompkins-co.org <mlane@tompkins-co.org>; Osborne, Derek <dosborne@tompkins-co.org>

Subject: Re: Brock Op-Ed re RPS

Hi Cynthia,

I'm pleased we had an opportunity to speak this morning. I also must apologize for my delay in responding to your questions -- no excuses. Some of the information you convey in your OpEd (draft?) is not based on full or accurate information, and for part of that I must blame myself.

As I said on the phone this morning, the Reimagining Public Safety Working Group was created in response to the Governor's Executive Order 203 issued in June 2020 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 Working Group that addressed the first city-specific Recommendation was comprised of community members and others noted below and named in the final report, led by two highly regarded community representatives, Eric Rosario and Karen Yearwood. Throughout our months-long discussions (some 50+ meetings) we followed the charge from Common Council (excerpted below):

- Create a task force to design the DCSPS (the initial department working title discussed in March 2021) to manage various public safety functions in the City.
- This task force shall include some combination of IPD staff, other City staff, Alderpersons, interested City residents, and outside experts or consultants.
- The DCSPS will include a unit of unarmed first responders to respond to certain non-violent call types. The precise identification of such call types shall be subject to further study to minimize risks to the public and to unarmed first responders that could arise if violence occurred.
- The DCSPS will retain a unit of armed, uniformed first responders who shall qualify in all respects under NYS law as police officers, with said unit therefore led by someone who shall qualify in all respects under NYS law as a Chief of Police.
- The DCSPS may be overseen by a Superintendent with relevant emergency response and administrative experience who can lead the DPS toward the goals of the "Reimagining Public Safety Plan."

As you'll recall, we had multiple discussions of the Resolution leading up to March 2021 and there was ample time to raise questions and ask for clarifying information before a vote was taken and the resolution was unanimously passed.

In response to your first question regarding how CPE came to be a lead partner in both the RPS Plan as well as the working group to develop the report?

CPE was not a "lead partner" but CPE staff, most of whom have years of experience as law enforcement officers, were exactly the type of "outside experts or consultants" we needed to take on our own work of reimagining public safety for our community.

Former Mayor Myrick identified CPE. A Statement of Work was agreed upon, but no contract with payment for service was signed with CPE.

Did the City go through a procurement process such as an RFQ to select CPE?

No RFP was required as CPE agreed to provide services pro bono during the initial phase. The City did not agree to cover costs of the working group project management.

The City did contract to pay the Working Group Project Leads (Rosario and Yearwood) \$10,000 each, and as the City understands it, the Park Foundation through the Dorothy Cotton Institute is providing each of them with an additional \$10,000 grant, for a total payment of \$20,000 to each.

Additionally, as the city understands it, the Dorothy Cotton Institute provided funding for a stipend (for which City officials/Council/staff were ineligible) of up to \$2,000 for each Working Group member and \$500 to each sub-committee member, though not all stipends have been claimed to date.

The City did not pay and has no outstanding payment obligation to CPE. CPE did propose to the City a budget for Phase II (2022-2023) work, but the City declined to contract for that work and did not agree to any payments. It is the City's understanding that CPE relied upon outside philanthropic funding.

On what basis or qualifications was CPE selected, and how can we be confident this is an unbiased report?

CPE was identified based on their extensive experience in policing and work in and connections with other communities.

City staff and Council members worked closely and extensively with CPE throughout this process, providing involved City officials with insight into the manner in which the CPE assisted the City and County in determining the content of the report.

How was the Matrix Consulting Group selected to conduct a report on patrol staffing and deployment?

CPE chose the Matrix Consulting Group based on their experience. It was not a City funded study so there was no RFQ. The underlying data was provided by IPD.

What are NYS procurement requirements regarding soliciting and receiving consulting services and studies such as these?

There are no procurement requirements for unpaid services of the sort provided to the City by CPE.

I'm happy to discuss this with you or others directly as well as at Council.

Best,
Laura

Laura Lewis
Acting Mayor

From: Cynthia Brock <CBrock@cityofithaca.org>

Sent: Sunday, April 3, 2022 9:10 AM

To: Steve Thayer <SThayer@cityofithaca.org>; Schelley Michell-Nunn <SMichell-Nunn@cityofithaca.org>; Faith Vavra <fvavra@cityofithaca.org>; John Joly <JJoly@cityofithaca.org>; erosario.civitas@gmail.com <erosario.civitas@gmail.com>; kay27@cornell.edu <kay27@cornell.edu>; Monalita Smiley <msmiley@tompkins-co.org>; Aaron Lavine <ALavine@cityofithaca.org>; Laura Lewis <LLewis@cityofithaca.org>

