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December 3, 2022

By Email and First Class Mail

Paul G. Ferrara, Esq.
Costello Cooney & Fearon, PLLC
211 West Jefferson Street, Suite 1
Syracuse, New York 13202

Re: Ethics Investigation (Complaint of Cynthia Brock)

Dear Mr. Ferrara:

I write in response to your letter of November 10, 2022. In it you continue advancing the narrative that the Tompkins County Ethics Advisory Board (the "Board") has fully responded to my concerns about the scope of the Board's advisory jurisdiction. The fact – readily apparent to anyone who reads your letters – is that you have not addressed any of the issues raised, masquerading instead behind lengthy, legal-sounding, non-analysis. In my letter of November 2, 2022, I reduced the issues to four distinct and direct questions. Yet still, the Board refuses to answer. The only conclusion that can be drawn is the one I suspected, based on your letter of October 12, 2022: the Board is acting outside the scope of its lawful authority by investigating aspects of the Complaint far outside the purview of GML Article 18.

At the Board's meeting of November 8, 2022, Board member Brian Eden expressed misgivings over a draft that apparently became your letter of November 10. He suggested the letter not be sent, as it would only prolong an argument that does not seem capable of resolution by correspondence. Rather, he stated that the Board has already created a set of questions for each City official from whom it has requested an interview and suggested simply sending the questions to the City. I encourage the Board to follow Mr. Eden's practical suggestion. Once we have received the questions, we can better evaluate the appropriateness of the interviews the Board seeks.

This brings me to the most important part of this letter. Put simply, due to its own conflicts of interest, the Board's investigation should not be continued in its current format. The reasons go beyond the Board's acting beyond its statutory authority. They also go beyond a very serious conflict of interest already identified involving Richard John, Chair of the Board *i.e.*, that he was substantially and directly involved in the joint City and County engagement of the Center for Policing Equity ("CPE") for the initial Executive Order 203 collaborative process. He is thus in

the conflicted position of investigating and opining on conduct and events in which he participated. Mr. John's further conflict of interest runs far deeper.

City records recently discovered and released pursuant to a request for records pursuant to the New York Freedom of Information Law show that Complainant consulted with the Chair of this Board, Mr. John, and that Mr. John provided substantial comments, editing, and rewriting of Complainant's April 4, 2022 op-ed published in *The Ithaca Voice*. The op-ed contains the same content and arguments as Complainant's initial ethics complaint filed with the Board on April 12, 2022 and in fact is listed as an exhibit to the initial complaint. Put simply, Mr. John provided substantial input for, and substantially wrote, the original expression of the very ethics complaint over which he is now leading an investigation. One can further expect that, as Chair of the Board, and an attorney, Mr. John will substantially influence the Board's deliberations, be a primary author of any advisory opinion the Board may issue and have a vote on the Board's final product. It is difficult to imagine a clearer conflict of interest: Mr. John is attempting to serve as judge and jury over an ethics complaint that he helped to create.

Nor can Mr. John's input in Complainant's op-ed just days before she filed her ethics complaint be considered coincidental. To the contrary, the City's records show the Complainant and Mr. John coordinated the release of Complainant's op-ed with an op-ed of Mr. John's concerning the Reimagining Public Safety ("RPS") process published by *The Ithaca Voice* on March 30, 2022. Documents showing Mr. John's input in Complainant's op-ed, and their coordination of their respective op-eds that *The Ithaca Voice* published days apart, are enclosed. These documents readily support an inference that Complainant and Mr. John shared an agenda concerning RPS and used their official status to pursue their political agenda through the Board's processes. Notably also, by letter dated July 8, 2022 published on the Board's website, Jason Molino, former Tompkins County Administrator, declined to answer questions posed to him by the Board based on this same conflict of interest; *i.e.*, Mr. John's solicitation of Mr. Molino's opinion, and arguably his support, for the positions articulated in Complainant's op-ed prior to the Complaint's filing.¹ A copy of Mr. Molino's July 8 letter is also enclosed.

