

ALDERMAN'S COURT AD HOC COMMITTEE MEETING

The Alderman's Court Ad Hoc Committee was held on Tuesday, July 21, 2026, at 3:00 p.m. with Mr. Anderson presiding. The members present were Mr. Neil, Mr. Rocha, Mr. Lewis, Mr. Garfinkel, Ms. Smack, Mr. Witham (out at 4:40 p.m.), Ms. Gibbs (out at 3:43 p.m.), Dr. Halpern, Mr. Wilson, Dr. Hoff and Ms. Mejia (via Webex).

Staff members present were Ms. Duca, Ms. Wheeler, and Ms. Martin.

ADOPTION OF THE AGENDA

Mr. Neil moved for approval of the agenda, seconded by Mr. Garfinkel, and unanimously carried.

INTRODUCTION – COUNCIL PRESIDENT NEIL

Chairman Anderson introduced Council President Neil, who stated that the Committee's work originated from concerns expressed by Dover residents and business owners regarding recurring quality-of-life issues affecting the community. He described those concerns as a "cry for help" from citizens seeking additional tools to address behaviors associated with addiction, mental illness, and other circumstances that continue to impact neighborhoods and local businesses.

Mr. Neil emphasized that the Committee's purpose was not to create a court intended to generate municipal revenue. Rather, he stated that any Alderman's Court should provide an appropriate legal framework through which individuals struggling with addiction, mental illness, and similar challenges could be held accountable while also being connected with treatment and supportive services when available. He observed that many individuals experiencing these challenges are not acting rationally and often require judicial accountability to obtain assistance. At the same time, he noted that residents and business owners deserve meaningful protection from repeated quality-of-life offenses that diminish public safety and community well-being.

Mr. Neil further stated that many lower-level offenses historically intended to preserve public order are no longer consistently enforced because of the demands placed upon the criminal justice system. As a result, communities are left with fewer effective tools to address recurring disruptive behavior while individuals in crisis often fail to receive the intervention they need.

Mr. Neil shared a personal experience involving a close family member whose addiction began following injuries sustained in an automobile accident. He explained that the progression from prescription medication dependency to illicit drug use ultimately resulted in the loss of that family member. He stated that the experience reinforced his belief that accountability and treatment should work together rather than independently. Drawing upon more than two decades of professional experience with the Maryland Division of Vocational Rehabilitation, Mr. Neil described working alongside rehabilitation professionals who assisted individuals living with blindness, mental illness, physical disabilities, and other significant challenges in preparing for employment and independent living. He also observed that individuals who discontinue necessary treatment or medication often experience setbacks that significantly affect their ability to remain stable and productive.

Mr. Neil acknowledged that some members of the public may have concerns regarding the potential for an Alderman's Court to disproportionately affect minority populations or other vulnerable individuals. He stated that those concerns should be taken seriously and emphasized that it would be the Committee's responsibility to ensure that any future recommendations promote fairness, equal treatment under the law, and appropriate judicial oversight. He concluded his remarks by reiterating that individuals who knowingly violate traffic laws and other enforceable offenses provide an existing source of legitimate court activity. However, he emphasized that the financial operation of a municipal court should never depend upon individuals who lack the ability to pay fines. Instead, he stated that the Committee's responsibility is to carefully evaluate whether an Alderman's Court can improve public safety, strengthen accountability, and better serve both the community and individuals in need of assistance.

GUEST PRESENTATION – ALDERMAN'S COURT 40 – TERRI CONOVER, CLERK OF THE COURT

Ms. Terri Conover presented information regarding the Alderman's Court 40, located in Newark, DE. She gave information regarding day-to-day operations, personnel, and the variety of cases they see.

Responding to Mr. Lewis, Ms. Conover explained that the operating budget for Alderman's Court 40 is funded through the City of Newark's annual budget process. As the department head, she prepares and presents the Court's annual budget request to the Mayor and City Council for consideration during the City's budget hearings. Ms. Conover explained that the Court also receives revenue through the statewide Court Security Fund. Those monies are used primarily to support courtroom security operations, including compensation for court bailiffs. She advised that the Court's operating budget includes the purchase and replacement of equipment required for court security personnel, including firearms, conducted electrical weapons (tasers), ballistic vests, and uniforms. While certain equipment, such as firearms and tasers, may be reassigned when staffing changes occur, uniforms and fitted protective vests must generally be replaced with newly hired personnel. She further noted that ballistic vests require replacement at regular intervals in accordance with manufacturer safety standards. Ms. Conover described the allocation of fines, court costs, and statutory assessments collected by the Court. Using a traffic citation as an example, she explained that, in addition to the base fine and court costs, various assessments are imposed pursuant to State law, including court security fees, police funds, victim compensation assessments, and technology related fees. She stated that the Court submits those statutory assessments to the appropriate State agencies on a quarterly basis. Revenue associated with municipal fines, court costs, court security fees, and alcohol-related assessments remains with the City of Newark in accordance with applicable law and municipal budgeting practices.

