



**All courts should provide liberal periods of time for low income defendants to pay fines, surcharges and restitution.**

- ++ Much easier for defendants to pay
- + Fewer defendants will fail to pay
- + Ultimately less work for Court b/c defendant more likely to succeed
- Some defendants may give low priority to paying

**If after giving low income defendants ample opportunities to pay fines, surcharges and restitution, they remain unable to pay, then all courts should use confessions of judgment to close out the case. In no instance, should a defendant be resentenced to jail when the defendant is unable (as opposed to being unwilling, but able) to pay.**

- ++ Avoid cost and disruption due to jailing indigents
- + Some chance of ultimate recovery of \$
- + Avoid work of constantly summoning defendant
- +++ This already is the law
- May never get paid
- Defendant may con the court
- Defendant may not change behavior

**For pretrial defendants, courts should not require bail or remand defendants to jail without bail, unless statutes require no-bail or it is very clear that the defendant is unlikely to reappear.**

- +++ This already is the law
- ++ Save costs of jail/transport
- ++ Save defendant's/family job
- ++ Avoid major disruption of defendant/family
- + Even if not reappear, eventually will get caught
- Some defendants might not reappear

**No court should require bail above the amount OAR can pay (after it reviews the defendant's situation in more depth), unless it is very clear that the defendant is unlikely to reappear even if an OAR level of bail is paid.**

- ++ Save some of cost of jail
- ++ Save defendant's/family job
- ++ Avoid major disruption of defendant/family
- + Even if not reappear, eventually will get caught
- Some defendants might not reappear

**If the prosecution or defense requests transfer (see §170.15, CPL and §170.25 CPL) of a misdemeanor case by the County Court from a non-lawyer judge to a lawyer judge, the town/village court generally should agree to the transfer. The identity of the lawyer judge will not be known by the moving party in advance in order to limit “judge shopping.”**

- ++ Appearance and effect of a fair justice system - Defendant judge shopping (?)
- + Less likely to make legal mistake
- + Tough to judge shop

**All courts will do written decisions on motions/hearings that have any significant likelihood of appeal.**

- + Appellate court is better able to rule - More work for judge
- ++ Writing forces clearer thinking - Delays decision

**No court will have static “policies” that require sentence features that are imposed regardless of a defendant’s circumstances (e.g. always imposing a maximum fine in seat belt violation cases), unless those features are mandated by law (e.g. statutorily defined minimum fines, surcharges, etc.)**

- ++ Law already requires this - A little more work
- + Forces judge to consider each defendant as an individual - Result less predictable

**All alcohol/drug related V+TL cases in the County should be sent to a specialized “DWI Court” in the County Court with a judge sitting as a local criminal court. This may already be possible if the District Attorney simply instructs all police agencies to file all DWI cases there regardless of where in the county the offense occurred (see §100.55 7. CPL)**

- ++ Complex, serious, - DWI Court would get a lot of work
- + Common cases need judges familiar with this type of case and the unique services and procedures - Need a judge and money to do it
- ++ More uniformity of result - Town/villages lose control
- + Easier to connect to drug courts and services - Defendant must travel further
- + T/V courts get less work - Some judges may object to losing jurisdiction in these cases
- + Not require anyone but DA to agree
- + Can more easily systemize follow up

**Create a centralized arraignment location for all after-hours arraignments. It could be in the City of Ithaca or maybe even better next to the County Jail. Each judge and assigned counsel would be scheduled in advance to cover her/his share of this coverage.**

++ Spread out the attorney/judge work load more evenly

+ No judge shopping

+ Less travel cost for most

+ Less time police are off the street

+ Quicker processing

- Need to arrange facility

- Cases from outlying areas, more travel

- Might need a statutory change

-- Might provide an incentive to create a centralized "lock up," which could result in many more defendants held over night before arraignment (see below)

**Encourage local town and village courts to consider options available under § 106, § 106-a and § 106-b, Uniform Justice Court Act that would allow adjoining towns/villages to share court facilities or use fewer single judges.**

