

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 8, 2012

RE: The State of the Colonie Town Court- 2011 update

Dear Supervisor Mahan;

It is a pleasure to submit electronically the 2011 update to our inaugural Report entitled, The State of the Colonie Town Justice Court - 2009. We continue to commend your attention 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.

During 2011, we have taken a variety of steps, within our power, to continue in our effort to maintain and enhance our Court system.

According to the New York State Office of Court Administration, the Colonie Justice Court, in 2011, continues to be in the top twenty five (25) busiest criminal courts 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.

As to revenue, our Court collected \$2,605,652.74 in revenue. Of that amount, the Town of Colonie retained \$1,130,664.59, the State received \$1,339,907.74, and Albany County received \$135,080.41 -(see addendum 2 attached).

As you know, our Justice Department budget for 2011 was \$ 726,296. 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 update.

It remains interesting to note, as has been noted by Thomas P. DiNapoli, State Comptroller in his August 2010, Report on the Justice Court Fund, that in 2009, Colonie Court, the third highest revenue generating Justice Court in the State of New York; retained only 44% of its revenue with the balance retained by the County and the State. In contrast, the Towns of Southampton and Amherst, the number one and number two revenue generating Justice Courts in the State respectively, retained more than 60% of their revenue. This may be due, in large part, to local parking enforcement and revenues generated by such which are typically entirely retained by the municipality.

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. We are certainly pleased to have had Town Board members Daniel Hornick and Linda Murphy observe our Court in action, and I am sure they are continuing to analyze the information they have gathered in connection with our recommendations. Further, we welcome Town Board member David Rowley as our new Department liaison and look forward to meeting with Councilman Rowley later this month.

In the meantime, during 2011, the Court took the action it could to better facilitate Court functions.

As to our proposals for reform found in the inaugural Court report and specifically as to II (A) ,“Creating a Greener Court”, we purchased our digital sender as part of our 2011 department budgeted expenditures, which was granted by the Town Legislative Body. As you know from the inaugural report, digital sending is imperative considering the document forwarding requirements imposed on the Court system and considering our extraordinary case volume.

Further, based on our efforts, we have been awarded over \$21,000 as part of the 2011-12 cycle of the Justice Court Assistance Program (JCAP) grant from New York State. These funds will be used towards the purchase of an x-ray scanning machine to be used in conjunction with our walk through metal detector in order to heighten the security of the Court.

Further, at the request of the New York State Office of Court Administration our court hosted a Judge School to teach and facilitate other Judges in their continuing legal education requirements. Judge Crummey also serves as Vice President 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. Further, Clerk of the Court Julie Gansle also continues to teach Court Clerks throughout the State and currently serves as Third Vice President to the New York State Association of Magistrates Court Clerks, Inc.

Our continued call to the Town Legislative Body to take the action necessary to establish the Albany County Correctional facility as the Town’s overnight holding facility, to permit video arraignments, to reclassify Court staff and add a law clerk remains of paramount importance and should be addressed. We renew our plea to the Town’s Legislative Body to take the action necessary to implement these cost saving and long overdue upgrades to our Court system which also enhance the public safety of the citizens of the Town of Colonie.

Judge Crummey has spoken to Sheriff Craig Apple who wholeheartedly endorses these proposals involving the Correctional Facility. In fact, his facility is now wired to facilitate our call for video

arraignments. Further, at the request of Judge Crummey, Assemblyman Reilly's office has drafted proposed legislation to facilitate our efforts to promote justice. We have enclosed copies of the bill drafts (see addendum 3 attached). Judge Crummey has requested Assemblyman Reilly's office to introduce these proposals (see addendum 4 attached).

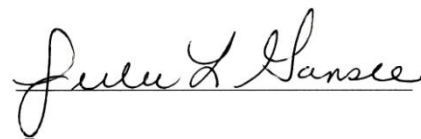
In the wake of Chief Judge Jonathan Lippman's recent call, in his The State of the Judiciary 2012, for defense counsel to be present even at arraignment, at all hours of the night, the urgency in adopting these proposals, which we have advocated for three (3) years, is upon us.

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 that reads "Peter G. Crummey". The signature is written in black ink and has a long, sweeping underline that extends to the right.

