

From the office of

David L. Tackett

Not long after taking office, I started to hear about a few homes in our district that had been a problem for the community for a couple years, so I knew I had to work with our Law Department and the police to develop a new Law that would protect our communities from the abuse that was happening so I started to work and soon developed the **Disorderly Premise Ordinance** and considered it a privilege to bring forth this multi-jurisdictional legislation that has proved to be a valuable tool in increasing the quality of life that residents in New Castle County. Below is a press release about the Ordinance and the positive affect its use is having on New Castle County. The Police were soon quoted dubbing the legislation as the single most positive law they have had to work with in years. Today the AG's office has also been able to work more closely in conjunction with the police to quickly address our most urgent need: Quality of Life Issues. If you have questions about this or other legislation you can always call Dave's Council office at 302-395-8371 or email him directly at DLTackett@nccde.org

New Castle County Police Department



March 10, 2014

New Castle County Police

Appreciate Success from

"Disorderly Premise" Investigations

New Castle County Colonel E. M. Setting challenged the officers of the agency to find innovative and lasting means to address "quality of life" complaints reported to the police. He wanted to better address the calls from our citizens reporting loud radios, unruly parties and other similar complaints that disturb the tranquility of our neighborhoods. In an effort to utilize the innovation requested by Colonel Setting, the agency realized the "Disorderly Premise" ordinance provided a means of eliminating these nuisance locations.

The Disorderly Premise ordinance (22.02.006) came to the forefront after it was introduced by New Castle County Councilman David Tackett in 2007 and then amended in 2013 when the ordinance was signed by County Executive Thomas Gordon after the law was updated and strengthened by Councilman Tackett followed by a unanimous vote of support by County Council. The ordinance in short states that if any resident or property owner cause or allow a premise to “disrupt the quiet and good order of adjoining and surrounding properties” that they can face criminal prosecution that will be enforced by the New Castle County Police Department. Fines associated with this ordinance range from \$100 for the first offense up to \$1,000 for subsequent offenses.

An analysis of the Targeted Analytical Policing System (T.A.P.S.) initiative showed double digit decreases in most crime categories in New Castle County in 2013. Further analysis of the T.A.P.S. data discovered that many of the “quality of life” complaints the police received stemmed from specific homes or businesses disrupting a community. Armed with the power of the ordinance, the agency initiated ninety-five “Disorderly Premise” investigations in 2013 which resulted in fifty-one arrests. Furthermore, the data reflected a 1,483% increase in the use of the ordinance from 2012 to 2013. These investigations helped to restore peace to those communities that were impacted by the nuisance property.

Empowered by the ordinance and their training on the use of the ordinance, officers are able to make an on scene arrest when they witness a violation, but it also offers an opportunity to provide a warning to the resident and/or landlord in hopes that future incidents do not occur. It was found that many landlords were unaware of the actions of their tenants.

When violations or potential violations of the ordinance are documented by the police, County Attorney Bernard Pepukayi, Esq. and his staff including County Solicitor Darryl Parson, Esq. send certified letters to the property owner requesting a voluntary meeting with County Law and the Police to discuss the incident and a solution that will prevent future disturbances. During the meeting, officers and County attorneys meet with the property owner regarding the potential for future sanctions. The goal of the meeting is to foster a collaborative effort between New Castle County attorneys, police and the owner toward a solid remediation plan that will end the problem once and for all. If the property owner does not respond to the request for a meeting, they are still held accountable for any future violations that may occur during the next 180 days at the property under investigation.

If a violation occurs during the 180 day period, an arrest warrant is normally created charging the resident. In cases where the premise is a rental property, the landlord is also subject to arrest. After arraignment by a Magistrate Judge, the cases are prosecuted by a County attorney at the Justice of the Peace Magistrate Court 11 in New Castle.

In extreme cases where the resident or property owner continues to violate the ordinance, police and County attorneys then work with the Delaware Attorney General’s office to have the property deemed a criminal nuisance property. The state of Delaware has a “Criminal Nuisance Abatement Act” which allows the Attorney General to bring action to abate a criminal nuisance under this statute and obtain temporary and permanent abatement relief. This will allow the Attorney General’s office to move to “take custody of” of the property. An effective tool that is used as a last resort for individuals refusing to comply with the ruling of the courts and allow the property to continue to be a material annoyance, inconvenience and discomfort to neighboring properties or persons.

New Castle County has conducted an investigation which led to the abatement of a residence located in the unit block of Memorial Drive. Attorney General Biden, Executive Gordon, State Representative Johnson and Councilman Jea Street announced the abatement of the this residence as the owner was arrested six times under the County's Disorderly Premise ordinance and continued to allow his residence to disturb the peace and safety of the Overview Gardens community.

Colonel Setting states, "we have seen great successes by utilizing this ordinance that County Council and Executive Gordon has given us. Instead of solely relying on an arrest to attempt to restore tranquility to a community, we can interact directly with the property owner to provide them the chance to avoid future disturbances while still holding them accountable for what happens at their property. The effectiveness of this ordinance is further enhanced due to our strong partnerships with County Law and the Attorney General's office who remain invaluable partners in the Disorderly Premise process."

He continues by stating "we are no longer remaining on the "911 Treadmill" by failing to suppress or prevent these "quality of life" issues. We are utilizing tools from various sources such as the "Disorderly Premise" ordinance to combat the "quality of life" calls for service and make New Castle County an even safer and more peaceful place for citizens to reside."

