

**Broome County**  
**Police Review Taskforce**

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Location: Zoom Video Conference Meeting

Date: December 22, 2020

Time: 1:00 p.m.

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**MINUTES**

**Meeting Called to Order 1:01 p.m.**

**Members Present:** Kevin McManus, Colleen Wagner, Amber Jennings, Sammy Davis, Mike Korchack, Michael Baker, Nancy Williams, Sandra Felton, Kathleen Newcomb, Mario Williams, Terry Carey, Scott Baker

**Members Absent:** Kim Myers

**Previous Meeting Minutes Approved**

**District Attorney Korchak/Public Defender Baker and Probation Director Terry Carey explain the court arraignment process for an accused person and an appearance before a judge:**

**Mike Baker on Public Defender's role:**

- Appearance ticket to come back for a later arraignment
- May be held for centralized arraignment
- Attorney present at every arraignment
- Vera institute analyzed arraignment process
- Follow up intake interview and meet-up at the jail
- Begin the investigation process, find witnesses, reach out to arresting officer, etc.
- Training for better understanding of mental health and addiction issues
- Transfer of information between Public Defender and DA
- Negotiation process begins
- Family members often request a status update, but the clients don't always want them to be updated which creates difficulty for the Public Defender's office.

**Terry Carey on Pre-Trial Release via Probation**

- Placed in the program by the court
- Interviewed inmates daily prior to bail reform

- Now, there aren't initially as many people in the jail, but still follow up with city court blotter
- Depending on the offense changes how often they must report
- Drug and alcohol evaluations, mental health evaluations, electronic monitoring in some cases
- Carry them until the disposition of the case
- Jan-Sep 2020 are similar in number despite COVID
- Electronic monitoring cases doubled in the same timeframe from 2019 to 2020
- Incarcerated while violation is pending

### **Mike Korchak on DA's role**

- The goal isn't to put everyone in jail; court rules, bail reform is closely followed
- Doesn't always like the rules, but must follow the law of NY State
- Broome County has better relationship between DA and PD than most
- There is a victim involved and protection of the community is top priority
- His opinion: some reforms are blanket and should instead be on a case by case basis
- Look at the parties involved, not just at the crime
- Many nonviolent narcotic crimes perpetrators are released
- Many drug related people are "slipping through the cracks" instead of receiving proper treatment and evaluations
- Issue: victims and witnesses are unwilling to cooperate because accused is not held on bail
- Not always easy to get social workers involved, you don't know what kind of mental health issues are involved in a given situation. Police safety and getting a situation under control come first, and then social workers can come in later, in his opinion

### **Nancy Williams:**

- Incarceration is not meant to be a rehab center or a place where people receive mental health treatment
- We are fortunate in Broome County to have a mobile mental health crisis team
- Funds to expand that team so that law enforcement can be assisted so that not all of these individuals are sent to the prison; CPAP unit at Binghamton General is an alternative
- Mental Health Association of the Southern Tier: train EMS, firefighters, law enforcement on handling mental health situations
- Budget issues have made it difficult to fund all our programs and agencies
- Kendra's Law addresses crimes committed by the mentally ill

### **Question & Answer**

1. **Amber Jennings:** What qualifies a client for Public Defender service?  
**Mike Baker:** Poverty rate determines eligibility.
2. **Mario Williams:** What is bail reform?

**Mike Baker:** Eliminate the concept of someone remaining in jail because they cannot afford the bail. Low level offenders who can't afford the bail can be released. Has become a politicized issue.

3. **Mario Williams:** Re-entry programs to improve the recidivism rate?

**Mike Baker:** The issue stems from placing the individual back in the same environment without any follow-up. The police officers need others in the community to assist these individuals from returning to crime. A lot gets placed on probation officers that could potentially be

4. **Mario Williams:** How do you restore the peoples' trust? Issues of racial discrimination?

**Korchak:** Never a racial decision, but the individual's history does come into play. Almost no one will go to prison for their first nonviolent offense.

**Mike Baker:** Public Defender's office is often viewed as the bottom of the barrel, but our attorneys are just as good as private ones. Constantly fighting these notions. Additionally, looking at implicit biases that exist. How do we take children who grew up surrounded by drug use and crime and turn their lives around? Allegations of racism or discrimination during these processes are always logged, investigated, and taken seriously.

5. **Amber Jennings:** How many public defenders are there?

**Mike Baker:** 14 currently. There are also private attorneys for cases where conflicts of interest arise. We are still fighting for access to more tools to address drug related and mental health related cases.

6. **Amber Jennings:** Where does electronic monitoring funding come from?

**Terry Carey:** \$3.80 per day per person, comes out of Probation's budget.

**Next week Judge William Pelella will give a presentation on Drug Court**

**Kevin McManus – Meeting Wrap-up**

**MEETING ADJOURNED 2:27 p.m.**