Hon. Peter G. Crummey
Senior Colonie Town Justice

A handwritten signature in cursive script that reads "Julie L. Gansle". The signature is written in black ink and has a long, sweeping underline that extends to the right.

Julie L. Gansle
Clerk of the Court

Cc: Honorable Andrew C. Sommers
Honorable Norman C. Massry
Hon. Nancy R. Hernandez, Deputy Supervisor
Hon. William E. Carl, 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

2011	Albany County			2/9/2012	Page 1 of 63	
Court ID	Activity Placement		Court	Estimated Court Events	Not Reported	Percent Reported
	County	State				
NY001011J	1	12	Albany City Court	3,707	97	97.38%
NY001291J	19	350	Albany City Traffic Court	0	0	0.00%
NY001013J	3	37	Albany County Court	1,218	10	99.18%
NY001121J	18	349	Allamont Village Court	1	1	0.00%
NY001271J	17	340	Berne Town Court	10	2	80.00%
NY001061J	5	90	Bethlehem Town Court	475	0	100.00%
NY001101J	9	267	Coeymans Town Court	84	7	91.67%
NY001041J	6	95	Cohoes City Police Court	460	11	97.61%
NY001131J	2	25	Colonie Town Court	1,856	52	97.20%
NY001241J	10	277	Green Island Town Court	74	4	94.59%
NY001211J	4	54	Guilderland Town Court	813	92	88.68%
NY001181J	14	330	Knox Town Court	20	0	100.00%
NY001081J	8	195	Menands Village Court	180	1	99.44%
NY001071J	12	300	New Scotland Town Court	50	5	90.00%
NY001091J	11	299	Ravena Village Court	51	12	76.47%
NY001111J	16	337	Rensselaerville Town Court	13	4	69.23%
NY001251J	15	332	Voorheesville Village Court	18	1	94.44%
NY001051J	7	150	Watervliet City Court	258	15	94.19%
NY001141J	13	327	Westerlo Town Court	23	9	60.87%
Totals for	Albany	County are:		9,311	323	96.53 %

ADDENDUM #2

2011	Total	State	County	Town	Other	Hand Park
January	\$204,086.95	\$109,174.67	\$9,444.96	\$85,467.32	\$0.00	\$210.00
February	\$228,851.14	\$127,335.10	\$13,448.68	\$88,067.36	\$0.00	\$60.00
March	\$239,023.40	\$126,899.13	\$17,102.59	\$95,021.68	\$0.00	\$135.00
April	\$221,560.05	\$122,149.77	\$11,540.92	\$87,869.36	\$0.00	\$60.00
May	\$230,144.50	\$122,186.00	\$8,801.00	\$99,157.50	\$0.00	\$60.00
June	\$234,881.56	\$117,842.01	\$19,611.10	\$97,428.45	\$0.00	\$75.00
July	\$178,917.65	\$91,509.75	\$5,696.80	\$81,711.10	\$0.00	\$75.00
August	\$204,551.75	\$111,919.60	\$10,666.25	\$81,965.90	\$0.00	\$30.00
September	\$231,360.05	\$113,062.81	\$5,283.18	\$113,014.06	\$0.00	
October	\$232,974.75	\$113,325.20	\$16,183.85	\$103,465.70	\$0.00	\$60.00
November	\$207,227.04	\$95,733.50	\$10,434.93	\$101,058.61	\$0.00	\$0.00
December	\$192,073.90	\$88,770.20	\$6,866.15	\$96,437.55	\$0.00	\$75.00
TOTALS	\$2,605,652.74	\$1,339,907.74	\$135,080.41	\$1,130,664.59	\$0.00	\$840.00

ADDENDUM
#3

Legislative Bill Drafting Commission
14059-01-2

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal.

