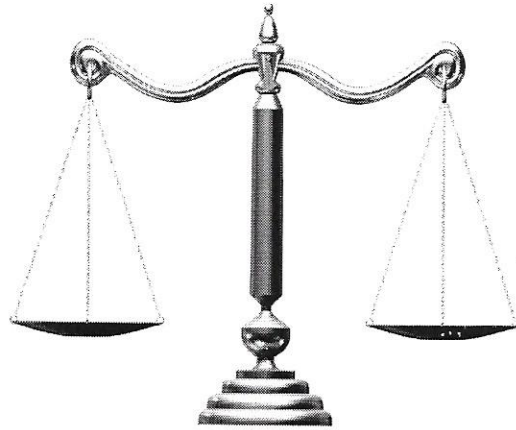


**2019
ANNUAL REPORT**

**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

Some of the bigger issues during 2019 include that there was a 25+% increase in cases, primarily traffic offenses. Fines and surcharges collected increased 50% and the cumulative amount owed by defendants to the court continued to drop. Also, the Village was awarded another New York State Justice Court Action Plan grant, this one for new chairs in the courtroom/village hall. And it is still too soon to determine the impact of the State of New York's new criminal procedure laws and cash bail changes that have been getting some publicity lately.

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>2018</u>	<u>2019</u>
Vehicle + Traffic Law (V+TL) (including parking)	837	1,077
Penal/Criminal Law	21	11
Civil/Small Claims	<u>5</u>	<u>1</u>
Total Cases	863	1,089
<u>Total Funds Collected</u>	\$ 46,408	\$69,626
<u>Number of V+TL Trials</u>	6	8

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 2019 (1077) increased more than 25% higher than in 2018 (837). The increase was generally proportionate among the different types of vehicle and traffic offenses, but particularly higher in speeding (from 46 in 2018 to 128 in 2019), and license or registration related cases (12 in 2018 to 40 in 2019). Also, and probably because of the increased truck traffic due to construction at Cornell as well as the presence of a new part-time police officer with expertise in commercial vehicle law, we started seeing cases involving commercial trucks (none to my knowledge before 2019, 6 in 2019, and already more than that in 2020).

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 (16 in 2017, 3 in 2018, and only 2 in 2019). I like to think that is a good sign that drivers are being more careful about not driving after drinking.

The percent of V+TL cases dismissed in 2019 (43%) is about the same as it has been the last five years. The same is true of the percent of cases resulting in conviction (39%). Almost all of the dismissed cases were for minor equipment, inspection, and insurance card violations. Most of the dismissals are pursuant to the motion of the People, 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 (e.g. recently expired inspection or registration sticker or minor equipment violation) and was quickly remedied. Dismissals or reductions of charges also occur for some of the charges 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. In some courts, the pressure of high case loads is 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 the appropriateness of a plea bargain.

Parking (See attached chart.)

The number of parking tickets in 2019 (26) is down 46% from 2018 (49). 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 2019 the number of our criminal law cases

(11) was well below what we had in 2018 (21). Almost half of the criminal charges in 2019 (5) were drug related.

Vehicle and Traffic Trials (See attached chart.)

The number of traffic offense trials is similar between 2018 (6) and 2019 (8). But these numbers reflect only the trials for V+TL offenses. The data does not include criminal trials or civil trials due again 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 I 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 attorneys. Civil and Small Claims cases make up the smallest number of cases (only 5 in 2018 and 1 in 2019), 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.

Payment of fines, surcharges and bail by credit cards

In mid-2017, we started taking credit and debit card payments from defendants and it appears that now about half of the defendants pay with cards, a bit less than half use personal checks and only about 10% use cash. Credit and debit card payments require the defendant pay an extra 3% fee to their bank, so I continue to give defendants the option of paying by check or cash. Because the cards and checks are processed electronically, only cash payments require the court clerk to physically make deposits at night after court. The lowered number of personal checks also means there are fewer bounced checks. And maybe most important, adding credit and debit cards makes the payment process easier for defendants as well as the court.

Collection of fines and surcharges (See attached chart.)

For the past dozen or so years the annual reports have identified how much money is cumulatively owed to the court from all past defendants. Usually this cumulative total increases every year. In 2016 the amount all defendants still owed the Court was \$39,455, but

notwithstanding the passage of four more years of fines/surcharged ordered, the cumulative amount owed by all defendant has dropped 36% to \$25,135 by the end of 2019. Surely there is a limit to how far this debt will decrease, because there will always be a significant number of defendants who will never pay. The court clerk and I suspect the reasons for this significant reduction in debt is due to the Court's accepting credit/debit cards in combination with extra efforts we made to remind defendants about their past due fines and surcharges. We continue to dig back into the old case files to send letters to non-paying defendants warning them that their failure to pay will likely result in the loss of their driver's license and can allow the Court to enter a civil judgment which can lead to a lien on the defendants' real estate and a negative credit record. These efforts not only reduce the debt owed to the Court, but help defendants avoid the very expensive consequences of non-payment (loss of license and registration, extra fees to reinstate the licenses, real estate liens, and bad credit reports).