In contrast with the Board's conflicted process, the City's ongoing investigation, being conducted by a neutral, highly professional legal practitioner and former Corporation Counsel of a major upstate city, proceeds apace in a fair and unbiased manner, and without any hidden agendas. The City urges the Board and Mr. John to voluntarily take such steps as are necessary to remedy the tainted process in which they are now engaged. The steps taken (or not) can be expected to affect, among other things, the extent of the City's continued cooperation with the Board's investigation, including producing officials for any interviews by the Board. All other rights and remedies of the City and the individuals the Board wishes to interview are reserved.

¹ Mr. John's pre-complaint collaboration with Complainant and attempted pre-complaint collaboration with Mr. Molino call into serious question the assertion in your most recent letter that, "It is important to emphasize that the TCEAB is only proceeding in this matter because the above-referenced Complaint was submitted to it. This is not an inquiry commenced by the TCEAB or generated by Tompkins County."

Paul A. Ferrara, Esq.
December 3, 2022
Page 3

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Lavine", with a long horizontal flourish extending to the right.

Aaron O. Lavine
City Attorney

Enclosures

cc: Laura Lewis, Acting Mayor
Robert Cantelmo, Alderperson, Fifth Ward & Chair, City Administration Committee
Faith Vavra, Chief of Staff

op ed - take 2

4 messages

Cynthia Brock <[REDACTED]@gmail.com>
To: Rich John <[REDACTED]@hotmail.com>

Wed, Mar 23, 2022 at 4:12 PM

Hi Rich,

Thank you again for taking a look. I didn't go into the Matrix report, but after speaking with you I should probably include it. I will try again tomorrow with fresh eyes.


Cynthia

"Not everything that counts can be counted and not everything that can be counted counts." - William Bruce Cameron

Cynthia Brock

[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)

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 **draft op ed re PRS.docx**
25K

Richard John <[REDACTED]@hotmail.com>
To: Cynthia Brock <[REDACTED]@gmail.com>

Thu, Mar 24, 2022 at 9:56 AM

Cynthia - I offer some comments. Please use what you think works and discard the rest. Thanks for the chance to comment. I also attach the Op-Ed I prepared. It appears to be too long to get published so that I am shortening it. If you have comments on it, I would be glad to hear them. - Rich

[Quoted text hidden]

2 attachments **County Cynthia Brock draft op ed re PRS.docx**
33K **County Op Ed 22422.docx**
16K

Cynthia Brock <[REDACTED]@gmail.com>
To: Ray Craib <[REDACTED]@cornell.edu>

Mon, Mar 28, 2022 at 1:32 PM

from rich john
Cynthia

"Not everything that counts can be counted and not everything that can be counted counts." - William Bruce Cameron

Cynthia Brock

@gmail.com

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2 attachments



County Cynthia Brock draft op ed re PRS.docx

33K



County Op Ed 22422.docx

16K

Cynthia Brock <@gmail.com>
To: Richard John <@hotmail.com>

Mon, Mar 28, 2022 at 2:19 PM

Hi Rich,

Thank you so much for taking a look at this, and for your extensive edits and suggestions. My brain has been quite foggy and it has taken me longer than I would like to work on this, but I am going to back to this today. Thanks to your help, I think it will be a much better final piece. I'll share it with you soon-

Cynthia

"Not everything that counts can be counted and not everything that can be counted counts." - William

Bruce Cameron

Cynthia Brock

@gmail.com

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[Quoted text hidden]

For the watchers of local City politics, it is well-known that our community is frequently the recipient of privately-funded policy focus reports and recommendations – oftentimes with the end result of changing the national dialogue around social issues, and gaining national press coverage.

The most well-known of these is the 2016 [Ithaca Plan: A Public Health and Safety Approach to Drugs and Drug Policy](#) which drew nation-wide attention for recommending a supervised injection site in Ithaca, overshadowing numerous additional and well-received recommendations such as instituting harm-reduction approaches to drug use and treatment, the creation of a Law Enforcement Assisted Diversion (LEAD) program and others.¹ The Ithaca Plan drew upon the work and leadership of the [Drug Policy Alliance](#) (DPA)² who describes themselves as the leading organization in the US promoting alternatives to the war on drugs, in 2014 then-Mayor Myrick convened stakeholder meetings and working groups to work with DPA and create the Municipal Drug Policy Community (MDPC) who authored the Ithaca Plan.