020 Adams	044 Farley	058 Kennedy	054 Nocello	028 Barrano
015 Addabbo	002 Franeson	034 Klein	052 O'Mara	051 Boward
005 Alami	008 Fuschillo	026 Krueger	037 Oppenheimer	009 Skolow
011 Arwella	009 Ollivian	024 Lemus	021 Parker	014 Sudth
040 Bell	012 Gianaris	039 Larkin	013 Peraltis	025 Squadron
042 Bonacic	022 Golden	001 LoValle	030 Parkins	016 Stawley
046 Brownlie	017 Griffo	052 Libous	061 Reussenhofer	035 Stewart
030 Carlucci	060 Grisanti	045 Little	048 Ritchie	Cousins
050 DeFranco	006 Hannon	005 Mareallino	033 Rivera	049 Valasek
032 Dias	036 Baswell	007 Martins	056 Robach	057 Young
017 Dileo	Thompson	062 Maxtars	041 Saland	003 Zeldin
039 Duenc	010 Huntley	043 McDonald	018 Sasso	027
031 Espallit	004 Johann	018 Montgomery	033 Savino	

S. _____
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

CORRELA
(Authorizes the use of the Albany
county correctional facility for
detention of persons under arrest
being held for arraignment in Colo-
nie town court)

Cor. alb cor facil colon hold

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 the Colonie town
court

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

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

040 Abbata	007 Crouch	005 Jaffee	052 Millman	013 Paladino
002 Abinanti	014 Curran	007 Jaffee	015 Montasano	013 Anyard
005 Amadoro	003 Curick	030 John	012 Morale	008 Ransborough
004 Arroyo	045 Cyborowich	011 Jordan	039 Moya	036 Schmal
003 Aubry	034 DenDekker	009 Kato	003 Murray	040 Schwainger
034 Barclay	001 Dinowitz	074 Kawanaht	037 Nolan	004 Silver
040 Barron	014 Duprey	005 Kellner	028 Oake	027 Simonewitz
002 Benedetto	004 Englebright	029 Kolb	005 O'Donnell	006 Sinotas
012 Mandewash	004 Espinel	005 Lannan	001 Ortiz	046 Starks
005 Boyle	071 Farrell	001 Lattner	036 Palmesano	009 Stevenson
008 Boyle	013 Finch	013 Levina	008 Paulin	011 Swenney
002 Brunstein	007 Fitzpatrick	000 Lemsi	044 Peoples	010 Tedesco
004 Brennan	017 Friend	028 Lipton	Stokes	015 Tamy
016 Brindini	043 Gabryszak	072 Linara	008 Perry	002 Thiele
011 Bronson	000 Galea	037 Lopez, P.	007 Fratlow	001 Titone
004 Brook-Krany	030 Gannt	003 Lopez, V.	073 Quart	031 Titus
047 Bunking	077 Gibson	001 LoSquadro	021 Ra	003 Tobacco
017 Butler	049 Dipite	026 Lupardo	007 Rabbitt	048 Walter
001 Cahill	005 Glick	011 Rogee	009 Rain	044 Weinstein
006 Calhoun	003 Goldfeder	020 Meguerelli	006 Ramez	000 Weisenberg
003 Camara	020 Goodall	009 Maisel	034 Radtch	004 Wuprin
006 Canastota	075 Gottfried	000 Kallistakia	010 Reilly	070 Wright
008 Castelli	005 Graf	030 Markay	078 Rivera, J.	004 Zebrowski
006 Castro	008 Gunter	019 McDonough	000 Rivera, N.	003
010 Carotto	010 Hanna	004 McEneny	076 Rivera, P.	010
003 Clark	039 Hawley	017 McKewitt	019 Roberts	010
007 Colton	003 Roastin	010 McLaughlin	005 Robinson	045
010 Conte	008 Hevesi	022 Meng	008 Rodriguez	
002 Cook	040 Hixson	021 Miller, D.	007 Rosenthal	
042 Corwin	010 Hooper	010 Miller, J.	018 Russell	
005 Crespe	042 Jacobs	000 Miller, N.	044 Ryan	

1) Single House Bill (introduced and printed separately in either or both
houses). Uni-Bill (introduced simultaneously in both houses and printed as one
bill). Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed
copies of bill and 4 copies of memorandum in support (single house), or 4 signed
copies of bill and 6 copies of memorandum in support (uni-bill).

01/13/12

2

14059-01-2

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 the
5 court located in the town of Colonie, 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 town of Colo-
9 nie, county of Albany, all the provisions of this section shall equally
10 apply in any case where the sheriff is holding a person under arrest for
11 arraignment prior to commitment, as if such person has been judicially
12 committed to the custody of the sheriff and such person may be held in
13 the Albany county 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.