Committee members discussed the complexity of administering the Court's financial responsibilities and acknowledged that court operations involve substantially more than the collection of fines. Ms. Conover noted that the Court maintains detailed financial records and regularly processes payments to multiple State entities while also administering municipal revenues.

Responding to Mr. Garfinkel, Ms. Conover explained that Alderman's Court 40 conducts proceedings throughout the week and manages a variety of court calendars based upon the type of

case being heard. She stated that officer availability plays a significant role in scheduling criminal and traffic trials. Court staff coordinate closely with the Newark Police Department to account for officer work schedules, training assignments, vacations, and other scheduling conflicts before trial dates are established. She stated that the Court generally schedules between 15 and 20 trials during a trial session to ensure that cases can be heard efficiently while providing adequate time for attorneys, defendants, and witnesses. Ms. Conover explained that arraignment calendars fluctuate considerably depending upon filing volume. Some sessions include approximately ten arraignments, while others may exceed twenty matters. She further stated that court sessions involving prosecutors or the Public Defender's Office require additional coordination because those calendars frequently involve more complex criminal matters, attorney conferences, and pretrial proceedings. Ms. Conover noted that defendants who are incarcerated may appear before the Court either in person or through video proceedings, depending upon the circumstances. Coordination with correctional facilities is therefore an important component of the Court's daily operations.

Committee members observed that the Court's scheduling process requires significant administrative planning and coordination among court personnel, law enforcement officers, prosecutors, defense counsel, correctional officials, and the judiciary.

Responding to Mr. Garfinkel, Ms. Conover stated that trial dates for police officers had historically been scheduled approximately two months in advance. She explained that recent changes to the Newark Police Department's twelve-hour shift schedule have made scheduling somewhat more challenging because officer availability now varies more significantly throughout the calendar year. Despite those challenges, Ms. Conover stated that the Court continues to manage its caseload effectively. At the time of the meeting, trial calendars were being scheduled into October and November, which she indicated compared favorably with scheduling timeframes experienced by other Delaware courts.

Responding to Ms. Gibbs, Ms. Conover stated the relationship between the police department and the court did not raise any issues as they only saw police officers during certain time frames and cases.

Responding to Dr. Hoff, Ms. Conover stated that she could not explain the statistical comparison without reviewing the methodology used to calculate the reported figures he stated. She noted, however, that Newark's Court handles a broader range of cases than several other municipal courts throughout the State and conducts its own criminal and traffic trials rather than transferring those matters to another court. Ms. Conover explained that numerous factors contribute to delays in resolving cases, including continuances requested by defendants or attorneys, failures of defendants to appear for scheduled proceedings, and circumstances in which defendants become incarcerated after a hearing has been scheduled. She stated that the Court continues to manage older pending cases while scheduling new matters as efficiently as possible.

She further stated that Newark Police officers consistently appear for scheduled trial dates and noted that officer attendance has not presented a significant operational challenge for the Court. Ms. Conover contrasted that experience with other jurisdictions that occasionally encounter difficulties securing officer appearances for scheduled trials. Although unable to explain the

reported clearance rate, Ms. Conover expressed confidence in the Court's day-to-day operations and stated that court personnel continue to process cases efficiently while accommodating the unique circumstances associated with each matter. She stated that Newark's Alderman's Court exercises broader jurisdiction than many of Delaware's other municipal courts, including authority over misdemeanor criminal offenses and driving under the influence cases. She noted that several beach communities primarily handle parking and traffic violations, making direct statistical comparisons difficult.

Dr. Hoff shifted the discussion to the City of Dover's judicial needs. He stated that the Justice of the Peace Court 16 processed approximately 10,000 cases during Fiscal Year 2025, a caseload substantially greater than that handled by Newark's Alderman's Court. He noted that any future Alderman's Court established in Dover would therefore require careful evaluation of anticipated staffing, operational costs, and judicial resources. He summarized the Committee's work by identifying what he considered the three principal questions before the Committee: whether establishing an Alderman's Court is legally permissible, whether an Alderman's Court is necessary to address the City's needs, and whether creation of the Court is politically feasible. In his opinion, the first two questions could likely be answered in the affirmative, while acknowledging that the third question would not. He further observed that civil filings in Justice of the Peace Court 16 had increased approximately 117 percent between Fiscal Years 2021 and 2025. He clarified, however, that those civil cases were not the focus of the Committee's work and would not become part of the proposed jurisdiction of a Dover Alderman's Court.