In similar manner, the [Center for Policing Equity \(CPE\)](#)³ was selected by Myrick to lead the City and County in developing a response to [Governor Cuomo’s Executive Order 203](#), which charged all governments with a police agency to conduct evidence-based research, adopt model policies and standards, and implement plans tailored to the specific needs of the community to build trust, fairness, accountability, and transparency which seek to reduce any racial disparities in policing following the murder of George Floyd. In February 2021 the CPE produced [Public Safety, Reimagined \(RPS\)](#) proposing 13 joint City/County recommendations and two recommendations for the City itself.⁴ [Myrick’s GQ article](#) released the same day as the report drew nation-wide attention to recommendation #1 – Replace the City of Ithaca Police Department with a Community Solutions and Public Safety Department.⁵ Following another year of working groups and meetings, the CPE published in March 2022 the [Implementing the City of Ithaca’s New Public Safety Agency: Suggestions from the City of Ithaca’s Reimagining Public Safety Working Group](#)⁶

What has become evident in the year following Council’s vote on March 31, 2021, is the bias and intent of Myrick and the Center for Policing Equity to dissolve and dismantle the City of Ithaca Police Department.

This was easy to miss at the outset – Myrick apologized profusely for his statements in the GQ article whereby Myrick’s proposals were described as “the most radical reimagining of policing in the post-George Floyd era so far: abolishing the city’s police department as currently constructed and replacing it with a reimagined city agency” further describing the police department as a fish tank stained red that needs to be dumped out and started over. Myrick’s apologies were accepted in good faith and in the [Reimagining Public Safety Resolution on March 31, 2021](#), Common Council approved a renaming of the department, and allowed for the possibility of the department being led by a civilian, the latter of which

¹ [www.cityofithaca.org/DocumentCenter/View/4224/The Ithaca Drug Plan 19Feb2016 REFERENCE?bidId=](http://www.cityofithaca.org/DocumentCenter/View/4224/The_Ithaca_Drug_Plan_19Feb2016_REFERENCE?bidId=)

² <http://www.drugpolicy.org>

³ www.policingequity.org

⁴ www.tompkinscountyny.gov/files2/2021-04/Master%20Final%20Document%20City%20of%20Ithaca.pdf

⁵ <https://www.gq.com/story/ithaca-mayor-svante-myrick-police-reform>

⁶ [www.cityofithaca.org/DocumentCenter/View/13725/WG IthacaReport Final](http://www.cityofithaca.org/DocumentCenter/View/13725/WG_IthacaReport_Final)

is already allowable in NYS Law.⁷ Council went further to clarify that all officers would retain their rank and employment as police officers, and continue to be represented by a union.

It is the words of CPE's CWO and co-founder Dr. Phillip Atiba Goff that are the most alarming. In the weeks following Council's adoption of its [Reimagining Public Safety Resolution on March 31, 2021](#)⁸, Dr. Goff went on the national media circuit such as 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 how our local Police Benevolent Union endorsed this plan.^{9,10,11} 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 recalled tearing up at the thought of the Police Union (PBA) endorsed the dismantling of the Ithaca Police Department.¹² When asked about this interview, Dr. Goff apologized to the working group and submitted a letter 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.

We need profound and meaningful structural and cultural change around policing and public safety in Ithaca, Tompkins County, and nation-wide to address racial bias and improve public safety. That said, I also recognize that we have in our department a team of highly skilled, professional, and compassionate officers who are committed to improving policing in Ithaca. We on Council and the Legislature have worked to build trust and relationships with law enforcement officers to recognize our shared values, mission, and priorities, and common desire to serve our community fairly, and compassionately with an eye to removing racial disparities in policing as much as possible.

