

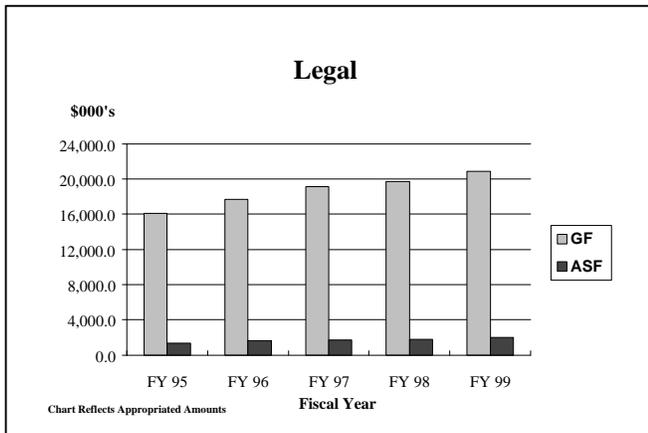
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Legal

Office of Attorney General

Public Defender

Board of Parole



BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	18,667.7	19,783.4	20,890.1
ASF	1,419.8	1,813.8	2,022.4
TOTAL	20,087.5	21,597.2	22,912.5

POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	330.4	342.9	355.7
ASF	31.6	32.6	35.6
NSF	39.1	41.6	34.6
TOTAL	401.1	417.1	425.9

FY 1999 BUDGET HIGHLIGHTS

OPERATING BUDGET:

- ◆ Recommend enhancement of \$120.5 and 3.8 FTEs for positions currently supported by an expiring Violence Against Women Act grant. These positions, two Deputy Attorneys General, two Social Service Specialists and one Case Processor, assist adult female victims of domestic violence and sexual assault and have reduced case processing times and numbers of dismissals and increased the conviction rate for these types of offenses.
- ◆ Recommend enhancement of \$33.3 and 1.0 FTE for an Investigator position supported by an expiring Elder Abuse and Exploitation grant in the Office of

Attorney General. The Investigator works directly with elderly victims of crime to assess impact of crime, coordinate services, evaluate social service needs and provide orientations to court proceedings.

- ◆ Recommend enhancement of \$82.4 and 2.0 FTEs for Deputy Attorney General and Clerk Typist to be assigned to the Misdemeanor Trial Unit to cover additional caseload in the Court of Common Pleas in New Castle County. This additional caseload is the result of the merger of Wilmington's Municipal Court into the state's court system. Recommend one-time funding of \$2.5 in Budget Office's Contingency for computer and office equipment for new positions assigned to Misdemeanor Trial Unit.
- ◆ Recommend inflation adjustment of \$10.2 in Contractual Services to meet increasing operating costs of operating shelters, providing counseling and undertaking crisis intervention for Child Inc. and \$6.3 for People's Place II, both part of the Attorney General's Family Violence Program.
- ◆ Recommend enhancement of \$313.7 and 7.0 FTEs for Domestic Violence and School Case Project positions supported by an expiring Byrne grant. These positions, four Associate Public Defenders, two Paralegals and one Psycho-Forensic Evaluator, are assigned to represent adult and juvenile defendants involved in domestic violence and school cases in Family Court. This project was undertaken as a joint effort with the Office of the Attorney General to improve case processing in Family Court.
- ◆ Recommend enhancement of \$10.0 in contractual services for DNA expert witness fees in the Office of the Public Defender.
- ◆ Recommend one-time funding of \$18.0 in Budget Office Contingency for replacement servers for the Public Defender offices in the Carvel State Office Building and Daniel Herrmann Court House; \$12.0 for upgrading wiring in Public Defender office in Sussex County and the Daniel Herrmann Court House; \$15.0 for personal computers and software; \$5.0 for the installation of On-Time calendaring

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software; and \$12.0 for replacement of laser printers.

- ◆ Recommend base adjustments to include reductions of (\$29.9) and (1.0) vacant FTE in personnel costs, (\$5.5) in contractual services, and (\$.5) in supplies and materials in the Board of Parole. These reductions are made because the current size of the board's staff can no longer be justified given the declining numbers of parole-eligible inmates.

OFFICE OF ATTORNEY GENERAL 15-01-00

MISSION

To prosecute violations of the criminal law; to provide legal services to state agencies, officials and instrumentalities; and to protect the public against fraud and deceptive trade practices.

KEY OBJECTIVES

- Prosecute criminal cases fairly, effectively and efficiently and thereby enhance public safety by means including but not limited to:
 - increasing the number of letters sent advising victims of key court events to 30,000;
 - maintaining an average caseload per prosecutor of 150; and
 - requiring prosecutors and social workers to meet with all victims of sexual offenses within 21 days of intake in order to assess the victims' needs and to develop plans for resolution of the cases.
- Provide improved legal services to state agencies, officials and instrumentalities by means including, but not limited to:
 - continued input from, and communication with, client agencies by means of use of a Client Satisfaction Survey and scoring 90 percent or better; and
 - issuing Attorney General Opinions within 25 days from the opinion request date.
- Maximize the protection of Delaware consumers from fraud and deceptive trade practices by means including, but not limited to:
 - making a prosecutorial determination within six months after a complaint is filed for 80 percent of cases; and
 - conducting 130 consumer fraud investigations.
- Enhance the administrative and operational support provided to each division by means including, but not limited to:
 - providing 15 administrative management improvements generating cost savings and/or improvements in management or service delivery; and

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- providing access to 120 legal data bases through the Internet.

