

TOWN OF COLONIE

Justice Court
Public Safety Center
312 Wolf Rd.
Latham, New York 12110

—◆—
Phone (518) 783-2738

Town Justice:
Peter G. Crummey
Senior Town Justice

Paula A. Mahan, Supervisor
Town of Colonie
Memorial Town Hall
Newtonville, NY 12128

March 29, 2013

RE: The State of the Colonie Town Court- 2012 update

Dear Supervisor Mahan;

It is a pleasure to submit electronically the annual update to our inaugural 2009 Report entitled, The State of the Colonie Town Justice Court. We continue to commend your attention to this Report so that the Town's Legislative Body can best understand the Colonie Justice Court and join us in our effort to maintain and enhance our Town's Court System.

According to the New York State Office of Court Administration, the Colonie Justice Court, in 2012, was ranked the twenty fourth (24th) busiest criminal court regarding finger printable offenses in the entire State Court System. As you can imagine, our criminal case load places us as the second busiest court in Albany County- (see addendum 1 attached). Overall, our Court handles approximately 25,000 criminal, vehicle and traffic and civil cases per year.

In 2012, our Court collected \$2,704,748.06 in revenue. Of that amount, the Town of Colonie retained \$1,228,655.18, the State received \$1,352,720.68, and Albany County received \$123,275.20 (see addendum 2 attached).

As you know, our Justice Department budget for 2012 was \$ 746,930.00. As one could readily see, the Court system more than pays for itself and in fact, the revenue generated by our Court should be reinvested into the Court system as outlined in our inaugural report and our 2010 and 2011 updates.

Many of the recommendations made to the Town Board in our inaugural report require Town Board action and we wholeheartedly urge the Town Legislative Body to take the action as requested. While we have had some Town Board members observe our Court in action, most of our requests for relief have been denied.

We continue to include in our Department's annual budget proposals to meet the dire needs of our Department and enclosed please find copies of our most recent, and denied, budget requests again for your convenience (see addendum 3 attached). We continue to urge you to grant these requests.

Nonetheless, during 2012, the Court took the action it could to better facilitate Court functions.

Based on our efforts, we have been awarded a grant of \$ 1600.00 as part of the 2012-13 cycle of the Justice Court Assistance Program (JCAP) from New York State. These funds will be used towards the purchase of office equipment, including label printers, an electronic check writer and a photocopier. This means that this necessary equipment has been obtained without Town Funds.

Further, the Court redirected its evening court sessions to better meet the ever increasing load of jury and non jury trials and hearings by allowing them to begin at 6:00 p.m. to better ensure the delivery of justice to the parties involved.

Through this Court's initial and leading efforts to designate the Albany County Correctional facility as the Town's overnight holding facility, State legislation was signed into law as Chapter 343 of 2012 establishing the facility as an overnight housing facility for all of the Courts within the County (see addendum 4 attached). The cost savings and enhanced delivery of justice in implementing such Law are fully presented in our 2009 Report. We urge law enforcement to commence integrating this resource into our justice delivery system. As overnight holding was only a portion of our initial Greener Court proposal, which was to also include video arraignment, we continue to make strides toward this goal, as well.

Judge Crummey serves as Chair for the Committee on Video Arraignments which was established, in December of 2012, at the request of the Honorable George Ceresia, Jr., former Third Judicial District Supervising Judge. The Court, through the County, was able to obtain a video phone which interfaces with the Facility. At the most recent meeting of this Committee, we were able to demonstrate the connectivity between the Albany County Correctional Facility and the Court inside of our Courtroom. We continue to work with leaders of each agency involved with the video arraignment process. We have included copies of current legislation submitted on our behalf to help facilitate this long overdue resource for the delivery of justice (see addendum 5 attached).

In the wake of Chief Judge Jonathan Lippman's call, in his The State of the Judiciary 2012, for defense counsel to be present even at arraignment, at all hours of the night, the urgency in adopting these proposals, which we have advocated for four (4) years, is upon us.

The Court continues to distinguish itself as a leader among the Judiciary. Judge Crummey serves as President-Elect of the Albany County Bar Association and serves on the New York State Bar Association Special Committee on Youth Courts whose effort is to promote the creation of more Youth Courts throughout the State of New York. Judge Crummey received the 2012 Distinguished Service Award from the New York State Bar Associations Law, Youth and Citizenship Committee. Judge Massry continues to serve on US Senator Kirsten

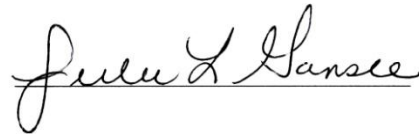
Gillebrand's Service Academy Nominating Panel. Further, Clerk of the Court Julie Gansle serves as First Vice President to the New York State Association of Magistrates Court Clerks, Inc. and serves on the New York State Task Force for Voluntary Reform of Justice Courts.