I am proud of the fact that our officers and PBA have committed to be partners in our efforts to reimagine public safety – a partnership that is not built on a biased set of recommendations to dismantle its structure and undermine the integrity of the department – but rather a partnership that seeks to uphold the highest set of standards in professionalism, responsiveness, and accountability that is deliberate in seeking feedback on, openly analyzing, and addressing systemic and cultural racial bias in policing. and this partnership must be built on recommendations that came from a fair and equitable process.

⁷ [Formal Opinion No. Formal Opinion No. 85-F12, \(Ops. N.Y. Atty. Gen. Oct. 8, 1985\)](#) ("Thus, the definitions of police officers found in [Civil Service Law, § 58\(3\)](#), [Executive Law, § 835](#), and [General Municipal Law, § 209-q](#) all specifically exclude municipal police chiefs and commissioners. It is clear that the Legislature, in drafting these definitions, intended to exempt police supervisors from the age, height, weight, physical fitness and training requirements. This enables individuals skilled as administrators to serve as *civilian* heads and supervisors of police departments. Also, police officers advancing through the ranks who can no longer meet the age, physical fitness or other requirements can continue to serve the police department and the public in supervisory capacities.")

⁸ *Tompkins County Highlights | Tompkins County NY.*

<https://www.tompkinscountyny.gov/files2/2021-04/Master%20Final%20Document%20City%20of%20Ithaca.pdf>

⁹ <https://www.washingtonpost.com/opinions/2021/04/15/how-local-leaders-reimagine-safety/>

¹⁰ <https://www.npr.org/2021/04/22/989767998/psychologist-examines-what-a-rapid-evolution-in-policing-might-look-like>

¹¹ <https://katiecouric.com/news/national-news/dr-phillip-goff-on-police-reform/>

¹² <https://www.wbez.org/stories/defund-the-police-dr-phillip-atiba-goff-the-data-scientist-behind-police-reform/60254fac-3af5-41b7-9427-c01110f3ed4a>

The RPS Plan and Recommendations came to us not through a government funded, public selection process abiding by NYS procurement laws, but came instead through private funding efforts which furthered a relationship between Myrick and Dr. Goff to achieve a shared purpose to dissolve the Ithaca Police Department. As we move forward in the coming weeks to decide on the future of our Police Department, it is important to keep the origins of these reports in context.

County Op Ed 2/21/22

I am writing to provide some thoughts on Reimagining Public Safety. But before doing so, particularly if you think the project is a waste of time, or has nothing to do with you, I would like to challenge you with a simple question: Do you want to move to Minneapolis?

If you followed the news story out of Minneapolis, then you certainly saw the George Floyd family grieving and the trial of the police officer, Derek Chauvin. What might not have been so apparent but has also occurred is damage to the community. While not easy to quantify, there has been tremendous ongoing cost. In the year after George Floyd died, in the neighborhoods surrounding what is now George Floyd Square, there was rioting and over a year-long occupation of the area by activists. Local business was down 75%. Shootings and other crime spiked. Around a quarter of the police force retired or quit, and as a result, the policing model became entirely reactive.

While problems existed beforehand, the death of George Floyd severely depleted exactly the kind of community trust necessary to move forward. The City government essentially froze. The Mayor quit. There has been little ability to communicate, let alone reach any consensus across the deep divides. This is a City trying to develop new better policy through a fog of rage and exhaustion. It is difficult to imagine the economic impact to the vibrancy that Minneapolis (and any city) is supposed to have. Perhaps pain is necessary for Minneapolis to reach a true reckoning, and there are undoubtedly people committed to getting there, but the community will need to endure this for years to come; and with no certainty that what comes next will be any better. Is this a place you would choose to live right now?

Because we all live in a community here as well, thinking that this issue has nothing to do with you is just not true. Thankfully, while getting the echoes, we have not experienced this level of community trauma here. Whatever you think about Minneapolis, the point remains that we never want to have such a thing happen in our community. But it could, particularly if we do nothing to ensure that our present practices are working. Any incident, even if accidental, could trigger community upheaval. With this danger in mind, taking a proactive approach to look at what we want in our community makes great good sense to me.

