

**2020
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

The Covid 19 pandemic was probably the single issue that had the most impact on the court in 2020. Early in the year all New York courts were completely closed for weeks. Thereafter our court has operated under a very restricted basis for various periods of time, e.g.: only one person (i.e. Court Clerk or I) could be in the court or office at a time; or defendants could only appear in court by electronic means; or defendants could appear in-person but only on a one-case-at-a-time basis; trials were not allowed or were limited to virtual appearances; and jury trials were forbidden the entire year. And, of course, we had to take numerous precautions to limit the chance of virus spread (e.g. temperature checks, virus inquiries of everyone, everyone had to wear masks, one defendant in the court room at a time, constant cleaning, plexiglass shields, etc.). Most of these restrictions continue into 2021. As a result of adapting to the pandemic:

- the number of cases we were able to close dropped by almost a third;
- the court appearance rate for defendants, either in-person or electronically, dropped markedly;
- the court's incentives to motivate defendants to appear at Court were limited due to bail reform and limits on issuing warrants and license suspensions;
- trials were prohibited or made practically very difficult and jury trials were banned; and
- the collection of fines and surcharges dropped to less than half of 2019.

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

SUMMARY OF CASE ACTIVITY

<u>Case Types</u>	<u>2019</u>	<u>2020</u>
Vehicle + Traffic Law (V+TL) (including parking)	1,077	655
Penal/Criminal Law	11	7
Civil/Small Claims/Evictions	<u>1</u>	<u>2</u>
Total Closed Cases	1,089	664
<u>Total Funds Collected</u>	\$ 69,626	\$ 26,050
<u>Number of V+TL Trials</u>	8	1
<u>After-hours arraignments for other courts due to Covid restrictions</u>	0	10

Case Numbers have declined significantly

Our data reflects only those cases that have closed, but my sense is that the number of new cases was probably lower in 2020 as well, and we still have a lot of cases that are lingering. The pandemic has possibly made law enforcement a bit more selective about what cases are worth the risk of exposure to everyone involved, and we very well may have had less traffic on the roads because people have been more careful about going out. Even if the in-coming cases numbers have not changed from the past, getting cases through the process when so many defendants are not appearing has resulted in our being able to close only about two-thirds the number of cases we closed in 2019. We believe that it will take a long time to work our way through the backlog on the growing stack of stalled cases.

Court Access

Because physical access to the courtroom has and will continue to be limited, we have opened virtual access through Microsoft Teams. For many people this has been very helpful and can actually make it easier for some defendants. If they have a traffic ticket, they can go to the Court's website and read material (which has been significantly expanded and can even assist them in the plea bargaining process if they choose). They may also appear electronically through the website's link to the actual court session. Further, if they choose to plead not-guilty we can, and have, been able to do their trial via Microsoft Teams. All this can be done without the defendant, police officer, or attorney's leaving their home or office. Also, the court session is open to the public through this link. Starting in 2021 in-person bench trials have begun again as well.

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 2020 (655) dropped by a third from the 1077 we closed in 2019. The decrease was generally proportionate among the different types of vehicle and traffic offenses except with the charges of failing to obey a traffic control device (usually a speed limit sign) and unlicensed operation. Because both of these charges are often the result of plea bargains, the pandemic's effect may be negatively effecting pleas to these charges.

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 have been very low the last couple years (from 20 in 2015 to 3 in 2018, 2 in 2019 and only 1 in 2020). Maybe it is a good sign that drivers are being more careful about not driving after drinking?

Parking (See attached chart.)

The number of parking tickets in 2020 (37) is up from 2019 (26). 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 that stays with the defendant 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, unless the prosecution decides to prosecute the case as a misdemeanor and the case is returned to our court. In 2020 the number of our criminal law cases (7) was well below what we had in 2018 (21).

Vehicle and Traffic Trials (See attached chart.)

The number of traffic offense trials (1) is very low for 2020. These numbers reflect only the trials for V+TL offenses. The data does not include criminal trials or civil trials due. Again this is 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 continues to be very low relative to what the court has done in the past, e.g. in 1995 I had 124 V+TL trials. I am sure that the Covid virus restrictions played a significant role in our lack of trials in 2020.

Civil, Small Claims and Eviction 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 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, especially for people without attorneys. Civil and Small Claims cases make up the smallest number of cases (only 5 in 2018 and 2 in 2020), 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 proceedings while mediation is being considered or used unless the parties agree to a delay.

Collection of fines and surcharges (See attached chart.)

We collected only \$26,050 in 2020, clearly one of the lowest annual amounts for the Court. I am sure it is the result of the pandemic’s lowering our case numbers and creating hurdles we had to overcome to complete and close cases.

New obligation to cover after-hours arraignments for courts across the county

When it became clear that the Covid virus was going to require courts to have as little face-to-face contact as possible in order to reduce the risk of the virus's transmission, the New York Court system sought to arrange for virtual arraignments for in-custody defendants during the times when courts were not actually in session. This is basically all hours of the day or night other than 8:30 AM to 4:30 PM Monday through Friday. While all town, village and city court judges are used to being pulled out occasionally in the middle of the night to arraign defendants or to issue orders of protection in our home jurisdictions, we had always done it in-person at our own courts. The New York Court system now needed volunteer judges to do that process virtually on a scheduled basis. Along with about half of the town/village judges in Tompkins County I agreed to cover the after-hours arraignments for all the town and village courts in Tompkins County in one week shifts. I did shifts every 5-6 weeks in 2020 and will be doing the same in 2021. I did ten after-hours arraignments and/or orders of protection throughout the County in 2020 and have done an additional seven in the first two months of 2021. Each one usually involves 2 to 4 hours of time.