As always, thank you for your consideration and support. Please feel free to contact us if you have any questions or comments. We would be pleased to provide a compact disc or paper copy of this report upon request.

Very truly yours,

A handwritten signature in cursive script, reading "Peter G. Crummey". The signature is written in black ink and is positioned above a horizontal line.

Hon. Peter G. Crummey
Senior Colonie Town Justice

A handwritten signature in cursive script, reading "Julie L. Gansle". The signature is written in black ink and is positioned above a horizontal line.

Julie L. Gansle
Clerk of the Court

Cc: Honorable Andrew C. Sommers
Honorable Norman C. Massry
Hon. William E. Carl, Deputy Supervisor
Hon. Brian R. Haak, Town Board
Hon. Daniel A. Hornick, Town Board
Hon. Linda J. Murphy, Town Board
Hon. Paul L. Rosano, Town Board
Hon. David C. Rowley, Town Board

ADDENDUM # 1

2012 Court Reporting Activity				1/2/2013		Page 1 of 62
Court ID	Activity Placement			Estimated Court Events	Not Reported	Percent Reported
	County	State	Court			
Albany County						
NY001011J	1	12	Albany City Court	4004	356	91.11 %
NY001291J	19	360	Albany City Traffic Court	2	2	0.00 %
NY001013J	3	41	Albany County Court	1050	16	98.48 %
NY001121J	17	345	Altamont Village Court	17	17	0.00 %
NY001271J	13	327	Berne Town Court	35	26	25.71 %
NY001061J	6	92	Bethlehem Town Court	452	14	96.90 %
NY001101J	9	244	Coeymans Town Court	120	25	79.17 %
NY001041J	5	86	Cohoes City Police Court	486	48	90.12 %
NY001131J	2	24	Colonie Town Court	1887	301	84.05 %
NY001241J	12	290	Green Island Town Court	72	26	63.89 %
NY001211J	4	59	Guilderland Town Court	757	222	70.67 %
NY001181J	15	339	Knox Town Court	23	8	65.22 %
NY001081J	8	228	Menands Village Court	141	10	92.91 %
NY001071J	11	282	New Scotland Town Court	80	36	55.00 %
NY001091J	10	267	Ravena Village Court	95	32	66.32 %
NY001111J	18	348	Rensselaerville Town Court	14	14	0.00 %
NY001251J	16	342	Voorheesville Village Court	20	7	65.00 %
NY001051J	7	142	Watervliet City Court	295	56	81.02 %
NY001141J	14	328	Westerlo Town Court	34	19	44.12 %
Totals for	Albany		County are:	9584	1235	87.11 %

ADDENDUM # 2

2012	Total	State	County	Town	Other	Handicapped Parking
January	\$239,577.55	\$115,417.56	\$11,459.88	\$112,603.11	\$97.00	\$120.00
February	\$294,732.68	\$154,155.45	\$16,606.80	\$123,970.43	\$0.00	\$75.00
March	\$254,785.86	\$136,658.05	\$11,001.11	\$107,126.70	\$0.00	\$45.00
April	\$226,087.85	\$110,702.00	\$13,904.95	\$101,480.90	\$0.00	\$45.00
May	\$209,776.75	\$98,288.60	\$9,794.05	\$101,694.10	\$0.00	\$30.00
June	\$204,670.20	\$99,710.10	\$9,510.70	\$95,449.40	\$0.00	\$90.00
July	\$202,066.05	\$96,117.45	\$8,988.20	\$96,960.40	\$0.00	\$45.00
August	\$237,760.80	\$129,282.00	\$4,830.75	\$103,648.05	\$0.00	\$30.00
September	\$219,720.45	\$111,964.05	\$6,831.30	\$100,925.10	\$0.00	\$0.00
October	\$218,032.45	\$110,793.20	\$8,934.75	\$98,304.50	\$0.00	\$75.00
November	\$217,754.15	\$104,599.20	\$11,051.90	\$102,103.05	\$0.00	\$15.00
December	\$179,783.27	\$85,033.02	\$10,360.81	\$84,389.44	\$0.00	\$75.00
TOTALS	\$2,704,748.06	\$1,352,720.68	\$123,275.20	\$1,228,655.18	\$97.00	\$645.00

