

Broome County
Police Review Taskforce

Location: Zoom Video Conference Meeting

Date: December 29, 2020

Time: 1:00 p.m.

MINUTES

Meeting Called to Order 1:01 p.m.

Members Present: Kevin McManus, Sammy Davis, Mike Korchack, Michael Baker, Nancy Williams, Sandra Felton, Kathleen Newcomb, Kim Myers, Amber Jennings, Scott Baker

Members Absent: Mario Williams, Colleen Wagner

Others: Terry Carey, Judge William Pelella

Previous Meeting Minutes Approved

Kevin McManus: Introduction to Judge William Pelella from Drug Court

Judge Pelella Presentation:

- Been presiding over Binghamton drug court since 2005
- The program started in 2002 in the City of Binghamton
- Early on they were dealing mainly with cocaine cases, since the mid-2000s - 2010, heroin and other types of drugs have dominated the program
- Program has really grown since its inception
 - From about 20 participants to 140 this year
- Great alternative to incarceration
- What the court system came up with: Let's work together to come up with a program where we deal with the addiction, give them treatment, education, help with health needs, get them back on track and in recovery and working to contribute in the community
- Over the years we have seen a vicious cycle and this program has helped break the cycle and rehabilitate as an alternative to incarceration. It helps the participants make changes in their life and is a good foundation to recovery
- Great cooperation with the District Attorney and Public Defender, without them it wouldn't be successful. Proof that when we come together, we can solve a problem.

- This combined with the treatment facilities in our community - shows that we can resolve serious problems.
- The program has been expanded
 - DWI Court
 - Veterans Court
- When you see it come together it is so rewarding.
- How do we get out in the community? Make them aware of this program? Lower income areas need to be aware that this is an option.

I know for a fact that it works - I have seen it work. I have seen the power and destruction of addiction. It is a big long battle and most of the participants take several years to graduate. I try and keep reminding myself that the person needs a change and an opportunity. We do not expect anyone to be perfect. We are here to help you, but you have to be honest with us and yourself. Sometimes it takes a participant a long time to make the changes - but this is a better alternative than putting someone in jail or prison.

Question & Answer

1. **Kim Myers:** I really appreciate this, I know this is life changing for people. In selling it to the public - do you have any data or a success rate, knowing full well that substance abuse is not something that is one and done, or you do this, and it is all going to work out? You also mentioned heroin and cocaine, does substance abuse of alcohol come into play?

Judge Pelella: Yes, it does, we did start a DWI court. Often times alcohol is an addition to the drugs that they use. When they are in our program, they cannot use any substance that will alter their minds. One of the things we have changed is that we have accepted medically assisted treatment as part of the solution. One of the things that happens is when a participant comes in and after a period of time, we have different phases, once they complete their initial phase, they give their life story and most of the life stories start with marijuana and alcohol and progress to heroin, cocaine, meth. A great percentage of the participants have experienced trauma in their life. One of the things we have to deal with is the mental health aspect of the issue as well. Until you deal with those issues they are going to be suppressed and come out at a different time and creates a greater condition for relapse.

2. **Kim Myers:** Are there enough resources available for people? Many people are treatment adverse for a number of reasons. This is something I am passionate about - this is a disease. What is the criteria you use for being able to take advantage of drug court? What are some of the road blocks?

Judge Pelella: You have a big issue in our area now. We have lost resources, ASC, the options are getting smaller and smaller for us. If a participant relapses, if they are honest then we are going to get them whatever care they need - it can be difficult to find a place to send them. We have great partners in ACBC, New Horizons – but sometimes relapse needs a higher level of care or immediate placement and we are not finding those resources like we once did. We have been reaching out to Helio Health for a better partnership and results. It is frustrating sometimes that the resources aren't there.

3. **Kim Myers:** What is the criteria to participate?

Judge Pelella: Person cannot have violence in their background. The District Attorney is the gatekeeper, they evaluate and assess the case to determine if the person is a non-violent person and committing crime because of their addiction. Often times referrals are from the defense attorneys. We have talked to them as to educate them as to what the criteria is, for example if the person has an addiction and that addiction causes them to get involved in the criminal justice system. They sign a contract and the contract is that they have to enter a guilty plea to particular charges, participate in program, completion of program before final disposition. The requirements are spelled out in the contract and handbook. The District Attorney makes a proposal - this is what we are willing to do if the person is successful in the program. Sometimes can even be a better disposition than what was in the contract.

4. **Kim Myers:** Is the public defender able to analyze? Is there more of an advantage for those with private representation?

Judge Pelella: PD has been a very active partner in this program. They are aware of this program and handle the bulk of criminal cases in the program, they are really good at bringing it to the attention of the DA if someone is a good candidate.

Comments:

Captain Newcomb: I sat on the panel a number of years ago and I just wanted to share my thoughts if that is ok with you. Maybe things are done differently today, but in my short time I was very impressed with the number of services that came together to give each and every participant a fair shake. Before the session we met together as a group and there were a lot of different services from the community that got together and looked at each and every participant individually.