Other activities

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

Patricia Kannus, the Court Clerk, attended her mandated clerkship training for 2020. I also finished my required two days of Advanced Continuing Judicial Education Program for town and village justices in 2020.

I continue to work on the New York State Advisory Committee for Judicial Ethics and attend (now virtually) five to seven meetings in New York City each year where we produce the 100+ ethics opinions the Committee issues annually. 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.

In 2020 we applied for and were reimbursed \$600-700 from the New York Justice Court Action Program (JCAP) to cover the costs of Covid related equipment (masks, hand sanitizer, plexiglass screens, thermometers, gloves, etc).

The Covid virus delayed our audits for 2018-2019 and the 2019-2020. Those are done now as this report is being written, and we expect the auditor to submit its findings any day now in 2021.

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, which I particularly encourage you to attend virtually through Microsoft Teams, the link to which you will find on the first page of the Village of Cayuga Heights Court web site.

Dated: March 2, 2021

Respectfully submitted,

A handwritten signature in black ink, reading "Glenn G. Galbreath". The signature is written in a cursive style with a large initial 'G'.

Glenn G. Galbreath
Village Justice

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

OFFENSE (generally infractions)	CONVICTIONS					
	2015	2016	2017	2018	2019	2020
speeding	92	69	60	42	108	65
speeding in school zone	5	1	5	4	20	4
stop sign	7	4	4	2	7	3
fail to obey traff. control device	233	257	191	164	169	87
DWAI (driv. with ability impaired)	20	13	10	3	2	0
DWI (driv. while intox. - misd. or felony)	2	4	5	0	0	1
ADWI (aggravated DWI - misd. or felony)	1	0	1	0	0	0
fail to keep right	7	10	1	8	7	3
no passing zone/follow to closely	0	2	1	0	4	1
AUO (aggrav. unlicens. oper. - misd. or felony)	0	5	2	2	2	3
unlicensed operation	19	13	13	6	22	10
unregistered vehicle	14	10	5	4	16	4
uninspected vehicle	6	8	11	5	5	3
equipment violation	7	10	4	9	5	1
seatbelt	6	7	10	3	8	5
commercial traffic law (new in 2019)	0	0	0	0	6	9
cell phone	39	14	13	3	11	1
other (e.g. unsafe door, lift suspensions)	41	23	22	14	25	25
TOTAL CONVICTIONS	507	450	358	270	417	225
TOTAL DISMISSED	695	555	429	381	466	384
ACD (see below)	13	11	10	4	6	9
PARKING TICKETS	91	59	101	49	26	37
TOTAL V+TL CASES	1202	1017	788	651	883	655
SCOFFLAWED CASES (see below)	190	164	206	133	162	22
LIFTED LICENSE SUSPENSION (see below)	5	1	5	1	10	3
V+TL TRIALS	14	16	5	6	8	1

"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.

"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.

"Lifted License Suspension" is a fee (\$70) the State requires when a license is restored after suspension.

PENAL/CRIMINAL LAW CASES

(misdemeanors and infractions, state + local)

<u>OFFENSE</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
alcohol			1			
alcohol in the park		1				
assault						1
aggravated harassment						
bad check						
burglary						
crim. contempt						
crim. impersonation		1				
crim. mischief						
crim. poss. forged instrument						
crim. poss. stolen property	1					
crim. tampering		1				
dog ordinance	5	2	1	2		
disorderly conduct	1		1	4	1	1
fireworks						
fugitive						
grand larceny	1					
harassment	2					
illegal; dumping						
menacing						
motor vehicle - unlawful use						
open burning	1					
noise ordinance (new 2012)		1	4	3		
park - after hours	4	3	2	4	4	
park - lawn			1		1	
petite larceny				1		
poss. of a controlled substance		7	5	4	5	2
public lewdness						
rape - attempted						
reckless endangerment						1
resisting arrest				1		
scheme to defraud						
selling controlled substance						
trespass	1					
unlawful imprisonment						
unlawful contact with a minor						
zoning violation						
other criminal			2	2		2
TOTAL PENAL/CRIMINAL LAW CASES	16	16	17	21	11	7

CIVIL CASES						
	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
SMALL CLAIMS + REG. CIVIL + EVICTIONS	4	0	4	5	1	2
ALL FINES, FEES + SURCHARGES (CIVIL + CRIMINAL)						
	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
COLLECTED	\$83,143	\$75,223	\$62,614	\$46,408	\$69,626	\$36,812
OWED BY DEFENDANTS	\$34,150	\$39,455	\$33,150	\$26,425	\$25,135	\$26,050
TOTAL CASES						
V + TL CASES	1496	1239	1104	837	1077	655
CRIMINAL CASES	16	16	17	21	11	7
SMALL CLAIMS, CIVIL + EVICTION CASES	4	0	4	5	1	2
TOTAL CASES	1516	1255	1125	863	1089	664