Cc: Common Council <council@cityofithaca.org>; Travis Brooks <TBrooks@cityofithaca.org>; Richard John <rjohn@tompkins-co.org>; sblack@tompkins-co.org <sblack@tompkins-co.org>; Deanna Carrithers <dcarrithers@tompkins-co.org>; Van Houten, Matt <mvh@tompkins-co.org>; vpillar@tompkins-co.org <vpillar@tompkins-co.org>; Henry Granison <hgranison@tompkins-co.org>; Anne Koreman <akoreman@tompkins-co.org>; dklein@tompkins-co.org <dklein@tompkins-co.org>; rbrown@tompkins-co.org <rbrown@tompkins-co.org>; msigler@tompkins-co.org <msigler@tompkins-co.org>; Deborah Dawson <ddawson@tompkins-co.org>; lshurtleff@tompkins-co.org <lshurtleff@tompkins-co.org>; Amanda Champion <achampion@tompkins-co.org>; gmezey@tompkins-co.org <gmezey@tompkins-co.org>; mlane@tompkins-co.org <mlane@tompkins-co.org>; Osborne, Derek <dosborne@tompkins-co.org>

Subject: Brock Op-Ed re RPS

Please see the attached Op-Ed. Please feel free to contact me with any questions.

To date, the questions below have received no response.

Cynthia

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From: Cynthia Brock <CBrock@cityofithaca.org>

Sent: Tuesday, March 15, 2022 2:34 PM

To: Steve Thayer; Schelley Michell-Nunn; Faith Vavra; John Joly; erosario.civitas@gmail.com; kay27@cornell.edu; Monalita Smiley; Aaron Lavine

Cc: Common Council; Travis Brooks; Richard John; sblack@tompkins-co.org; Deanna Carrithers

Subject: RE: questions for RPS presenters

Laura and Steve,

I wanted to bring this email up to the top of your inbox in the hopes of receiving a response in advance of our next Council meeting where we will be discussing the recommendations from the task force.

Steve, can you guide me to the appropriate state regulations that apply regarding the City's a) solicitation and selection for the contracting of City services, and b) receiving of gifts of services? I have found the NYS Procurement Guidelines, which seem to be appropriate but date to 2014, so may no longer be applicable. <https://ogs.ny.gov/system/files/documents/2018/08/psnys-procurement-guidelines.pdf>

Cynthia

Cynthia Brock
Ithaca City Council
First Ward Alderperson

Planning and Economic Development Committee
Chair, Special Joint Committee for Ithaca Area Waste Water Treatment Plant
Chair, Tompkins County Water Resources Council

Liaison, Parks, Recreation, and Natural Resources Commission
Liaison, Workforce Diversity Advisory Committee

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From: Cynthia Brock

Sent: Wednesday, March 2, 2022 11:17 AM

To: Steve Thayer <SThayer@cityofithaca.org>; Schelley Michell-Nunn <SMichell-Nunn@cityofithaca.org>; Faith Vavra <fvavra@cityofithaca.org>; John Joly <jjoly@cityofithaca.org>; erosario.civitas@gmail.com; kay27@cornell.edu; Monalita Smiley <msmiley@tompkins-co.org>; Aaron Lavine <alavine@cityofithaca.org>

Cc: Common Council <council@cityofithaca.org>; Travis Brooks <TBrooks@cityofithaca.org>; Richard John <rjohn@tompkins-co.org>; sblack@tompkins-co.org; Deanna Carrithers <dcarrithers@tompkins-co.org>

Subject: questions for RPS presenters

Hello all,

I wanted to share in advance a couple of questions that I am bandying about ahead of tonight's presentation, so as to not catch anyone off guard. It is entirely possible that these questions have been addressed previously, and it would be helpful to share the responses again. In either case, I think this information will be helpful to Council as we continue to receive questions and feedback from community members.

In no particular order:

- How did the Center for Policing Equity come to be a lead partner in both the Reimagining Public Safety Plan as well as the working group to develop the report being presented tonight?
 - Were CPE contracted by the City? Did we go through City procurement processes such as RFQ to select them?
 - If CPE was not funded by the City, and an RFQ was not conducted, who selected CPE, and how are they funded? On what basis or qualifications were CPE selected?
 - If it is not a City-funded study, how are we confident that this is an unbiased, quality report?
- How was the Matrix Consulting Group selected to conduct a report on patrol staffing and deployment?
 - Was it a City funded study? Did we go through City procurement processes such as RFQ?
 - If it was not a City-funded study, and an RFQ was not conducted, who selected Matrix and who funded this study? On what basis or qualifications were Matrix selected?
 - If it is not a City-funded study, how are we confident that this is an unbiased, quality report?
- What are NYS procurement requirements regarding soliciting and receiving consulting services and studies such as these?

