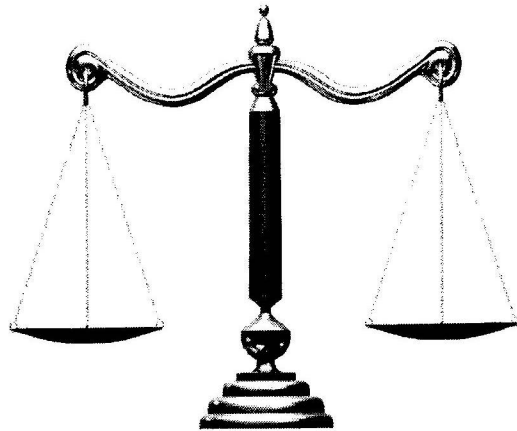


**2017
ANNUAL REPORT**

**VILLAGE OF
CAYUGA HEIGHTS COURT**



**Glenn G. Galbreath
Village of Cayuga Heights Justice**

**Patricia Kannus
Village of Cayuga Heights Court Clerk**

ANNUAL REPORT OF GLENN G. GALBREATH, VILLAGE JUSTICE

There was a 16% decrease in the number of cases from 2016 to 2017 and that decrease was proportional across almost all types of cases. Fines collected also similarly decreased. Interestingly, though, “scofflaws” (traffic offense defendants who fail to appear in court and are reported to the Department of Motor Vehicles for license suspension) have increased 25%. Also running counter to the downturn in case numbers is that we have been much more successful in collecting past due fines and surcharges from defendants.

Following the summary of data immediately below is a short narrative about the data and other court activities for the year. The charts attached at the end provide a little more detail and cover a five year period.

SUMMARY OF CASE ACTIVITY

<u>Case Types</u>	<u>2016</u>	<u>2017</u>
Vehicle + Traffic Law (V+TL) (including parking)	1,076	900
Penal/Criminal Law	16	17
Civil/Small Claims	<u>0</u>	<u>4</u>
Total Cases	1,092	921
<u>Total Funds Collected</u>	\$ 75,223	\$ 62,614
<u>Number of V+TL Trial</u>	16	5

Vehicle and Traffic Law (V+TL) Cases (See attached chart.)

Vehicle and traffic law matters are the majority of the Court's cases, fines and surcharges collected and the Court Clerk's time. The total number of V+TL cases in 2017 (900) is 16% lower than in 2016 (1,076). The decrease was fairly proportionate among the different types of vehicle and traffic offenses.

Alcohol related driving offenses (driving with ability impaired (DWAI), driving while intoxicated (DWI), and aggravated driving while intoxicated (ADWI)) are important cases and their numbers stayed steady, 17 in 2016 and 16 in 2017. That being said, we have had a wide

range of numbers for alcohol/drug related driving offenses during the past six years - from a low of 2 in 2011 to a high of 23 in 2015 and now down to 16.

The number of dismissed cases decreased 23% from 555 in 2016 to 429 in 2017. Almost all of these cases were for minor equipment, inspection, and insurance card violations. Most of the dismissals were done in the “interests of justice,” either because there was no violation (e.g. driving without insurance, but later it was shown that insurance actually was in effect at the time of the ticket) or the violation was minor and quickly remedied (e.g. recently expired inspection or registration stickers or minor equipment violations, all of which were quickly remedied). Dismissals also can occur when the prosecution and defense enter into an agreement and then together ask and convince me that justice would be served by my agreeing to their plea bargain. Sometimes plea bargains result in reducing or dismissing some of the charges in return for a guilty plea on another charge. In some courts, the pressure of high case loads can be a significant incentive for a judge to accept a plea bargain proposed by the defense and prosecution. Because the Village Court’s case numbers are not overwhelming, case load pressure does not play a role in my determining if a plea bargain is appropriate or not.

Parking (See attached chart.)

The number of parking tickets in 2017 (101) is up 71% from 2016 (59). Although parking tickets are part of the V+TL statistics, we identify them separately in the attached chart. The administrative processing frequently is done by the Police Department and the Court Clerk without the need of my intervention because most people plead guilty and pay the set fine. Only occasionally do I need to arraign a defendant or hold a trial for a parking ticket. Nevertheless, the Court Clerk must always process the paperwork and occasionally arrange for payment of the fine.

Penal/Criminal Cases (See attached chart.)