Mr. Neil reiterated that the Committee's primary concern involves recurring quality-of-life issues affecting individuals who struggle with addiction, mental illness, and other conditions that impair their ability to care for themselves or comply with the law. He stated that the Committee's objective is to examine whether a municipal court could provide a legal framework that encourages accountability while connecting appropriate individuals with treatment and supportive services. He emphasized that the Committee's intent is not to create a court for the purpose of generating municipal revenue or replacing the existing responsibilities of the Justice of the Peace Court. Rather, he stated that revenue associated with traffic violations and other municipal offenses would simply help support court operations while allowing the City to focus on addressing behaviors that negatively affect neighborhoods, businesses, and the community.

Responding to Chairman Anderson, Ms. Conover clarified how traffic and criminal matters are treated under Delaware law. Ms. Conover explained that individuals who receive Probation Before Judgment for a traffic offense continue to have the underlying citation reflected in court records; however, the disposition is not considered a conviction and is not reported to the Delaware Division of Motor Vehicles as a conviction. She noted that while the record remains available for judicial review when determining eligibility for future probation before judgment, it does not carry the same legal consequences as a conviction. With respect to criminal matters, Ms. Conover explained that eligibility for probation before judgment is determined by reviewing the defendant's criminal history.

Using University of Delaware student violations as an example, she stated that an individual who previously received probation before judgment for a qualifying criminal offense within the preceding five years would generally be ineligible to receive the benefit again during that period.

Ms. Conover further explained that criminal offenses resolved through Probation Before Judgment may later be eligible for expungement upon successful completion of probation, provided the individual otherwise qualifies under Delaware law. In contrast, she advised that traffic offenses are not eligible for expungement, and certain civil violations likewise remain part of the court record. She emphasized that Probation Before Judgment is not a conviction, but that the underlying court record remains available. She also noted that the University of Delaware receives copies of the Court's docket involving student cases and independently determines whether any disciplinary action is warranted under University policies.

Responding to Ms. Smack, Chairman Anderson acknowledged the concern and stated that security, prisoner transport, and facility design would be addressed during future discussions as the Committee considered operational requirements associated with establishing an Alderman's Court.

Responding to Mr. Witham, Ms. Conover stated that the Court routinely considers motions filed by attorneys in appropriate criminal cases, including motions involving DUI prosecutions and evidentiary issues. She explained that attorneys regularly file pretrial motions and that those matters are resolved as part of the Court's normal criminal case process.

Responding to Mr. Witham, Ms. Conover explained that, unlike many Justice of the Peace Court cases, matters heard by Alderman's Court 40 generally remain within the Court unless specific statutory requirements for appeal are met. She advised that appeals are limited primarily to cases in which the base fine exceeds \$100, exclusive of court costs and statutory assessments. She further explained that individuals appealing an eligible case must file the appropriate appeal with the Court of Common Pleas and pay the required filing fee. According to Ms. Conover, relatively few cases are appealed, with most criminal and traffic matters being fully resolved in Alderman's Court. Ms. Conover also discussed appeals involving DUI Court. She explained that defendants eligible for the Court of Common Pleas DUI Court program may, following the appropriate evaluation and acceptance into the program, complete the required appeal process so that the matter may proceed within the specialty court. She noted that these cases occur infrequently and involve coordination among the Court, the Attorney General's Office, and the Court of Common Pleas.

Responding to Mr. Witham, Ms. Conover stated that the Court does possess sentencing authority within the limits established by Delaware law. She explained that the Court may impose terms of probation, sentence individuals to periods of incarceration when authorized, and supervise violations of probation through coordination with the Delaware Department of Correction. Ms. Conover stated that defendants may receive suspended periods of Level V incarceration followed by probation, depending upon the circumstances of the offense and the applicable sentencing provisions. She noted that the Court also hears violations of probation and enforces the conditions imposed as part of those sentences.

Ms. Conover also stated that Alderman's Court 40 hears appeals involving municipal code enforcement citations, including violations of high grass, property maintenance, and parking-related offenses. Ms. Conover stated that the City of Newark recently amended its procedures so that only the property owner or landlord may appeal municipal code citations issued against rental properties. She explained that tenants are no longer permitted to file appeals on their own behalf. While this change has reduced the number of appeals filed by tenants, she noted that it has also

created situations in which tenants correct violations within the required timeframe but remain responsible for fees assessed by their landlords because no appeal is pursued. She also mentioned the City's recently adopted chronic nuisance property ordinance, which authorizes substantial fines for property owners who repeatedly fail to address ongoing code violations. According to Ms. Conover, those matters are likewise adjudicated through Alderman's Court 40.