Judge Pelella: That is what makes the program successful, the partners at the table. We try to involve all the different agencies. It has been very hard during this pandemic to meet as a team. Essentially, we are just trying to band aid things right now while we are restricted from having people come in. I talk to each participant on a weekly basis to see how they are doing. Part of the success of the program is to keep the participant honest through testing and that is an important part of the program and we have limited to what we can do. I am looking forward to the day that we can get the team members back in the court house.

Judge Pelella Closing

In ending I just think it is a great alternative and a great program that the court system has come up with. I have seen it work, I know it works, there are people who are now in the community who are very productive, were in the jail about ready to give up, and I have seen them turn around with a good foundation for their recovery. Part of the program's success is getting the support from the entire community.

Comment:

Mike Korchak: Just to clarify a little bit of what Judge Pelella said, it really has to go through the lawyers in the court. What he meant by you can't have a history of violence - this is why everything needs to be a case by case analysis. For example, burglary in the second degree you would not be eligible, but if someone breaks in to their grandmother's house to steal items to sell for drugs - that is violent, but we would reach out to the family to see if this person would be a good fit. It is not etched in stone, if someone needs the help, we are always willing to look at it. It is really a case by case, individual basis, depending on the person who is applying. We speak with the public defender, or the other defender involved. I cannot say enough about the graduations I have attended. Ask anyone or invite anyone because they are definitely worthwhile. People are really turning their lives around. If we can have someone in drug court and they get treatment and they are not committing more crimes that is better than the community.

Kevin McManus: Can you speak to bail reform and impact it has had?

Mike Korchack: With bail reform being impacted there are people who are released immediately and do not spend a day in jail. As a defense attorney whenever I got a client into drug court it was because when they were sitting in jail, they realized they needed to stop the cycle. Sometimes that would allow them to realize they needed treatment. I can just go by my own experience. Bail reform is an immediate release of misdemeanor drug crimes. It is case by case, but I do not think it is helping people get into drug court at this time. It is hard to tell with the COVID situation.

Nancy Williams: I have also heard that across the state - an unintended consequence of bail reform is that less people are able to get into drug treatment, mental health treatment, and because they are releases, they often cannot find them.

Mike Baker: In any situation the judge can determine if a person is a reasonable flight risk, they can set non-monetary releases. I agree and this is where we run into what is the County Jail to do - is it a detox facility, are we saving lives by putting people in jail? Certainly we have and with the poison out of their system they are able to reflect. They do not have the mind set during the arraignment - what is the best available thing to now do for them. We have relied on the jail too often to be a detox, acute mental health, treatment facility and we have to be able to create a system to allow that to happen. Many of the referrals we get for drug, veterans court come directly from law enforcement. Law enforcement will engage in the negotiation process - we all do circle around, Nancy has been very helpful because the process to get in requires an evaluation to be done before any process can happen. What percentage of people going into treatment have get Medicaid approval?

Nancy Williams: Broome County is a managed Medicaid, a very high percentage of those folks would qualify, 95% of people in NYS do have health insurance so that they are under that managed Medicaid.

Mike Baker: It takes people from a number of different offices to get people into treatment and it takes time to get somebody into a proper facility.

Nancy Williams: One of the biggest successes is that we have been able to get medically assisted treatment to the Broome County Jail. With bail reform less people go into the jail so we are thinking about how we can re-tool that program and have it meet people before they get released on bail.

Captain Newcomb: Bail reform had an unintended consequence - now people are being released back out onto the street, by not being incarcerated some of the time we miss an opportunity to get them into treatment sooner.

Broome County Sheriff's Office Presentation: Captain Newcomb

1. Community Partnering
 - a. Dealing with the opioid addiction and the epidemic – there are things we do at the sheriff's office
 - i. We participate in the naloxone program – were the first law enforcement agency to carry Narcan for anyone suffering from overdose - still have calls for that type of service and have saved a lot of lives doing that.
 - ii. Another initiative we participate in - prescription pill takeback program. No questions asked, anyone can bring in any unwanted medication and we dispose of it in an appropriate fashion.
 - iii. Partnered with Fairview Recovery Services, United Health Services.
 1. Started initiative a few years ago to help anyone with substance abuse/alcohol disorder - they can call the Sheriff's office no questions asked we will go pick them up and take them to treatment. We were using the ASC and UHS who hold beds for us. COVID has presented some obstacles and barriers for this.
 - iv. We partnered with ACBC a couple of years ago and we do a peer to peer initiative - currently that is on hold due to the coronavirus.
 1. People who work with ACBC who are in recovery themselves, they ride with the local police departments - they have a list of people who they go and make contact with – doesn't have to be treatment services.
 - b. Partnership with Children's Home of Wyoming Conference
 - i. We attend different functions to interact with kids over there; tree lighting, ice cream social
 - ii. Organize different events with the children; deputies read books, play sports and games
 - iii. Collaboratively work with them annually to try to think of new ways to interact with the kids and get them on the right track.
 - c. School Resource Officer: CV/ME
 - i. Teaches classes, interacts with the children, has been a success
 - d. Neighborhood watch program: Actively involved in 25 watch programs