+ More uniformity since there would be fewer judges

--- Need to go through a complex petition, resolution, publication, public meeting process, board vote and public vote

- Not really save court facilities since they already exist

- With fewer judges, there is a little less flexibility in scheduling court

- Probably no cost savings because the same of amount of work would be required and it is assumed that the remaining judge would be appropriately compensated

- Some loss of local control

**Create a Youth Court that would allow certain types of cases (type?) cases involving young (ages ?) defendants to be transferred from criminal courts to "youth courts" which would largely utilize the services of peer young people to process, adjudicate and resolve cases without further involvement of the criminal justice system.**

+++The goal of diverting young people away from the criminal justice system is very important

++ Would introduce young people to the justice system in very positive ways

--- This will require a lot of study and could justify the formation of a separate committee

- There might be other less complicated ways of diverting young people from the criminal justice system

- There is a question of whether the number of cases and their impact would justify the significant amount of work involved in setting it up and maintaining it (the youth participants would be constantly changing)

**Create a mental health court that would allow certain types of cases involving defendants with mental health issues to be transferred from the regular criminal court system to a specialized court that focuses on providing services and monitoring similar to that found in our Drug Courts.**

++ Maybe it could be merged in with the existing Drug Courts and thereby simplify the process of creating a new court  
+ If effective, the additional costs invested in setting up and maintaining the court should cause long term cost savings in deflecting the defendants/clients away from the criminal justice system

--- This might require a lot of study and could justify the formation of a separate committee  
- Not clear on the criteria for identifying cases more appropriate to the mental health court versus the regular criminal courts  
- There would be additional costs

## **ISSUES WE PROBABLY SHOULD DROP:**

### **Close all Village Courts and let the respective towns absorb the load.**

- + Villages would save some money
  - Town would have to absorb the cost
  - No net savings
  - Village loses all control
  - GG loses his job!

### **Remove one of the two justices in each town and have the remaining justice do all the work.**

- + Might save the town a little money
  - Remaining justice gets double workload
  - No money saved if remaining justice demands other justice's salary
  - Lose ready access to a back up justice
  - Could limit flexibility in court scheduling

### **Create District Court (s?) to cover all misdemeanors and above, and limit town and village courts to local infractions and small claims.**

- + All judges would be attorneys
  - ++ Simpler
  - + Fewer judges
  - + probably more uniform handling of cases
  - ++ State would pay operating costs
  - + Less work for town/village courts
  - + More attractive to finding attorney-judges
- Requires change of NY Constitution?
  - Requires referendum?
  - Attorney judges have about the same proportion of ethical problems as lay judges
  - Politically this issue is toxic
  - Lay people could not be judges (see above)
  - More complex b/c still need town and village courts
  - County would pay for facilities
  - Much more expensive than T/V courts
  - Probably cost a couple million \$ annually
  - Lose local control
  - Farther for defendants/attorneys to travel
  - More bureaucratic
  - State would control
  - May not work, e.g. who would do after hour arraignments?
  - Party politics will intervene because judge positions are seen as attractive political plums

**Require all town/village justices to be attorneys.**

- ++ All things being equal, attorney judge is preferred
- + Less training required

- But things are never equal!
- Lay people could not be judges
- Many lay-judges are better than attorney-judges
- Lose a large pool of qualified candidates
- Attorneys already have an advantage in being elected over a non-lawyer
- Some areas have no well qualified attorney judges
- Attorney judges have about the same proportion of ethical problems as lay judges
- Probably cost more because most attorney would demand more \$
- Politically this issue is very toxic

**Create a centralized lock up where defendants arrested after-court-hours could be held at least over night (maybe longer?). It could be in the City of Ithaca or maybe even better next to the County Jail. This arrangement is used by some District Courts.**

- ++ Judges would not have to do arraignments after-hours
- + Less travel cost

- Need to create facility
- Expensive (facility, personnel, defendant could lose job?)
- More officers would be required to cover the facility and take them off regular patrol
- Cause many defendants to have to stay overnight or longer in lock up
- Cause major disruption to defendant and family
- This is such a bad idea, I considered not even listing it