ADDENDUM # 3

TOWN OF COLONIE
2012 BUDGET ESTIMATE- WORK PAPERS
PERSONELL

Department: Justice Department

Page: 2 of 7

By: Hon. Peter G. Crummey & Julie Gansle

Date: 6/3/2011

1. Account Number: 01-1E-E12-1110-110 - Establish one position of Law Clerk to Judge(s) - Attorney to research and analyze legal questions and issues and prepare memoranda with recommendations, draft opinions, decisions, orders, jury charges, and other written material. Job description attached, with an annual salary of between \$50,000 and 80,000 depending on experience. As the case volume continues to expand and motion papers become an increasing part of the Court routine it is imperative that at least one position be established to assist the Court with legal research and opinions. This request was made in the 2010 and 2011 budget requests, as well.
2. Account Number: 01-1E-E12-1110-110 - As part of current footprint of the Justice Department, request \$2500 increase in salary for each of the Job Titles within the Department to include 6 current Typists, 2 Clerks to Town Justices, 1 Senior Clerk to Town Justice, and 1 Clerk of the Court. As outlined in our State of the Court Report, presented to the Town Board in January 2010 and updated in February 2011, the Colonie Court is recognized as one of the largest Town Courts in the State and continues to manage the caseload presented to it while the resources available continue to diminish. The courts volume and required knowledge demand of its staff an ever increasing workload. It has always been our goal that the title and salaries reflect that of the higher level courts, as the volume and workloads are reflective. As we continue to work with The Town on potential title changes, and providing the department the tools to meet the demands on our Court System it is our hope that this increase assists in reaching that goal.
3. Account Number: 01-1E-E12-1110-110 – As to the current state of the Judiciary, a cost of living adjustment (COLA) of 3% for each of the three Town Justices. For four of the past five years the Judges have not received any COLA. As the Judges continue to manage millions of dollars in funds as well as weekly caseloads in the hundreds, the

commitment to the Court must meet the commitment of the Judiciary. Further, discussions continue between the Supervisor's Office and the Justice Department in response to the aforesaid State of the Court Reports with an eye to addressing the needs and requirements of the Court in connection with establishing the judicial structure required to meet the ever growing demands on the Colonie Justice Court. Addressing this critical area could also alter the Judicial and staff line items but, as we know, court revenues not only support the entire department budget but also contribute to the Town's General Fund.

TOWN OF COLONIE
2013 BUDGET ESTIMATE- WORK PAPERS
PERSONNEL

Department: Justice Department

Page: 2 of 7

By: Hon. Peter G. Crummey

Date: 6/4/2012

1. Account Number: 01-1E-E12-1110-110 - Establish one position of Law Clerk to Judge(s) - Attorney to research and analyze legal questions and issues and prepare memoranda with recommendations, draft opinions, decisions, orders, jury charges, and other written material. Job description attached, with an annual salary of between \$50,000 and 80,000 depending on experience. As the case volume continues to expand and motion papers become an increasing part of the Court routine it is imperative that at least one position be established to assist the Court with legal research and opinions. This request was made in the 2010, 2011 and 2012 budget requests, as well.

2. Account Number: 01-1E-E12-1110-110 - As part of current footprint of the Justice Department, establish proper Job Titles within the Department. The titles of typist, as they apply to certain court personnel, should be reconsidered to accurately reflect the duties of said personnel. As outlined in our State of the Court Report, presented to the Town Board in January 2010 and updated in February 2011 and 2012, the Colonie Court is recognized as one of the largest Town Courts in the State and continues to manage the caseload presented to it while the resources available continue to diminish. The Court's volume and required knowledge demand of its staff an ever increasing workload. It has always been our goal that the title and salaries reflect that of comparable courts, with similar volume and workloads. As we continue to work with The Town on potential title changes, and providing the department the tools to meet the demands on our Court System it is our hope that this increase assists in reaching that goal.

3. Account Number: 01-1E-E12-1110-110 – As to the current state of the Judiciary, a cost of living adjustment (COLA) of 3% for each of the three Town Justices and retroactive COLAS to readdress prior requests for relief in this regard. For five of the past six years the Judges have not received any COLA. As the Judges continue to manage millions of dollars in funds as well as weekly caseloads in the hundreds, the commitment to the Court must meet the commitment of the Judiciary. Further, discussions continue between the Supervisor's Office and the Justice Department in response to the aforesaid State of

the Court Reports with an eye to addressing the needs and requirements of the Court in connection with establishing the judicial structure required to meet the ever growing demands on the Colonie Justice Court. Addressing this critical area could also alter the Judicial and staff line items but, as we know, court revenues not only support the entire department budget but also contribute to the Town's General Fund.

