



Tompkins County Department of Administration

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"Promoting excellence in County operations while respecting the needs of the people we serve."

TO: TCCOG BOARD MEMBERS
 FROM: JOE MAREANE
 DATE: JANUARY 22, 2015
 RE: MUNICIPAL COURTS

In response to Governor Cuomo's call for local governments to consider cost-saving mergers, consolidations, and shared services, TCCOG established a Shared Services Committee to explore areas that may lend themselves to the kind of restructuring envisioned by the State. The Committee decided to take a two-phased approach, beginning with an exploratory review of several functional areas (public safety, highways, centralized administrative services, and municipal courts). If the exploratory work found merit in further review, a more intensive study would follow.

As a part of my involvement on the Committee, I volunteered to do the exploratory work regarding the municipal court system. This consisted of interviews with several individuals who are involved with various aspects of the municipal justice courts, and also on financial information available through the Office of the State Comptroller and caseload information available through the NYS Office of Court Administration.

The product of the exploratory review is a recommendation to proceed forward with a high-level review of the current town and village court structure to determine if changes would help or hinder the efficiency or quality of the justice system. This recommendation has been presented to the Shared Services Committee, which has referred it to the TCCOG board for its consideration.

Findings:

- Towns and villages in Tompkins County spent slightly over \$800,000 in 2012 to operate their courts.
- Court personnel costs represented about 85% of cost incurred to support the municipal courts.
- These courts handled 832 criminal cases in 2013. The number of non-criminal cases has not been determined.

(However, information provided by the Towns of Groton, Ithaca, and Ulysses suggest that criminal cases represent a small fraction of total caseload.)

Town/Village	Personnel	Non-Personnel	Total
Danby	40,254	7,426	47,680
Dryden	117,445	23,176	140,621
Ithaca	150,159	21,382	171,541
Lansing	105,118	12,133	117,251
Caroline	39,932	6,019	45,951
Enfield	30,379	26,030	56,409
Groton	54,738	5,453	60,191
Newfield	41,447	5,459	46,906
Ulysses	64,752	6,002	70,754
Cayuga Hgts	40,743	2,643	43,386
Freeville	5,006	2,815	7,821
Total	689,973	118,538	808,511

Source: Open Book New York, New York State Office of the Comptroller

- Among those interviewed, nearly all indicated some level of concern about the consistency of justice in the current system of municipal courts. Much of that concern is related to the fact that town and village judges hear criminal cases that can result in jail time for defendants, but are not required to be attorneys and therefore do not have a common grounding in the law.

- While careful to note that the town and village courts function well in Tompkins County, most of those interviewed believe that a restructuring of the municipal court system could result improve the consistency of quality, particularly if it included a requirement that judges be attorneys. When opinions were offered, most did not believe that cost savings would accompany such a restructuring.

- Some noted that keeping the courts close to those served is an important link between citizens and the justice system, and creates an important sense of “ownership” and trust that diminishes with distance.

- Several alternatives to the current system were offered by interviewees, ranging from the creation of one or two district courts (with the City Court continuing to serve the City); to a central court to handle all arraignments; to using the City court (or a central district court) to handle all criminal cases, with the town and village courts continuing to hear non-criminal cases.

	Criminal
Town/Village	Cases
Danby	8
Dryden	240
Ithaca	158
Lansing	176
Caroline	24
Enfield	34
Groton	58
Newfield	20
Ulysses	96
Cayuga Hgts	15
Freeville	3
Total	832

Source: NYS Office of Court Administration

- In Orleans County, three towns have consolidated their town courts under the State’s Uniform Justice Court Act Section 106-A, which allows two or more contiguous towns to establish a single town court with voter approval from each participating town. Judges are still selected by each participating town (i.e., there is at least one judge elected from each participating town). Also in Orleans, two village courts have been dissolved. The number of court personnel in the Western area of Orleans County decreased to half from four judges and four clerks to two judges and two clerks.

Though the number of personnel decreased, town court costs diminished only slightly because of salary increases amongst the four remaining judges and clerks—something expected to attract more credentialed judges and clerks in the long-run. Despite the slight cost decrease, county ancillary expenses such as the transport of representatives from the District Attorney’s office, Public Defender’s office, Sheriff’s Department and Probation Department have significantly gone down.

- Every person consulted in the course of this exploratory review noted that the idea of restructuring municipal courts has often been proposed, and has almost always failed. Some, however, have indicated that the political culture in Tompkins County may be more open to change than other places, particularly if it carries the prospect of improved quality of justice.

- Any change in the current municipal court structure, other than the Orleans County-style consolidation allowed under existing law, would require changes in State law.

Observations: The goal of the State's property tax freeze is to incentivize local governments and schools to save money through mergers and consolidations. It is not at all clear that there is any model less expensive than the current justice court system. A reorganization of the court system will not make a meaningful contribution to a savings target of 1% of the combined tax levies of the participating municipalities.

However, municipalities within Tompkins County are now spending over \$800,000 annually for their courts. It may be timely to ask whether that same \$800,000 could support a different model that would result in an improved level of service.

Recommendations:

1. TCCOG should *not* undertake a review of the municipal court system as a part of the current effort to identify high-yield, money-saving ventures for submission in the 2015 Government Efficiency Plan.
2. However, TCCOG *should* consider reviewing the structure of municipal courts on a separate path that may take longer than allowed under the tax freeze statute and that would be directed toward finding alternative models aimed at improving the consistent quality of service without increasing local costs.
3. If TCCOG chooses to undertake that review, I would recommend the appointment of a group of ten or so knowledgeable, experienced, and community-minded individuals to identify and analyze alternative models, without regard to limitations imposed by existing State Law, and to return within 6-12 months with a more comprehensive cost analysis and recommendations. Those recommendations may or may not include a departure from the current justice court system. The panel's report would include the estimated cost of their recommended model and any changes in State Law required to implement the plan. Again, the fiscal goal would be cost-neutrality.

Conclusion:

The recommendations in this memo stray from the original mission of the shared services committee to find ways to save significant amounts of money. However, the exploratory work done for this task found a pervasive sense that the current State-imposed structure of the municipal justice courts may impact the consistency and quality of justice.

In its 2008 report, the State Special Commission on the Future of the New York State Courts concluded that changes in the town and village court system were needed, but should not come from a top-down statewide mandate. Instead, the Commission recommended the creation of county panels that would be better positioned to address local needs and opportunities.

While the Special Commission also called for the State to be involved in that local process, the notion of assembling a group of local, knowledgeable individuals to review the organization of the local court system and recommend improvements seems both reasonable and timely.