

**Statement to the Municipal Courts Task Force**

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**"Justice denied anywhere, diminishes justice everywhere."**

**Martin Luther King, Jr.**

First, thank you for the opportunity to speak with you today about the charge before your Task Force. I'd like to thank the elected magistrates and judges that serve the people of Tompkins County for their dedication to public service. The rural magistrates in particular do this for very little pay and a lot of aggravation and perform a valuable public service. As a former elected official, I acknowledge the sacrifice each makes.

I am not here today to advocate for any particular change to our system but to discuss the issues we see in our daily dealings with the incarcerated population and how each individual's journey through the justice system differs depending upon the jurisdiction in which they were arrested and arraigned. I have some information to give to you about the bail intakes and the bail loans that OAR did in the first six months of this year. What this information doesn't show you are the bail intakes and bail loans we didn't even consider because they exceeded our bail limits. To give you just a few examples:

In July of this year there was a \$10,000 bail set in Lansing Court on a petit larceny charge; a \$4,000 bail set in Dryden for Unauthorized Use of a Vehicle; and in September a \$75,000 bail was set in Dryden on a Burglary 2<sup>nd</sup> Charge. I realize that some courts are sick of seeing the same people over and over again. I also realize that in many of our rural townships particularly, justices are seeing second and third generations of the same families. However, the purpose of bail is to assure that pretrial defendants return for court. It is not to punish an individual and his or her family pretrial; it is not to force the repayment of court imposed fines—OAR has had bails forfeited to pay court fines in the past; it is not preventive detention. Simply put, money bail discriminates against the poor and a system of release on recognizance is being implemented in many of our courts since the advantage of counsel at first appearance has been instituted. Excessive bail, which is more prevalent in our town and village courts, discriminates even more against the poor. The majority of inmates in the Tompkins County Jail have not been convicted of a crime. They are awaiting trial. And those who await trial in jail are more likely to be sentenced to incarceration at the conclusion of the case than those who remained free pending trial.

Putting individuals in our local jail for failure to pay fines is all too often occurring. Many of these individuals are indigent and homeless. Incarcerating them for failure to repay fines with money they don't have is a poor approach to justice. It hardly allows them to earn the money to pay the fine; it costs the taxpayer close to \$100 a day; and in effect, penalizes the individual twice for the same crime.

While I believe that a number of approaches discussed previously at these meetings could streamline and improve aspects of our criminal justice system and ultimately reduce costs (coordinated scheduling of town courts; central booking and arraignment), these improvements will not change the fact that justice varies greatly among the courts in Tompkins County. Our system of local courts with lay judges is rooted in a long held belief that justice closer to the people is better justice. It is also rooted in a belief that many of us hold but don't acknowledge: That if you're arrested for a crime, you're probably guilty. As children, we are taught that justice is blind. Nothing could be further from the truth. In fact, in a small town where everyone knows everyone else—or at least their cousin—assumptions are made about individuals and families that are perpetuated for years—often in spite of the truth of the matter. At the very least each of us deserves justice dispensed by someone who knows and respects the law. I urge this task force to look at a wide range of solutions to the reality of unequal justice within our community.