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4. Account Number: 01-1E-E12-1110-110- As to the current salary of the Clerk of the Court, Julie Gansle, an increase in current base salary of \$10,000. She has remained at the same salary without any adjustment yet continues to expand her knowledge and experience. The Colonie Court is recognized as one of the largest Town Courts in the State of New York and our recognition is due to the continued efforts and contributions of the Clerk of the Court in managing the daily operations of the Court. Our Court is looked to as an example and footprint for other Courts to mirror. The Clerk of the Court is continually called upon for her knowledge and experience in managing this Court. The Clerk of the Court serves on multiple New York State Unified Court committees and continues to ascend on the Executive Board of the New York State Magistrate's Court Clerks Association. There are very few, if any, Court Clerks that have obtained their Juris Doctorate while continuing to maintain the level of excellence this Court is known for. To give a point of comparison, a Deputy Chief Clerk IV with the Unified Court System in 2010 had a base salary of \$85,000 with only a Bachelors degree requirement and a Chief Clerk VI had a base salary of over \$105,000. The responsibilities continue to grow and at the very least a request for reclassification of the Deputy Department Head-grade 1 should be addressed.

ADDENDUM
#4

STATE OF NEW YORK

6864--A

IN SENATE

March 30, 2012

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to authorizing the use of the Albany county correctional facility for the detention of persons under arrest being held for arraignment in any court in the county of Albany

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 500-a of the correction law is amended by adding a
2 new subdivision 2-1 to read as follows:
3 2-1. The Albany county correctional facility may also be used for the
4 detention of persons under arrest being held for arraignment in any
5 court located in the county of Albany.
6 § 2. Section 500-c of the correction law is amended by adding a new
7 subdivision 18 to read as follows:
8 18. Notwithstanding any other provision of law, in the county of Alba-
9 ny, all the provisions of this section shall equally apply in any case
10 where the sheriff is holding a person under arrest for arraignment prior
11 to commitment, as if such person has been judicially committed to the
12 custody of the sheriff and such person may be held in the Albany county
13 correctional facility.
14 § 3. This act shall take effect immediately, provided that the amend-
15 ment to section 500-c of the correction law, made by section two of this
16 act, shall not affect the repeal of such section pursuant to section 12
17 of chapter 907 of the laws of 1984, as amended, and shall be deemed
18 repealed therewith.

ADDENDUM #5

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S2343-2013: Creates an electronic arraignment pilot program for the Colonie town court; repealer

Same as: / Versions: [S2343-2013 Print HTML Page](#) / [Print Original Bill Format](#) / [ShareThis](#) / [Read or Leave Comments](#)

Creates an electronic arraignment pilot program for the Colonie town court.

Sponsor: [BRESLIN](#) / **Committee:** [CODES](#)

Law Section: [Criminal Procedure Law](#) / **Law:** Rpld & add Art 185 S185.10, CPL

S2343-2013 Actions

- Jan 16, 2013: REFERRED TO CODES

S2343-2013 Memo

BILL NUMBER: S2343

TITLE OF BILL: An act to amend the criminal procedure law, in relation to creating an electronic arraignment pilot program and to repeal article 185 of the criminal procedure law relating thereto; and providing for the repeal of such provisions upon expiration thereof

PURPOSE: To allow the Town of Colonie to create a pilot program of electronic arraignment for people awaiting arraignment following an arrest.

SUMMARY OF PROVISIONS: Creates a new Article 185 of the criminal procedure law by repealing an old law and adding a new Article.

JUSTIFICATION: In New York State people under arrest must be arraigned by a judge within 24 hours. In the Town of Colonie, people waiting for arraignment often face delays as Colonie has one of the busiest courts in the Capital District. Defendants awaiting arraignment could avoid such delays if arraignments were offered electronically. Costs associated with holding defendants awaiting arraignment could also be reduced with electronic arraignments. The Town of Colonie and the County of Albany have in place the equipment and technology necessary to implement electronic arraignments. This bill would allow the town and the county to work more efficiently and effectively in this area and help reduce town and county expenses related to arraignments.

LEGISLATIVE HISTORY: 2011/2012 - A.9984/5.7073 Referred to Senate and Assembly Committees on Codes

FISCAL IMPLICATIONS: None to State. Savings to the Town of Colonie and County of Albany.

<http://open.nysenate.gov/legislation/api/1.0/html-print/bill/S2343...> 3/21/2013

EFFECTIVE DATE: This act shall take effect January 1, 2014 and shall expire and be deemed repealed January 1, 2016.