The Penal/Criminal Law category includes local and state law infractions, misdemeanors and felonies. Generally, these are more serious than most V+TL matters and take more time. Infractions are the lowest level of criminal cases and the penalty is rarely more than a small fine. Misdemeanors and felonies are more serious and create a formal criminal record for a defendant that stays with him/her for a lifetime. Not counted in the Penal/Criminal Cases statistics, even though many are also misdemeanors or felonies, are some of the more serious V+TL offenses, e.g. DWI, ADWI, reckless driving, aggravated unlicensed operation (AUO), leaving the scene of an injury accident, etc. Those misdemeanor V+TL cases appear only in the V+TL statistics chart. The most serious charges, felonies, do not appear in any of our statistics at all. That is because the computer program only identifies cases that are closed with a conviction or dismissal in our court. Felony cases that arise in our court do not ultimately remain here, nor are they “closed or dismissed” here. They eventually get transferred to the Tompkins County Court and, thus, never show up in our computer statistics. For example, the murder case we had in the fall of 2014 brought me to court four times (three of which were in the middle of the night) to: review and sign a search warrant, modify that warrant, arraign the defendant, assign counsel, remand the defendant to jail, and start a preliminary hearing (which was ultimately waived by the defendant). All of these activities occurred prior to transferring the case to the county court

but did not appear in our statistics. In 2017 the number of our criminal law cases (17) was virtually unchanged from 2016 (16).

Vehicle and Traffic Trials (See attached chart.)

The number of trials dropped significantly, from 16 in 2016 to 5 in 2017. But these numbers reflect only those trials for V+TL offenses that went to completion. The data does not include criminal trials or civil trials due to a limitation in our computer program's data collection. Often trials are scheduled but then the defendant changes her/his mind at the last minute and pleads guilty, thus mooting the need for a trial. The number of trials in recent years is very low relative to what the court has done in the past, e.g. in 1995 we had 124 V+TL trials.

Civil and Small Claims Cases (See attached chart.)

Both the Civil and the Small Claims case categories concern non-criminal and non-V+TL matters. They involve private disputes between people or organizations. They are not actions brought by the government against a person for violation of the criminal law. And the "Civil Docket" is technically different from "Small Claims." Both have the same maximum monetary jurisdiction of \$3,000, but Small Claims cases use an expedited procedure that is simpler, less expensive and more accessible to people without lawyers. Civil and Small Claims cases make up the smallest number of cases (none in 2016 and only 4 in 2017), but include subject matter of importance to the parties, e.g. landlord-tenant matters, evictions, consumer transactions, contract disputes over bills for professional services, etc. These cases tend to be time consuming and often result in longer trials and written opinions. The Court routinely refers the parties to the Community Dispute Resolution Center for mediation as soon as the case is filed with the court, but does not delay the court's proceedings while mediation is being considered or used unless the parties agree to a delay.

Audit

The Court's financial records are audited at least once a year. While those reports generally are unremarkable, the auditors sometimes point out that the Court's practice of accepting personal checks from defendants can create problems - bounced checks. The Court is required to submit funds to the State of New York monthly, but occasionally a defendant's check comes in at the end of a month, the Court pays the State based in part on that check, and then after the State has accepted the money, the defendant's check later bounces. This can cause the Court's funds to be short. The State has a recognized accounting procedure to deal with this sort of problem and balances it out the following month. But the auditors are a bit uncomfortable with the process and suggest that the Court might consider not accepting personal checks from defendants. But about one-third of our defendants use personal checks to pay the Court. Another third pay in cash and the last third pay with credit cards. I am inclined to continue to accept personal checks from defendants for a variety of reasons. I want to make it as easy as possible for defendants to pay their fines and surcharges. Very few defendants actually bounce their checks to the Court. The Court Clerk tolerates the added burden caused by the occasional bounced check. And the

State has no problem with the established process of correcting a surprise bounced check the next month.

Payment of fines, surcharges and bail by credit cards

In 2017, we started taking credit card payments from defendants. There is no fee to the Court, and, frankly, I was a bit surprised at how many people prefer to pay by credit card. This seems to make the process much easier for many people and we think it has increased our collections.

Collection of fines and surcharges (See attached chart.)

For the past dozen or so years the annual reports have identified how much money is still owed to the court from all past defendants. Normally this cumulative amount increases every year. But in 2017 the amount all defendants owe the Court actually dropped, i.e., an increasing number of defendants are paying their current and past due fines and surcharges. In fact, the amount these “scofflaw” defendants owe the Court dropped 16% from \$39,455 in 2016 to \$33,150 in 2017. The Court Clerk and I suspect the reasons for this positive development are due to the start of the Court’s accepting credit cards and some extra efforts we made to again remind defendants about their past due fines and surcharges. We sent letters to a year’s worth of non-paying defendants warning them that their failure to pay not only will likely result in the loss of their driver’s license but can also allow the Court to enter a civil judgment which can lead to a lien on the defendant’s real estate and a negative credit record. The Court Clerk began this process with letters to about 150 non-paying defendants from the last year. About 50% have since paid. This not only reduces debt owed to the Court, but helps defendants avoid the very expensive consequences of non-payment. We plan to dip back even further into the list of defendant scofflaws.