Responding to Mr. Witham, Ms. Conover advised that additional legal issues would likely arise should the City of Dover pursue the establishment of an Alderman's Court. She observed that questions concerning the applicability of State statutes versus municipal ordinances, charging authority, and court jurisdiction would require guidance from the City's legal counsel. She offered to assist the Committee in the future and indicated that Newark's City Solicitor could also serve as a resource regarding legal and operational considerations.

Responding to Chairman Anderson, Ms. Conover also recalled that, more than a decade earlier, the City of Newark had successfully opposed efforts to eliminate its Alderman's Court and transfer its jurisdiction to the State court system. She stated that the experience demonstrated both the value of maintaining a local court and the importance of clearly establishing its purpose and benefits. Ms. Conover stated that Newark's close working relationship with the Police Department contributes significantly to the Court's effectiveness. Police officers can swear out warrants, address payment plans, participate in video proceedings for incarcerated defendants, and resolve numerous administrative matters without requiring a formal court appearance. She stated that, although Newark is a relatively small municipality, Alderman's Court 40 maintains a substantial workload and believes a Dover Alderman's Court would likely experience similar demands.

Responding to Mr. Rocha, Ms. Conover explained that Alderman's Court 40 utilizes holding facilities located within the adjoining Newark Police Department when necessary. She stated that defendants sentenced to incarceration are generally escorted by police personnel to the holding area pending transport and that use of the secured sally port is relatively infrequent. Ms. Conover advised that she has served as Clerk of Alderman's Court 40 for approximately ten years following a twenty-eight-year career as a probation officer. She credited the Court's success to the strong working relationships among court staff, the City administration, the Police Department, and the judiciary.

DISCUSSION

Chairman Anderson invited Committee members to discuss what additional information they would like to receive as the Committee continues evaluating the feasibility of establishing an Alderman's Court for the City of Dover.

Committee members expressed interest in hearing from representatives of additional Alderman's Courts throughout Delaware to compare operational practices and organizational structures. Although Alderman's Court 40 in Newark provided a valuable model, members agreed that presentations from other municipal courts could provide additional perspectives regarding court administration, jurisdiction, staffing, and best practices.

Chairman Anderson stated that future meeting agendas would be developed based upon the interests and recommendations of the Committee. He emphasized that, while he would initially

Mr. Neil then discussed concerns that had been expressed by members of the public regarding the possible transfer of existing municipal appeal functions to a newly established court. He stated that, in his opinion, the Committee should focus on addressing the City's current needs rather than simply replicating existing processes or restructuring boards that are functioning effectively.

Mr. Neil reiterated that the Committee's primary objective is to identify lawful tools that would enable the City to more effectively address recurring quality-of-life issues affecting neighborhoods, businesses, and residents. He stated that many individuals' experiencing addiction, mental illness, or chronic behavioral issues repeatedly encounter law enforcement but often return to the community without meaningful intervention. He explained that the Committee is examining whether an Alderman's Court could provide an appropriate legal framework that promotes accountability while encouraging treatment, rehabilitation, and supportive services when appropriate. He emphasized that the proposal is intended to improve public safety and neighborhood quality of life rather than focus solely on traffic enforcement or revenue generation.

Mr. Neil further observed that traffic citations and related court costs would likely provide an important source of funding to support court operations. He stated, however, that the Committee's overall mission remains centered on addressing community concerns and improving the City's ability to respond to persistent quality-of-life issues in a fair and balanced manner.

Committee members also discussed whether additional municipal code provisions, including certain trespassing violations, could potentially fall within the jurisdiction of an Alderman's Court. Members acknowledged that questions regarding jurisdiction, municipal ordinances, and enforcement authority would require further legal review as the Committee's work progresses.

Dr. Halpern stated that he intended to approach the Committee's work with an open mind. He expressed support for continuing to examine how other Alderman's Courts operate while identifying the City's desired outcomes before determining whether a municipal court would be an appropriate solution. He emphasized that the City cannot continue relying solely on its current approach to addressing recurring community issues. He suggested that establishing common goals at the outset of the Committee's work would help members evaluate whether an Alderman's Court could effectively meet those objectives while addressing the concerns raised by both supporters and opponents of the proposal.