# Bail intakes

Court	Charge	Bail
Lansing	Attempt Burglary; Grand Larceny	\$1,000
Tompkins County	Criminal Contempt 1 <sup>st</sup>	\$1,000
Tompkins County	DWI; Violation Probation;	\$1,500
Ithaca City	CPCS 7 <sup>th</sup> ; Petit Larceny	\$1,000
Dryden	Burglary 2 <sup>nd</sup>	\$1,000
Groton	Criminal Trespass	\$1,500
Dryden	Obstruction of Government Administration	\$250.00
Ithaca City	Unlawful Possession Marijuana; Resisting Arrest	\$1,000
Dryden	Burglary 2 <sup>nd</sup>	\$400.00
Ithaca City	Petit Larceny	\$1,000
Groton	Poss. Of Weapon, Attempted Assault	\$2,500
Ithaca City	Trespass	\$1,000
Ithaca City	CPSP 4 <sup>th</sup> ; CPSP 5 <sup>th</sup>	\$2,500
Lansing	Theft of Services	\$1,000
Ithaca City	Missed day reporting; Trespassing	\$500.00
Groton	Assault 3 <sup>rd</sup> ; Crim. Mischief; Disorderly Conduct	\$1,500
Lansing	CPCS 7 <sup>th</sup>	\$2,500
Groton	Petit Larceny	\$1,000
Ithaca City	Criminal Trespass 2 <sup>nd</sup>	\$1,500
Ithaca City	Petit Larceny	\$1,000
Ithaca Town	Assault 3 <sup>rd</sup>	\$1,000
Dryden	Criminal Contempt 2 <sup>nd</sup>	\$300.00
Tompkins County	Probation Violation; Criminal Mischief 4 <sup>th</sup>	\$2,500.00
Newfield	Traffic Tickets	\$500.00
Ithaca	Petit Larceny	\$100.00
Newfield	Menacing	\$2,500.00
Ithaca Town	Grand Larceny	\$2,000
Ithaca Town	Failure to Appear	\$500.00
Ulysses	Failure to Pay Restitution	\$630.00
Dryden	Driving Unregistered Vehicle; Unauthorized Use of Vehicle; Unlawful Possession of Marijuana; Attempted Criminal Mischief 4 <sup>th</sup>	\$400.00
Dryden	Petit Larceny x2; Public Lewdness	\$500.00

# Bail Loans

Court	Charge	Bail
Ithaca City	Petit Larceny	\$750.00
Dryden	Criminal Mischief 4 <sup>th</sup> ; Driving Unregistered Vehicle; Unauthorized Use of Vehicle; Unlawful Possession of Marijuana	\$400.00
Dryden	Crim. Mischief 4 <sup>th</sup> x2	\$750.00
Groton	Petit Larceny	\$1,000
Ithaca City	Criminal Mischief 4 <sup>th</sup>	\$1,000
Lansing	Agg. DWI with Child	\$2,000
Dryden	Criminal Mischief 4 <sup>th</sup> ; Criminal Contempt 2 <sup>nd</sup> ; CPSP 4 <sup>th</sup>	\$500.00
Dryden	AUO (arrest warrant – didn't make it to court)	\$500.00
Groton	Criminal Contempt 2 <sup>nd</sup>	\$1,000
Dryden	Petit Larceny	\$1,000
Dryden	Petit Larceny x2	\$500.00
Ulysses	Menacing 2 <sup>nd</sup>	\$500.00
Dryden	Criminal Possession Stolen Property 5 <sup>th</sup>	\$1,000
Lansing	Petit Larceny	\$900.00
Dryden	Unlawful Possession of Marijuana; Assault; Criminal Mischief	\$2,500
Ithaca City	Menacing 2 <sup>nd</sup> ; Criminal Contempt 2 <sup>nd</sup> ; Harassment 2 <sup>nd</sup> ; Criminal Possession Weapon 4 <sup>th</sup>	\$1,000
Lansing	Criminal Mischief 4 <sup>th</sup>	\$800.00
Tompkins County	Criminal Possession Narcotic Drug 3 <sup>rd</sup> ; Unlawful Possession Marijuana	\$1,000
Ithaca City	Open Container; Harassment 2 <sup>nd</sup> ; Resisting Arrest	\$2,500
Dryden	Aggravated Harassment 2 <sup>nd</sup> ; Stalking 4 <sup>th</sup>	\$2,500
Lansing	Petit Larceny	\$800.00
Ithaca City	Attempted Petit Larceny	\$1,500
Lansing	Prison Contraband 2 <sup>nd</sup>	\$500.00
Dryden	Trespass	\$500.00
Ithaca Town	Burglary 2 <sup>nd</sup>	\$1,000
Lansing	Harassment 2 <sup>nd</sup> ; Resisting Arrest	\$1,250
Tompkins County	Forgery 2 <sup>nd</sup>	\$1,500