Other activities

Other activities that do not appear in our data reports include: after-hours arraignments, review of search and arrest warrants, pretrial hearings, status conferences, motion hearings/arguments, orders of protection, declarations of delinquency and re-sentencing, preliminary felony hearings, hearings on violations of probation, legal research, drafting opinions, and sentencings. All are time consuming and important activities, but collecting the data on them is not automatic through our computer.

Patricia Kannus, the Court Clerk, attended four days of clerkship refresher training sessions in 2017, and I completed the required two days of Advanced Continuing Judicial Education Program for town and village justices. I also did mandatory inspections of the McCormick Secure Center (housing teenagers convicted of the most serious felonies) and the Tompkins County Jail.

I am the only town or village justice to be appointed to the New York State Advisory Committee for Judicial Ethics and attend five to seven meetings in New York City each year where we decide on the 100+ ethics opinions the Committee issues each year. These opinions are

published in response to inquiries from New York judges before they act on matters which raise ethical concerns. If the judge follows the written opinion, s/he is presumptively protected from prosecution for a violation of the Rules for Judicial Ethics.

Tompkins County received a \$150,000 shared services grant from New York State to scan, retain electronically, and destroy the older paper court records of town and village courts. Ms. Kannus sent out our older paper court records. They have been scanned, but there is a long and time consuming process to obtain final approval for the ultimate destruction of the paper records. When completed we will save significant storage space and have easier access to the electronic records.

Conclusion

Should you have any questions or comments, please contact me or the Court Clerk. Further, I remind everyone that the court sessions are held every Tuesday evening starting at 6:00 PM and the first Thursday of every month starting at 5:00 PM. The public in general, and you in particular, are invited to observe these sessions.

Dated: February 23, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glenn G. Galbreath". The signature is written in a cursive style with a large, prominent initial "G".

Glenn G. Galbreath
Village Justice

VEHICLE + TRAFFIC CASES (V+TL - most are not criminal misdemeanors or felonies)

OFFENSE (generally infractions)	CONVICTIONS					
	2012	2013	2014	2015	2016	2017
speeding	93	75	113	92	69	60
speeding in school zone	18	23	2	5	1	5
stop sign	11	12	27	7	4	4
fail to obey traff. control device	166	216	319	233	257	191
DWAI (driv. with ability impaired - infraction)	3	6	7	20	13	10
DWI (driv. while intox. - misd. or felony)	1	2	5	2	4	5
ADWI (aggravated DWI - misd. or felony)	0	3	1	1	0	1
fail to keep right	10	9	1	7	10	1
no passing zone/follow to closely	1	2	8	0	2	2
AUO (aggrav. unlicens. oper. - misd. or felony)	1	2	1	0	5	2
unlicensed operation	12	9	13	19	13	13
suspnd./revokd. license (misd. or felony)	0	1	0	0	1	1
unregistered vehicle	1	0	9	14	10	5
uninspected vehicle	9	2	12	6	8	11
equipment violations	13	12	12	7	10	4
seatbelt	10	5	17	6	7	10
no insurance	0	0	0	0	0	0
cell phone	64	39	23	39	14	13
other	16	27	34	41	23	22
TOTAL CONVICTIONS	429	453	609	507	451	360
TOTAL DISMISSED	372	329	695	695	555	429
ACD (see below)	18	10	4	13	11	10
PARKING TICKETS	147	167	88	91	59	101
TOTAL V+TL CASES	966	959	1396	1306	1076	900
SCOFFLAWED CASES (see below)	51	94	132	190	164	206
LIFTED LICENSE SUSPENSION (see below)	7	7	3	5	1	5
V+TL TRIALS	19	14	15	14	16	5
<p>"ACD" is an adjournment in contemplation of dismissal. It is used when the defendant and prosecutor agree that the penalty imposed by a conviction is disproportionate to the actual offense, and they agree to conditions which if met by the defendant would warrant later dismissal of the charge. The defendant and prosecutor then must secure the justice's agreement before it can be issued.</p>						
<p>"Scofflawed cases" are those where a defendant failed to appear or to pay. The Court Clerk notifies the Dep't of Motor Vehicles which in turn suspends the defendant's driver's license until the case is fully resolved. In serious cases, the Court may also issue a bench warrant for the defendant's arrest.</p>						
<p>"Lifted License Suspension" is a new fee (\$70) the State requires when a license is restored after suspension.</p>						

CIVIL CASES						
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	2017
SMALL CLAIMS + REGULAR CIVIL	1	3	1	4	0	4
ALL FINES, FEES + SURCHARGES (CIVIL + CRIMINAL)						
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	2017
COLLECTED EACH YEAR	\$65,073	70,497	\$101,365	\$83,143	\$75,223	\$62,614
OWED BY ALL YEARS' DEFENDANTS	\$20,985	21,750	\$31,793	\$34,150	\$39,455	\$33,150