

The following facts are assumed for the discussion

1. The need for a new Alderman
2. The FY cost of \$171,000 to operate the court
3. Space needs for the Court in the future to comply with State mandates for security and victim/witness separate areas
4. Technology needs for court operations
5. Personnel needs of the Court

Analysis

The Alderman Court is used in the State of Delaware by the following towns: Dewey Beach, Laurel, Newport, Newark, and Rehoboth Beach. Bethany Brach recently closed the criminal aspect of the court, and their cases go to the State Justice of the Peace Courts.

The benefit of an Alderman's Court is local town resolution of civil and criminal violations and town ordinances and criminal misdemeanors under Delaware law

Fines can be imposed up to \$2300 and up to 1 year in jail, although jail time is not frequently imposed by alderman instead the jail time is usually suspended for probation.

Delaware Law also provides for alderman's court to collect court costs and security fees for the benefit of the town and surcharges for the benefit of the state.

Staffing Level of the Alderman Court:

Alderman
Court Clerk
Court Bailiff/Security
Town Prosecutor

Police Department Concerns:

The Justice of the Peace Court requires a Supervisory Police Officer to review cases and make plea officers under their "Police Prosecution Program" call of the calendar in the summer twice a month for 3 hours and off season once a month. The closest Justice of the Peace is Court 2 which is moving north of Lewes on Route 1 this summer and trials would be scheduled during the day at that location. The new traffic tickets will allow violators to pay fines online by credit card or to pay fines to the voluntary assessment center so as to avoid a court appearance. All court documents will be generated by the Justice of the Peace Courts

The Police Department is concerned with the amount of time on duty police officers would be out of town in court cases and related court proceedings

Technology Issues

The seasonal police officers write paper tickets for violations and civil ordinance tickets. The Chief Judge of the Justice of the Peace Courts Chief Magistrate Alan G Davis told me that regarding handwritten tickets "they will work with the Town but it should happen without a timeframe. All due haste. There are technological solutions".

The full-time officers write the tickets on their vehicle computer It may be possible to get similar handheld computers like the parking enforcement officers use or another solution may be developed

Prosecution by the town

The town prosecutor involvement in cases since 2006 has been upon request of the Police Officer or the presiding Alderman. If the Alderman Court is closed by the town the Town Prosecutor position should be eliminated

State Legislature concerns

The State Legislature changed the Alderman Court in 2001 based on the Alderman's Task Force. No new Alderman Courts can be established and any courts closed by a Town cannot subsequently be reopened

Budget Considerations

Increase in Police Department costs due to out-of-town travel to court

Decrease in Court revenues from the loss of Court costs and security fees

The fines collected by the Justice of the Peace Courts will be transmitted monthly to the town Payment plans and fine collection will be the responsible of the State.

Conclusion

The commissioners need to discuss the future of the court. The elimination of the court will save budget dollars but would lower the court costs and security fee revenue

Financial numbers would be needed to show the revenue trends in order to make a complete presentation for the commissioners