Legislative Bill Drafting Commission
14063-01-2

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal

030 Adams	044 Farley	058 Kennedy	054 Nezzario	038 Serrano
015 Addabbo	002 Flanagan	034 Elaine	053 O'Hara	051 Seward
051 Alami	008 Fuschillo	026 Krueger	037 Oppenheimer	009 Skolow
011 Avella	050 Gallovan	024 Lanza	021 Parker	014 Smith
040 Ball	012 Gianaris	039 Larkin	013 Paralta	025 Squadron
042 Bannock	022 Golden	001 LaValle	030 Perkins	016 Stawicki
046 Breslin	047 Griffe	052 Libous	061 Ransenhofner	018 Stewart-
038 Carlucci	060 Grimaldi	045 Little	048 Ritchie	Cousins
050 DeFrancisco	006 Hanson	005 Marcellino	033 Rivara	049 Vlahovky
032 Diaz	026 Kaswell-	007 Martins	006 Robach	037 Young
017 D'Alan	Thompson	003 Mariani	041 Poland	003 Taldin
029 Duomo	010 Huntley	043 McDonald	019 Sampson	027
021 Espilliat	004 Johnson	016 Montgomery	023 Savina	

S. _____
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal

0049 Abbate	0107 Crouch	0095 Jaffee	0052 Millman	0012 Paladino
0092 Adinolfi	0014 Corran	0057 Jaffries	0015 Montezano	0113 Raymond
0105 Amodeo	0063 Cunick	0135 Johns	0122 Morella	0029 Scarborough
0084 Arroyo	0045 Cymbrowitz	0113 Jordan	0036 Moya	0016 Schmal
0032 Aubry	0034 DeDecker	0098 Katz	0003 Murray	0140 Schmaliger
0194 Barclay	0081 Dinowitz	0074 Kewenagh	0027 Nolan	0064 Silver
0040 Bassano	0114 Duproy	0065 Kallner	0128 Oake	0027 Siskowitz
0082 Benedetto	0004 Emplabright	0129 Kolb	0069 O'Donnell	0036 Sintas
0122 Blankenhorn	0054 Espinal	0025 Lanoran	0051 Ortiz	0116 Swartz
0055 Boylans	0071 Farrell	0081 Latimer	0136 Palumbo	0079 Stevenson
0008 Boyle	0123 Finch	0013 Levine	0088 Pablin	0011 Swasey
0026 Braunstein	0007 Fitzpatrick	0050 Lentol	0141 Peoples-	0110 Tadiaco
0044 Brennan	0137 Friend	0125 Liffan	Stokes	0115 Tenny
0116 Brindisi	0143 Gabryszak	0072 Llaneros	0038 Penny	0002 Thiala
0131 Brunnen	0090 Galaf	0127 Lopez, F.	0047 Prithow	0061 Titone
0046 Brook-Kraay	0133 Ganst	0053 Lopez, V.	0073 Quatt	0051 Tino
0147 Burling	0077 Gibson	0001 Longardo	0021 Ra	0062 Tobacco
0117 Butler	0149 Giglio	0126 Lupardo	0097 Rabbitt	0140 Walter
0101 Cahill	0066 Gluck	0111 Magee	0009 Raia	0041 Weinstein
0096 Calhoun	0023 Goldfeder	0120 Magaroli	0006 Rame	0020 Weisenberg
0043 Camera	0130 Goodell	0059 Malool	0134 Mallich	0024 Weprin
0106 Canastota	0078 Gottfried	0060 Malliotakis	0108 Reilly	0070 Wright
0089 Castelli	0055 Graf	0030 Markey	0178 Rivera, J.	0094 Zebrowski
0086 Castro	0090 Gunther	0019 McDonough	0080 Rivera, N.	0053
0138 Corretto	0136 Hanna	0104 McManamy	0076 Rivera, P.	0100
0033 Clark	0138 Sawley	0017 McKeivitt	0119 Roberts	0103
0047 Colton	0083 Henstie	0108 McLaughlin	0058 Robinson	0145
0010 Conte	0028 Heward	0028 Hong	0068 Rodriguez	
0032 Cook	0048 Hixson	0121 Miller, D.	0067 Rosenbal	
0142 Corwin	0018 Hooper	0102 Miller, J.	0118 Russell	
0005 Crotto	0042 Jacobs	0038 Miller, M.	0144 Ryan	

