

Fines No Longer Bring in Surplus in Schenectady County Town Courts

There was a time when justice seemed to pay dividends in Rotterdam.

The Town Court brought in fines in excess of \$1.09 million in 2006, with just under half this sum going directly to the general fund to help control tax rates. At the time, Rotterdam was ranked 30th among the state's 1,246 justice courts and first among those in Schenectady County for the amount of fine revenue it brought in.

Of course, fine revenue generated from low-level offenses and traffic infractions is split among the town, state and county based on a complex schedule. Still, the local share of the revenue was enough to more than pay for the court's entire budget and still leave a surplus of roughly \$200,000.

That was five years ago.

The most recent data on file with the state Comptroller's Office suggests the local share of the fine money the court brought in last year was slightly more than the cost to cover its operation.

Rotterdam's court remained Schenectady County's top grossing court, but slipped to 54th in the state. The court brought in \$343,519, but roughly 93 percent of this local share went to cover the court's internal cost.

This decline in fine revenue reflects an overall downward trend in the local share collected by the six justice courts in Schenectady County. The courts brought in a total of \$1.22 million for their respective municipalities in 2011, an 8.1 percent decrease over the figures recorded in 2009.

The six courts also saw a drop in overall fine revenue between 2009 and 2011. The courts collected a total of \$2.81 million in 2011, an 8.5 percent decrease from the fines levied in 2010.

The fine revenue collected across the state also dropped since 2009, but not as sharply. State coffers received \$243.8 million in 2011, a decline of about 1 percent from what was collected two years prior.

Pinpointing the reason for the decline in the justice court fund is sort of like shooting at a target that is not only moving but changing size. An increase in crime can mean local police have less time to conduct traffic stops, while decreases in funding for law enforcement can mean fewer officers on the street handing out tickets.

In short, the justice courts aren't a reliable source of revenue even though they can bring in a sizeable cash flow. And ultimately, revenue is ancillary to the ultimate goal of the courts, which is to uphold local and state ordinances.

“Our court is not there to make money,” said Kenneth Litz, one of two justices serving in Rotterdam Town Court. “We generate income, but we’re not there to make money for the municipality.”

The drop in traffic cases also doesn’t mean the court is any less busy. Litz said criminal cases often take more resources but usually produce far less revenue.

“No question about it, it has decreased,” he said of the number of vehicle and traffic cases he’s presided over lately. “Meanwhile, the criminal cases have remained steady.”

Rotterdam wasn’t the only court to see an appreciable drop in fine revenue. Glenville Town Court saw the local share drop from \$260,537 in 2009 to \$189,556 in 2011 — a 27 percent decrease.

Princetown, a municipality without a local police force, had its total justice court revenue drop by 18.2 percent from 2009 to 2011. But the court’s local share of the fine revenue dropped by only 8.3 percent.

Meanwhile the courts in Duanesburg, Niskayuna and the village of Scotia showed little change between the figures recorded in 2009 and 2011. Niskayuna’s court had a slight drop in its overall revenue, but a 16.5 percent increase in its local share.

In Rotterdam, the drop in fine revenue could be partially attributed to a drop in tickets issued by officers and troopers patrolling the town. Deputy Chief William Manikas said the Rotterdam police issued 2,442 vehicle and traffic tickets in 2011, a drop of 407 from the previous year and enough to trigger a department initiative aimed at determining why the numbers were down.

Manikas said there doesn’t appear to be any single reason. He said changes in the department’s manpower and a decline in the amount of grant funding for traffic enforcement both could have an impact, which occurred while the call volume remained relatively flat over the past two years.

“We look at all the variables,” he said. “We try to make adjustments when we can and where we can, but for whatever reason there was a drop last year.”

Manikas said the drop also could be related to budget cuts at the state and federal level. Rotterdam police, like other departments around the Capital Region, issue more traffic violations when they launch grant-funded initiatives aimed at curbing drunken driving or seat belt violators.

“Either we don’t have it at all or it’s been cut drastically,” he said of the funding.

Rotterdam’s decrease in court revenue could also be attributed to a drop in the number of troopers patrolling the state Thruway, which bisects the town. State police assigned to the Thruway issued 18,000 fewer tickets throughout the state in 2011, a decrease that is attributed to a pair of barracks closures and an overall decrease in manpower.

The state police haven’t graduated a new class of troopers in three years as a result of New York’s poor fiscal condition. Meanwhile, the force has shrunk due to attrition.

“It does have a trickle-down effect,” said Sgt. Tom Ferritto, who heads Troop T’s traffic division.

Court revenue is also directly related to the type of tickets that are written and where they originate. The majority of fine money from tickets written for seat belt and cellphone violations typically drops into the local share of the justice court fund.

Conversely, fine revenue for speeding tickets gets directed according to the place where the offense occurs. Fine money from speeders on state thoroughfares goes to the state, while

citations issued on local roads generate revenue for the municipality, said Sgt. Stephen Janik of the Glenville police.

“It depends really where those tickets are written,” he said.

Janik said his department bases its traffic enforcement largely on complaints and accident data. “We’re not in the business of going out there and generating revenue for the town by writing tickets on town roads,” he said.

In Niskayuna, call volume for police has remained relatively flat. Yet the police are handing out far more tickets for vehicle and traffic violations.

Niskayuna police handed out 3,999 citations in 2011, an increase of 358 over 2009. Sgt. Dan McManus said reasons for the change range from state funding for traffic initiatives to the number of police on hand.

“There are always going to be fluctuations,” he said.

There are other, more anecdotal theories about fine revenue declines. Janik believes some of it has to do with increased compliance with laws. Others suspect motorists have a greater awareness about how violations will impact them.

Tom Carr, a defense attorney who handles traffic cases for the Albany-based law firm of Tully Rinckey, said motorists are more wary about pleading guilty to violations that carry points.

“People are more conscientious now to the point system more in relation to how it affects their insurance,” he said.