BACKGROUND AND ACCOMPLISHMENTS

The Department of Justice provides for the enforcement of Delaware's criminal laws, renders legal services to state agencies, officials and instrumentalities and protects the public against fraud and deceptive trade practices. The department is organized into five divisions: the Administrative; Civil; Criminal; Fraud and Consumer Protection; and Appeals Divisions. All five divisions are directed by the Attorney General who serves as the chief administrator of the department as well as the chief law enforcement officer of the State.

The Administrative Division consists of administrative and technical staffs who provide both operational and administrative support to the department. The Civil Division is responsible for providing legal services to the Governor, the General Assembly and officers, departments, boards, agencies, commissions and instrumentalities of state government. The Criminal Division is responsible for the prosecution of violations of criminal law statewide. The Criminal Division also provides assistance to other law enforcement agencies and maintains a Victims' Assistance Program to provide information, counseling and referral services to victims of crime. The Fraud and Consumer Protection Division is responsible for protecting the citizens of Delaware against consumer, securities, Medicaid, welfare and other instances of fraud and abuse. The Appeals Division represents the state's interests in criminal appellate matters, primarily in the Delaware Supreme Court, the U. S. District Court, the U. S. Court of Appeals and the U. S. Supreme Court.

During the past year, the department, as a whole, has made significant progress in achieving its goal of providing the highest quality legal services to the State in the most efficient and cost-effective manner. A consistent and emphatic effort has been launched to utilize the department's resources as economically as possible. Each of the Division Directors has been charged with the responsibility for ensuring that his division's resources are being utilized in a manner that will maximize efficiencies and minimize costs. Specifically, the directors are constantly reviewing their organizational structures, personnel, resources and work responsibilities to prevent duplicative, wasteful or non-productive efforts. The decision to use paraprofessionals in lieu of deputies to handle many tasks has had a significant, positive impact. Similarly,

support staff have assumed many functions previously handled by paralegals. In this way the department is attempting to maximize its productivity in the face of a growing workload.

ADMINISTRATIVE DIVISION

MISSION

To provide administrative and operational support to all divisions of the department in order to permit them to perform their duties as efficiently and effectively as possible; to provide counseling, information and assistance in immigration and naturalization matters; and to perform extraditions and process gun permits through the state detectives assigned to the division.

BACKGROUND AND ACCOMPLISHMENTS

The Administrative Division consists of administrative and technical staff who provides both operational and administrative support for the Attorney General's Office. This division is responsible for fiscal administration, planning and budgeting, personnel management, information resource management and analysis, policy development, grant management, facilities management, records management, library services, provisions of immigration and naturalization services and undertaking extraditions and processing gun permits through the division's state detectives.

In Fiscal Year 1997, a number of administrative and management improvements were implemented. Most notable was the creation of an employee recognition program for Department of Justice employees. The division also established an in-house computer training facility. It will be used to train the staff in the use of in-house legal software applications thereby improving service delivery and generating cost savings. In addition, receipt of \$2,000 in Blue Collar funding allowed 15 support staff to receive 225 hours of career development training. Another significant achievement included the development of an internal accounting control manual that documents policies and procedures relating to processing transactions in a manner consistent with state laws, rules, regulations and procedures.

CIVIL DIVISION

MISSION

The mission of the Civil Division is to provide quality, cost effective legal services to state government.

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BACKGROUND AND ACCOMPLISHMENTS

Government Services

During the past year, the Civil Division has continued to improve the level and quality of legal services provided to state agencies. A significant developing trend in the provision of legal services to government is both the increases in the number of administrative proceedings as well as in the percentage of cases in which private parties are represented by counsel at the proceedings. Through the Division of Professional Regulation, the Civil Division has provided counsel to the professional and occupational licensing boards as well as prosecutorial services in 92 administrative hearings during the past fiscal year. Other boards' and commissions' administrative functions account for well over 1,500 hearings and opinions annually.

The Attorney General has authored 51 opinions since January 1, 1996, including 36 Freedom of Information opinions relating to the manner in which government bodies conduct public business. One of the most significant accomplishments of the division this past year was the publication of the Attorney General's Freedom of Information Act Policy Manual. The Manual will serve two major functions: first, it will provide a guide for consistency and predictability in interpreting the Act; and, second, it will provide a single reference guide to state and local governments and the general public when questions arise related to government obligation to provide public access to documents and meetings.