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

CRIMIPLA
(Creates an electronic arraignment
pilot program for the Colonie town
court; repealer)

CP L. elect arraign pilot

AN ACT

to amend the criminal procedure law,
in relation to creating an electron-
ic 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:

- 1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill). Senate and Assembly introducer sign the same copy of the bill.
- 2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house), or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

01/13/12

2

14063-01-2

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

3 ARTICLE 185 - ALTERNATIVE METHOD OF ARRAIGNMENT

4 Section 185.10. Electronic arraignment pilot program.

5 § 185.10 Electronic arraignment pilot program.

6 1. As used in this section:

7 (a) "Independent audio-visual system" means an electronic system for
8 the transmission and receiving of audio and visual signals, encompassing
9 encoded signals, frequency domain multiplexing or other suitable means
10 to preclude the unauthorized reception and decoding of the signals by
11 commercially available television receivers or monitors, channel
12 converters, or other available receiving devices.

13 (b) "Electronic arraignment" means an arraignment in which various
14 participants, including the defendant, are not personally present in the
15 court but in which all of the participants are simultaneously able to
16 see and hear reproductions of the voices and images of the judge, coun-
17 sels, defendant, police officer and any other appropriate participant,
18 by means of an independent audio-visual system.

19 (c) "Secure location" means any facility used by the state, county,
20 city, town or village law enforcement entity to temporarily hold a
21 person not released on his or her own recognizance and given an appear-
22 ance ticket or summons pending arraignment on an accusatory instrument.

23 2. There is hereby established an "electronic arraignment pilot
24 program" to be administered in the town of Colonie, county of Albany.
25 Pursuant to this program and notwithstanding the provisions of subdivi-
26 sion nine of section 1.20, sections 110.10, 120.10, 120.40, 120.90,
27 140.20, 140.27, 140.40, 170.10 and 180.10 of this chapter or any other
28 provision of law as they pertain to a defendant's personal appearance at

01/13/12

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14063-01-2

1 arraignment, the Colonie town court, in its discretion, may dispense
2 with the defendant's personal appearance at the arraignment, whenever
3 such defendant is being held at a secure location outside the court
4 house, and conduct an electronic arraignment utilizing an independent
5 audio-visual system.

6 3. Whenever a person is arraigned by means of an electronic arraign-
7 ment, the following conditions and limitations shall apply:

8 (a) The defendant may not enter a plea of guilty;

9 (b) No electronic recording of an electronic arraignment may be made,
10 viewed or inspected except as may be authorized by rules of the chief
11 administrator of the courts; and

12 (c) Stenographic recording of the arraignment shall be made to the
13 same extent as if it were an ordinary arraignment rather than an elec-
14 tronic arraignment.

15 § 2. This act shall take effect January 1, 2013 and shall expire and
16 be deemed repealed January 1, 2015.

ADDENDUM #4



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

March 8, 2012

Assemblyman Bob Reilly
New York State Assembly
Legislative Office Building 452
Albany, NY 12248

Re: Bill Drafts to enhance the delivery of Justice in the Colonie Justice Court

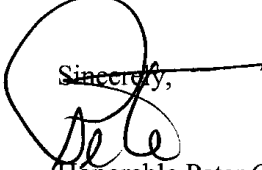
Dear Bob,

Thank you very much for generating the attached two bill drafts that I requested in an effort to continue to enhance the Colonie Justice Court system. I certainly appreciate your interest in our efforts. These requests flow from our inaugural Report entitled, The State of the Colonie Justice Court-2009 and our subsequent annual updates.

I respectfully request that you introduce these two proposals and seek a Senate sponsor. I would be pleased to assist you in any way in facilitating the consideration of these important pieces of legislation.

I look forward to continuing to work with you and hope to see you soon.

Sincerely,


Honorable Peter G. Crummey
Senior Town Justice