- i. A lot of the interaction is on social media which is how they choose to communicate, interact
- e. Safety and security assessments for local businesses as requested
 - i. Ex. Active shooter, security
 - ii. Provide to any local business who requests it
- f. Project lifesaver
 - i. Program for people with developmental disability, dementia issues
 - ii. Family can submit an application to be put into the program
 - iii. Outfitted with a bracelet, team can pick up on the frequency, if they get lost, we can then quickly respond and locate the person.
- g. Sex Offender Management Watch Program
 - i. Monitor all the sex offenders in Broome County - take care of change of address, do follow up.
- h. Coffee with a Cop
- i. Cops on Top (Partnership with Dunkin Donuts)
- j. Also partner with local businesses and send officers out in the field to interact with the public and has been incredibly successful

Those are some of our initiatives and programs that we do in the community. We are constantly looking for other ways to interact. We are proud of our initiatives and what we do, and it has been a tremendous success.

Comments:

Kim Myers: I think you guys do a great job, just the notes I wrote down, I know it is always about time and money, this whole committee is about looking at our law enforcement, based on the governor, obviously with what has been in the news - how do we do better? When you are talking about the SRO - I know in vestal that was a very positive way for creating a relationship for the student knowing not to fear them and embrace them as someone who can help. If money was no object, I think this is something that could be expanded on so that they can be seen as not a threat.

Captain Newcomb: A couple of years ago CV moved their elementary school students and put them in a new building. We recognized that the kids were going to a new school and it was a little scary, so we put a few uniforms there and we welcomed them to the school just so that they knew they were safe. It is a great feeling

Presentation from Sergeant Davis:

Community Culture: We all come from the same county - have the same wants for our county. I can honestly tell you, being in this area for 28 years, what a fantastic place it is to raise kids. Coming to the sheriff's office was a great learning curve for me. We are such a melting pot of a community.

When you look at the sheriff's office numbers we are as diverse as we can be for now and hopefully that will continue to grow.

Some of the things we deal with when it comes to community culture and going out in the community one of the things, we find is that people invite us back when we do these details. We try to do our best and I think we do a good job because people continually invite us back. Broome County is such a diverse group of people when you go from one area of the county to another.

We take every opportunity to try to reduce racial tension. Sometimes we are invited to situations and sometimes we are out doing events. We are hoping that doing things like this will help build community trust.

BCSO Open House is an opportunity for people to come see the equipment we use. Those community trust building opportunities are key as an opportunity for people getting a chance to talk to officers, ask questions, build community trust.

Comment:

Kim Myers: I do not think the public sees a difference between agencies - obviously it is good on the good level - but if there is an incident that is not handled well everybody suffers.

Sergeant Davis: We try to take every opportunity we can, to give people information they do not have.

Sergeant Davis Presentation Continued:

Transparency: Getting to know how we do things, why we do things, really when it comes to the lack of knowledge that is out there - every year for the academy I open up our doors.

Citizen Input Opportunities - That is what this is all about. I am hoping that we are explaining the way we do things. Some things we can change, some things we can't, but I think the advice is always taken. This is just another step in the right direction. I hope that this is very useful to everybody else.

Captain Newcomb: Using Technology

All our officers wear body-worn cameras and utilize those out in the public. We also have in car cameras that are activated when they are responding to calls. Officers must activate the cameras whenever they are on a call, providing service. There are specific instances where they are allowed to turn the camera off.

Question & Answer

1. **Kim Myers:** Can you turn off the camera but still have the audio recording?

Captain Newcomb: Yes - I do believe there is an option on that.

Sergeant Davis: Our policy covers when they can turn them off. There are very few reasons why they can change those settings. The deputies do not manipulate them/cannot change functionality.

Captain Newcomb:

We utilize them for investigations, when deputies are writing report and has been a phenomenal tool from our perspective. There was some concern, we thought deputies would be resistant and we found the opposite. They embraced it and it protects them.

We attempt to make the accessibility to everything as easy as possible. We want an easy process for people to file a complaint, they can call in, we have a link online. Social media platforms are used frequently.

Kevin McManus Meeting Closing:

From here on out I think it is an important part of representing this panel - if we can take the time in the next few days as we layout the next phase of this agenda, any areas you would like more information on. If you can gather any thoughts you have by Sunday we will incorporate that to the next agenda so we can move to next phase of the agenda.

Comment

Scott Baker: I think it would behoove the entire committee to have an in-depth report on bail reform as we move forward. We haven't seen a lot of hard evidence on what bail reform is doing to the criminal justice system as a whole. I think this is much more broad than just police reform.

Mike Baker: I think it is too early on for DCJS to have compiled data.

Mike Korchack: We have some City of Binghamton statistics we can share. We will not get County information as a whole from the state until after the end of the year.

MEETING ADJOURNED 2:32 p.m.