Unfortunately, at present, for certain segments of our community they do not believe that the system is set up to help them. At the most basic level, the point of the RPS effort is to address trust between the policing agencies and the whole community. We want everyone to feel they can call for help when they need help. And we want the community to help the emergency responders when they show up. Even if you think it is unfair to judge local policing on what happened in Minneapolis (and elsewhere), people feel as they feel. This lack of trust makes policing harder, less safe, and less effective. We can argue about what has caused this breakdown in trust, but there should be no disagreement that trying to get to a better place is smart. The RPS effort is a possible way to get there.

On the flip side of skepticism or indifference, I have certainly seen easy certainty. To be clear, RPS is not about defunding or even eliminating our police agencies, as some advocate. I note that we recently saw a series of criminal events in the County involving guns. I bring it up here to make the point that as a basic principle, we need our police. The people who are firing guns in our community need to be identified, caught, and arrested. I have heard no credible response to this type of violence or other dangerous situations as an alternative to a trained, organized, and professional, police force. We, as elected officials need to be as clear as possible that we understand the importance of building a total public safety model, with our police officers filling a crucial role in our larger criminal justice system. But we also need clarity around the vision of a system with better bonds of trust between our emergency responders and all community members.

And, in fact, as a part of RPS, both the City and County will be investing more, not less, in public safety. Simply, RPS is about addition, not subtraction. We are starting to build a more comprehensive approach that allows an emergency response appropriate to the nature of the problem, whether it is violence, addiction, or mental illness. We are building a system to capture data and use it to help us better learn and understand. We will have a more organized and accessible system to reach out to members of the community so you can see what we are doing and express your views about it. I am hopeful that we will be able to better support our police, mental health professionals, and addiction treatment providers as they serve our public safety.

Finally, you may disagree with some or all of what I have said here. That is fine, but I encourage you to speak up. We really need a big local community conversation. I say local because I am dubious about people who are not really part of our community, but hold a paid job to try to tell us what to do. I really believe the utility of these paid lobbyists and consultants is at an end, particularly when they suggest that some people within our community should be excluded from the discussion or start by questioning good faith. If this project is to have any real impact, this cannot be a spectator sport to see what government does. We need to have a big table. There must be seats for people of color and the comfort and support for them to speak openly about their experiences. But there must also be room for our line officers who interact and deal with the public every day to participate and be heard. Your voice matters too. Doing anything less will likely fail. This is certainly a difficult path to walk.

So, I encourage you to stay. Do not move to Minneapolis, or anywhere else. But let's see what we can do here to make our community stronger and safer for everyone. If you are still skeptical or indifferent, I suggest this is a poor stance, an option that may well lead to our own Minneapolis. If that is where you are at, I offer some homework. It is often hard to talk about the issues involved. And it is often the case that, like many issues in our country, we only speak with people that agree with us. But I still ask you to reach out to someone that you may not typically talk with on this subject and see if you can listen for a bit. You might be surprised at how far we can go without even leaving home.

For the watchers of local ~~City~~ politics, you are aware that ~~City Council~~ ~~our community~~ is considering a major restructuring of our Police Department. ~~The -The proposal is proposal~~ may be a good idea, ~~and may in time achieve its stated goal of.~~ ~~It might help our community~~ ~~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.~~ ~~But my concern is that we are being asked to make this decision in a hurry, and to an unknown extent, because it is a key piece of an outside,~~ ~~a -privately-~~ funded advocacy group's agenda. ~~We are being asked to be the laboratory. I am not sure that is the best way to reach local policy recommendations.~~

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~~Proposing radical changes in Ithaca in order to~~ ~~Mixing our local needs and concerns with a desire to~~ influence the national dialogue around specific social issues; ~~while gaining and in the process gaining~~ national press coverage ~~in the process, is not new.~~ ~~has ironically but unsurprisingly hindered rather than helped efforts.~~ ~~To remind you, s~~ something very similar happened with the 2016 ~~Ithaca Plan: A Public Health and Safety Approach to Drugs and Drug Policy~~ where the former Mayor, Svante Myrick, brought in the ~~Drug Policy Alliance (DPA)~~¹ ~~– a self-~~ ~~who-~~ ~~described-~~ ~~themselves-~~ ~~as-~~ ~~the~~ “leading organization in the US promoting alternatives to the war on drugs”, to recommend ~~their agenda item,~~ a supervised injection site in Ithaca. The furor over this one issue ~~drew international attention,~~ overshadowed ~~all-~~ the other ~~recommendations work proposed in the plan, and created consternation amongst government officials and services providers.~~ ~~being done and in some respects derailed those other efforts.~~