S2343-2013 Text

S T A T E O F N E W Y O R K

2343

2013-2014 Regular Sessions
I N SENATE
January 16, 2013

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to creating an electronic arraignment pilot program and to repeal article 185 of the criminal procedure law relating thereto; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article 185 of the criminal procedure law is REPEALED and a new article 185 is added to read as follows:

ARTICLE 185 - ALTERNATIVE METHOD OF ARRAIGNMENT
SECTION 185.10. ELECTRONIC ARRAIGNMENT PILOT PROGRAM.

S 185.10 ELECTRONIC ARRAIGNMENT PILOT PROGRAM.

1. AS USED IN THIS SECTION:

(A) "INDEPENDENT AUDIO-VISUAL SYSTEM" MEANS AN ELECTRONIC SYSTEM FOR THE TRANSMISSION AND RECEIVING OF AUDIO AND VISUAL SIGNALS, ENCOMPASSING ENCODED SIGNALS, FREQUENCY DOMAIN MULTIPLEXING OR OTHER SUITABLE MEANS TO PRECLUDE THE UNAUTHORIZED RECEPTION AND DECODING OF THE SIGNALS BY COMMERCIALY AVAILABLE TELEVISION RECEIVERS OR MONITORS, CHANNEL CONVERTERS, OR OTHER AVAILABLE RECEIVING DEVICES.

(B) "ELECTRONIC ARRAIGNMENT" MEANS AN ARRAIGNMENT IN WHICH VARIOUS PARTICIPANTS, INCLUDING THE DEFENDANT, ARE NOT PERSONALLY PRESENT IN THE COURT BUT IN WHICH ALL OF THE PARTICIPANTS ARE SIMULTANEOUSLY ABLE TO SEE AND HEAR REPRODUCTIONS OF THE VOICES AND IMAGES OF THE JUDGE, COUNSELS, DEFENDANT, POLICE OFFICER AND ANY OTHER APPROPRIATE PARTICIPANT, BY MEANS OF AN INDEPENDENT AUDIO-VISUAL SYSTEM.

(C) "SECURE LOCATION" MEANS ANY FACILITY USED BY THE STATE, COUNTY, CITY, TOWN OR VILLAGE LAW ENFORCEMENT ENTITY TO TEMPORARILY HOLD A PERSON NOT RELEASED ON HIS OR HER OWN RECOGNIZANCE AND GIVEN AN APPEARANCE TICKET OR SUMMONS PENDING ARRAIGNMENT ON AN ACCUSATORY INSTRUMENT.
EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD01925-01-3

S. 2343

2

2. THERE IS HEREBY ESTABLISHED AN "ELECTRONIC ARRAIGNMENT PILOT PROGRAM" TO BE ADMINISTERED IN THE TOWN OF COLONIE, COUNTY OF ALBANY. PURSUANT TO THIS PROGRAM AND NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION NINE OF SECTION 1.20, SECTIONS 110.10, 120.10, 120.40, 120.90, 140.20, 140.27, 140.40, 170.10 AND 180.10 OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW AS THEY PERTAIN TO A DEFENDANT'S PERSONAL APPEARANCE AT ARRAIGNMENT, THE COLONIE TOWN COURT, IN ITS DISCRETION, MAY DISPENSE WITH THE DEFENDANT'S PERSONAL APPEARANCE AT THE ARRAIGNMENT, WHENEVER SUCH DEFENDANT IS BEING HELD AT A SECURE LOCATION OUTSIDE THE COURT HOUSE, AND CONDUCT AN ELECTRONIC ARRAIGNMENT UTILIZING AN INDEPENDENT AUDIO-VISUAL SYSTEM.

3. WHENEVER A PERSON IS ARRAIGNED BY MEANS OF AN ELECTRONIC ARRAIGNMENT, THE FOLLOWING CONDITIONS AND LIMITATIONS SHALL APPLY:

- (A) THE DEFENDANT MAY NOT ENTER A PLEA OF GUILTY;
- (B) NO ELECTRONIC RECORDING OF AN ELECTRONIC ARRAIGNMENT MAY BE MADE, VIEWED OR INSPECTED EXCEPT AS MAY BE AUTHORIZED BY RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS; AND
- (C) STENOGRAPHIC RECORDING OF THE ARRAIGNMENT SHALL BE MADE TO THE SAME EXTENT AS IF IT WERE AN ORDINARY ARRAIGNMENT RATHER THAN AN ELECTRONIC ARRAIGNMENT.

S 2. This act shall take effect January 1, 2014 and shall expire and be deemed repealed January 1, 2016.

***By contributing or voting you agree to the Terms of Participation and Privacy Policy and verify you are over 13.**

Discuss!