Many thanks,
Cynthia

Cynthia Brock
Ithaca City Council
First Ward Alderperson

Planning and Economic Development Committee
Chair, Special Joint Committee for Ithaca Area Waste Water Treatment Plant
Chair, Tompkins County Water Resources Council
Liaison, Parks, Recreation, and Natural Resources Commission
Liaison, Workforce Diversity Advisory Committee

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Followers of local politics are aware that City Council is considering a major restructuring of our Police Department. The proposal may be a good idea and may in time achieve its stated goal of reducing bias in policing against people of color. I support and desperately want to see real and substantial changes in how we address public safety in our community. My concern, however, is that it is unclear to what extent the restructuring will be influenced by privately-funded advocacy groups' agendas.

Proposing radical changes in Ithaca in order to influence the national dialogue around specific social issues while gaining national press coverage in the process, is not new. Something very similar happened with the 2016 Ithaca Plan: A Public Health and Safety Approach to Drugs and Drug Policy for which the former Mayor, Svante Myrick, brought in the Drug Policy Alliance (DPA) – a self-described “leading organization in the US promoting alternatives to the war on drugs”, to recommend a supervised injection site in Ithaca. The furor over this one issue drew international attention, overshadowed the other recommendations proposed in the plan, and created consternation amongst government officials and services providers.

In similar manner, in 2020 Myrick invited the Center for Policing Equity (CPE) to guide the City and County in developing a response to Governor Cuomo's Executive Order 203, issued after the police murder of George Floyd. Involved in every step of the process over these past two years, and providing hundreds of hours of CPE staff time, their services were given free-of-charge. There was no selection process abiding by NYS procurement laws, no public review of CPE's qualifications. Additionally, there was no real discussion of CPE's impact on the work of the City and County, or CPE's agenda in “working for free.” In developing the Reimagining Public Safety (RPS) Plan, local community members spent months talking and thinking through the issues, developing and approving 18 out of 19 published recommendations. However, on the date of the RPS release, Myrick's Gentlemen's Quarterly article unexpectedly announced that the City would replace the City of Ithaca Police Department and force all police officers to re-apply for their jobs. This recommendation #1 and his goal had not been vetted or considered by the City and County working groups. Myrick apologized for the timing of his statements in the GQ article and then made a series of national appearances to talk about this one proposal, in the process gaining lots of public attention. But in doing so he also clouded discussion of all the other initiatives.

Following another year of working groups and meetings, here we are again. In addition to CPE, we now have paid organizers from the People for the American Way working an agenda. Recently posted on Indeed.com, PFAW offered \$65,000 for a Public Engagement Advisor in Ithaca to “Develop, sustain, and refine a local and regional media, communications, and public relations strategies and lead execution to highlight the Reimagining Public Safety plan, ensure passage of the 2022 referendum, and highlight right-wing rhetoric against public safety reform”. In the weeks following Council's adoption of its Reimagining Public Safety Resolution on March 31, 2021, CPE's CEO and co-founder Dr. Phillip Atiba Goff interviewed with the Washington Post, NPR's Fresh Air, and Katie Couric touting repeatedly that the City of Ithaca voted to dissolve its Police Department, creating a new department of mostly unarmed first responders, and claimed that Ithaca's Police Benevolent Union endorsed this plan. In August 2021, on WBEZ's Art of Power, Dr. Goff recalled a text and phone exchange with Myrick where Goff suggested that Ithaca didn't need a police department, to which Myrick responded “Yeah, cool. Let's make that happen”. Dr. Goff expressed tears of joy at the thought of the Police Union endorsing the dismantling of the Ithaca Police Department. When asked about this interview, Dr. Goff apologized to the working group saying he could have done more to ensure that his message was to center the work on the

people of Ithaca and Tompkins County to achieve the goals of our communities, a message that was missing in each of his interviews.

Cuomo's Executive Order required communities to look for "any racial bias and disproportionate policing of communities of color." In response, both the City and County committed to a data collection and analysis effort that would help build an evidence- and experience-based image of policing in the city and the county with which recommendations could then be formulated. To my knowledge the City and County did not conduct a request for qualifications (RFQ) for a data analyst. Instead, our government utilized the donated services of CPE's contractor – Matrix Consulting. In order to achieve the highest level of trust and confidence in government, NYS Ethics Laws puts forward clear rules to prevent corruption, favoritism, undue influence, and abuses of government position. Gifts of services – to the City and County itself - which may result in influencing of legislation should in my mind not be accepted or allowed and should be actively avoided and discouraged.

In order to determine the nature and extent of such change we need a process that is deliberate in seeking feedback on, openly analyzing, and addressing systemic racial bias in policing. Our efforts should be built on recommendations that come from a fair and equitable process. Our decisions should not be driven by hired lobbyists or unvetted organizations but based on unbiased expert analysis built on the circumstances, data, and experiences specific to our community. That is how you build trust and how you create profound and meaningful structural and cultural change around policing and public safety in Ithaca and Tompkins County.

Cynthia Brock
City of Ithaca Common Council Ward 1
31 March 2022
cbrock@cityofithaca.org