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In similar manner, in 2020 Myrick ~~invited~~ ~~reduced-~~ the ~~Center for Policing Equity (CPE)~~ to ~~lead 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 gifted free-of-charge.~~ ~~One of the selling points for using CPE was that they would work for free.~~ ~~There was no selection process abiding by NYS procurement laws, no public review of CPE’s qualifications, selection process abiding by NYS procurement laws nor were alternative providers considered.~~ ~~Additionally, And, unfortunately,~~ there was no real discussion of ~~CPE’s impact on the work of the City and County, or CPE’s their-~~ agenda in “working for free.” ~~In developing the Reimagining Public Safety (RPS) Plan,~~ ~~As with the Ithaca 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, a last minute surprise in-~~ ~~Myrick’s Gentlemen’s Quarterly article~~ ~~unexpectedly~~ announced ~~that the City would~~ replacing the City of Ithaca Police Department and ~~forcing~~ all ~~the-~~ police officers to re-apply for their jobs. ~~This~~ ~~This~~ recommendation ~~#1 and his goal~~ had not been ~~vetted or~~ considered by the ~~City and County local~~ working groups. Myrick apologized ~~for the timing profusely for his-~~ ~~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.

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Following another year of working groups and meetings, here we are again. In addition to ~~the~~ CPE, we now have paid ~~lobbyists~~ ~~organizers~~ from the People for the American Way working an agenda. ~~Recently p-osted 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~~

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¹ <http://www.drugpolicy.org>

passage of the 2022 referendum, and highlight right-wing rhetoric against public safety reform”. It is very difficult to disentangle their concerns from actual community interests. What has become evident in the year following Council’s March 31, 2021, vote on Reimagining Public Safety, is the intent of Myrick, the Center for Policing Equity, and now the People for the American Way, to dissolve the City of Ithaca Police Department and try something else. The words of CPE’s CEO and co-founder Dr. Phillip Atiba Goff are alarming. In the weeks following Council’s adoption of its [Reimagining Public Safety Resolution on March 31, 2021](#)², CPE’s CEO and co-founder Dr. Phillip Atiba Goff Dr. Goff interviewed with went on the national media circuit such as 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 how Ithaca’s the local~~ Police Benevolent Union endorsed this plan.^{3,4}⁵ 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 ~~recalled expressed~~ ~~tears of joy ing up~~ at the thought of the Police Union (PBA) endorsing the dismantling of the Ithaca Police Department.⁶ ~~Like Myrick,~~ ~~w~~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.~~

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 Yet, the City and County did not conduct a request for qualifications (RFQ) for a the data analyst. Instead, our government utilized the donated services of CPE’s contractor – Matrix Consulting, has not even been hired~~

~~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.~~

² *Tompkins County Highlights | Tompkins County NY.*

<https://www.tompkinscountyny.gov/files2/2021-04/Master%20Final%20Document%20City%20of%20Ithaca.pdf>

³ <https://www.washingtonpost.com/opinions/2021/04/15/how-local-leaders-reimagine-safety/>

⁴ <https://www.npr.org/2021/04/22/989767998/psychologist-examines-what-a-rapid-evolution-in-policing-might-look-like>

⁵ <https://katiecouric.com/news/national-news/dr-phillip-goff-on-police-reform/>

⁶ <https://www.wbez.org/stories/defund-the-police-dr-phillip-atiba-goff-the-data-scientist-behind-police-reform/60254fac-3af5-41b7-9427-c01110f3ed4a>

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In order to determine the nature and extent of such change we need a process that is deliberate in
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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 the 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.

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 by different participants in the process particularly county leadership as well as 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