Chairman Anderson discussed the potential for future enabling legislation to authorize referrals to existing specialty court programs, including Veterans Treatment Court, Drug Court, and DUI Court, when appropriate. Committee members observed that connecting eligible individuals with specialty court programs could further the Committee's objective of addressing the underlying causes of recurring criminal behavior while promoting rehabilitation and accountability.

Mr. Witham shared observations based upon his experience in the Delaware court system and discussed the historical development of specialty courts. He noted that Delaware has expanded treatment-oriented court programs over time in recognition that many offenders benefit from

services addressing addiction, mental health concerns, and other underlying issues rather than traditional punitive measures alone. He also briefly discussed his military service and professional background before returning to the Committee's work.

Dr. Hoff stated his perspective regarding the Committee's ongoing evaluation of an Alderman's Court. He stated that his research indicates municipal courts have historically served a legitimate governmental purpose and noted that neighboring jurisdictions, including municipalities in Delaware and Pennsylvania, continue to utilize various forms of local courts. In his opinion; additional clarification is needed regarding the necessity for establishing an Alderman's Court in Dover. While acknowledging the significant increase in the caseload of Justice of the Peace Court 16, he observed that the Committee has also discussed using a municipal court to address quality-of-life issues, behavioral health concerns, and specialty court referrals. He suggested that clearly defining the Court's intended purpose would strengthen the Committee's future recommendations. He further stated that political feasibility remains an important consideration.

He recommended examining municipalities that have both retained and eliminated Alderman's Courts to better understand the advantages, challenges, and long-term operational impacts associated with those decisions. He also suggested that the Committee consider alternative approaches that may address similar community concerns while continuing to evaluate whether establishing an Alderman's Court represents the most effective solution. Dr. Hoff observed that any proposal should ultimately demonstrate measurable benefits to City residents and improve overall quality of life.

Mr. Witham discussed the increasing workload experienced by Justice of the Peace Court 16. He noted that recent legislative changes and increasing caseloads have placed additional demands upon the State court system and observed that discussions with representatives of the Justice of the Peace Court could provide valuable information regarding future Committee deliberations.

PUBLIC COMMENT

William Faust, Jr. 136 Orchard Avenue, expressed concern that afternoon meeting times may limit opportunities for public participation. The speaker encouraged the Committee to consider scheduling future meetings at times that would allow additional residents to attend and provide comments. He also raised concerns regarding parking availability, courthouse security, operational costs, and the financial sustainability of a municipal court. Additional comments focused on the potential costs associated with appeals, the need for adequate holding facilities and security personnel, and the importance of ensuring that any proposed Alderman's Court provides measurable value to City taxpayers.

Bobby Wilson, 32 W. Loockerman, encouraged the Committee to begin planning promptly, emphasizing that delays would only postpone efforts to address ongoing quality-of-life issues within the community.

Chairman Anderson stated that if the City elected to establish an Alderman's Court, implementation could occur incrementally. Rather than assuming jurisdiction over every eligible case type immediately, the Court could begin with a limited caseload and expand its jurisdiction over time as facilities, staffing, and operational capacity develop. Newark's recent addition of

marijuana-related cases was cited as an example of a phased approach. He acknowledged concerns regarding construction costs, available space, and long-term financial sustainability. It was noted that start-up costs would likely be significant and that revenues generated by the Court could fluctuate over time depending upon changes in case volume and the success of programs intended to reduce repeat offenses.

Ms. Smack, 1001 Whiteoak Rd, discussed whether fines imposed upon individuals experiencing homelessness, substance use disorders, or financial hardship would effectively address the underlying causes of recurring offenses.

Responding to Ms. Smack, Mr. Neil reiterated that the Committee's vision extends beyond the collection of fines. He explained that a municipal court could provide additional sentencing options, including community service, referrals to treatment programs, specialty courts, and other rehabilitative measures designed to encourage accountability while addressing underlying behavioral health issues. He emphasized that anticipated revenues supporting court operations would primarily derive from routine municipal traffic, parking, and similar violations rather than from quality-of-life offenses involving vulnerable individuals. He stated that the Committee's objective is to develop a balanced proposal that prioritizes public safety, rehabilitation, and responsible fiscal planning.

Chairman Anderson stated that the Committee's ongoing discussions are intended to develop a thoughtful and workable proposal before presenting any formal recommendation to the City Council. He expressed appreciation for the diverse viewpoints offered throughout the Committee's meetings and emphasized the importance of continued public participation as the process moves forward.

ADJOURNMENT

Chairman Anderson thanked Committee members, presenters, and members of the public for their participation.

The meeting adjourned at 5:03 p.m.

David Anderson
Chairman

AB/RM