New State laws limiting the use of cash bail and requiring expanded and quicker discovery

The recently enacted New York criminal justice reforms significantly reduce the court's ability to require cash bail from a defendant to secure his/her reappearance in court and dramatically increase the amount and speed with which the prosecution must provide defendants with discovery. This has gained some public attention lately. I have always used the imposition of cash bail as a last resort method to secure a defendant's reappearance in court, so the new bail restrictions have had limited impact on our court. The new discovery requirements and speed with which they must be accomplished is not so much a problem for the court, but they create many new burdens for the prosecution. I have already been asked by the prosecution to dismiss a few cases, because it knew it could not comply with the new discovery requirements. While meeting the requirements of these new laws may be difficult at times, I expect to keep the Court in full compliance.

Other activities

Other activities that do not appear in our data reports include: after-hours arraignments, 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, legal research, drafting opinions, and sentencings. 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, has attended her newly mandated clerkship training. I also finished my required two days of Advanced Continuing Judicial Education Program for town and village justices.

I continue to work on the New York State Advisory Committee for Judicial Ethics and attend 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 2019 we applied for another New York Justice Court Action Program (JCAP) grant to improve the court facilities. We have been successful in the past to secure JCAP grants for projects such as the handicapped entrance ramp and foyer modification to the Village building, a number of filing cabinets for the court office, the handicapped restrooms and attachment to the back of the village building and the air conditioning of the courtroom (and Village Hall). We just learned that our 2019 grant request was granted in part and the \$8,533.92 JCAP grant will cover half the cost of replacing the chairs in the courtroom/village hall.

The Court has formally invited the Village to arrange for our annual audit and expects that to occur within the next month or two.

I have “practiced law” for about 46 years and presided in the Village Court for 29 years, so feel all that practice is starting to take hold. Thus, I plan on running for election this spring for another four year term in hopes of being granted another opportunity to serve.

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 9, 2020

Respectfully submitted,



Glenn G. Galbreath
Village Justice

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

OFFENSE (generally infractions)	2015	2016	CONVICTIONS		2019
			2017	2018	
speeding	92	69	60	42	108
speeding in school zone	5	1	5	4	20
stop sign	7	4	4	2	7
fail to obey traff. control device	233	257	191	164	169
DWAI (driv. with ability impaired)	20	13	10	3	2
DWI (driv. while intox. - misd. or felony)	2	4	5	0	0
ADWI (aggravated DWI - misd. or felony)	1	0	1	0	0
fail to keep right	7	10	1	8	7
no passing zone/follow to closely	0	2	1	0	4
AUO (aggrav. unlicens. oper. - misd. or felony)	0	5	2	2	2
unlicensed operation	19	13	13	6	22
unregistered vehicle	14	10	5	4	16
uninspected vehicle	6	8	11	5	5
equipment violation	7	10	4	9	5
seatbelt	6	7	10	3	8
commercial traffic law (new in 2019)	0	0	0	0	6
cell phone	39	14	13	3	11
other	41	23	22	14	25
TOTAL CONVICTIONS	507	450	358	270	417
TOTAL DISMISSED	695	555	429	381	466
ACD (see below)	13	11	10	4	6
PARKING TICKETS	91	59	101	49	26
SCOFFLAWED CASES (see below)	190	164	206	133	162
TOTAL V+TL CASES (see below)	1496	1239	1104	837	1077
LIFTED LICENSE SUSPENSION (see below)	5	1	5	1	10
V+TL TRIALS	14	16	5	6	8
<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 judge'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" includes a fee (\$70) the State requires when a license is restored after suspension.</p>					
<p>"Total V+TL Cases" includes all the categories above. This is a change in the format used in past annual reports, and the prior years' data above have also been modified to be consistent.</p>					

PENAL/CRIMINAL LAW CASES (misdemeanors and infractions, state + local)

(Does not include felonies even though we handle them at the early stages.)

OFFENSE	2015	2016	2017	2018	2019
alcohol			1		
alcohol in the park		1			
assault					
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
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
public lewdness					
rape - attempted					
reckless endangerment					
resisting arrest				1	
scheme to defraud					
selling controlled substance					
trespass	1				
unlawful imprisonment					
unlawful contact with a minor					
zoning violation					
other criminal			2	2	
TOTAL CASES	16	16	17	21	11