Major Litigation

The Major Litigation Group provides litigation services to all state officers and agencies. The group includes the following sections:

Correction Section: The Correction Section has a pending caseload of more than 150 cases in state and federal courts. During the past year, it has successfully defended every case that has reached disposition. In addition, the section drafted legislation, which was enacted into law, which is designed to reduce the quantity of frivolous prisoner litigation.

Environmental Section: The Environmental Section has more than 230 pending matters. Highlights of last year's efforts include: a \$175,000 settlement award to the State from Star Enterprises relating to the release of pollutants; a \$10.75 million dollar settlement to the State from the Salem Nuclear Power Plant to restore wetlands as compensation for thermal pollution; and recovery of \$116,000 in costs and removal of the

freighter M.V.B. Onal from the Port of Wilmington after a slow burning cargo fire was discovered onboard.

Major Litigation Section: This section has continued its outstanding record of protecting the State of Delaware and its employees. There were two significant trials this past year in which jury verdicts in favor of the State were obtained.

Departments and Agencies

During the past year, this group provided substantial assistance in several significant matters. First, it defended and resolved a suit brought by the former Medical Examiner against several state officials and agencies. Second, the group also monitored the proposed merger of Delaware and New Jersey Blue Cross companies.

This group also commenced work as counsel for DEDO and provided assistance to the agency in negotiating an Industrial Development Revenue Bond in the amount of \$365,000,000, the largest since 1985; and it provided significant litigation assistance to the Department of Education in successfully contesting cases involving special education and private educational placement.

Family Services

The Family Services Group provides legal and trial services to the Bureau of Child Support Enforcement. A rough extrapolation of existing data shows that the group processed 14,500 cases last year. It assisted DCSE in collecting \$52.9 million dollars in Title IV-D claims with an active caseload of 44,535 cases.

CRIMINAL DIVISION

MISSION

To prosecute violations of criminal law state-wide so that the ends of justice are best served; to provide counseling, referral, notification and information services to victims and witnesses of crime; and to provide legal assistance to other law enforcement agencies.

BACKGROUND AND ACCOMPLISHMENTS

The Criminal Division is responsible for prosecuting criminal cases in the Superior Court, the Court of Common Pleas, the Family Court and to a lesser extent, the Municipal and Justice of the Peace Courts. To help fulfill this responsibility, the Criminal Division is organized into nine units: the Victim Services Unit; the Felony Screening Unit; a Trial Unit in each of the three

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county offices; the Domestic Violence Unit; the Rape Response Unit; the Misdemeanor Trial Unit; and the Family Court Unit. The division is managed by the State Prosecutor who is appointed by the Attorney General and reports to her through the Chief Deputy Attorney General.

Victim Services Unit

During Fiscal Year 1997, 29,577 victim notification letters were sent to victims whose cases were heard in the Justice of the Peace Court, the Court of Common Pleas or Superior Court. The letters inform victims of case events and provide case status updates. Telephone inquiries generated by the notification letters and also generated by a Family Court restitution form totaled 9,630 for Fiscal Year 1997.

In an effort to expand services to crime victims, two social workers were added during Fiscal Year 1997 to the existing staff of 12 social workers. During the months of January through June 1997, the social worker hired through a Violence Against Women Act federal grant assisted 527 victims. The second social worker was added in January, 1997, through a Victim of Crime Act federal grant to assist elderly victims of crime in Kent and Sussex counties and to assist juvenile victims of crime in Kent County. During the months of January through June 1997, the social worker provided services to 76 elderly victims of crime and 161 juvenile victims.

In an attempt to increase victim contact prior to trial in Family Court domestic violence cases, a new, automated victim notification letter and informational brochure are being developed. It is expected that the program will become operational during Fiscal Year 1998.

Felony Screening Unit

During Fiscal Year 1997, the Felony Screening Unit intaked 3,006 felony cases. The resources allocated to felony intake currently include three full-time and two part-time paralegals. Accordingly, each paralegal completed approximately 750 felony intakes a year.

The Felony Screening Unit has worked with other agencies to improve the processing of criminal cases. Over 10,000 criminal cases were processed last fiscal year.

The unit has assisted in the training of police officers, most notably through participation in the New Castle County Police Academy.

Trial Unit

Despite the backlog in the Superior Court's criminal docket, the Trial Unit has continued to meet its goal of resolving its cases efficiently and justly. The continued application of an aggressive plea and trial policy, with an emphasis on trial dispositions, should increase the number of cases resolved by trial in the next fiscal year.

The Superior Court has embarked on an aggressive Case Management procedure whereby 180 cases per week minimum will be scheduled in both morning and afternoon sessions. The goal of the Court is to dispose of 350-400 cases per six-week cycle. In addition, the Court's goal is to have judges available for a minimum of six trials per week. All cases scheduled for trial after the final case reviews are designated as mandatory trials. Once the Court sets a trial date, the State is required to contact all victims and witnesses within two weeks to ensure their availability for the mandatory trial date.

The Criminal Division's Superior Court Fast Track Program, wherein cases involving offenses committed by probationers are resolved together with the resulting probation violation charges, has increased the total number of cases disposed of by 100 percent. This is due in large part to the Attorney General's office computer data bank master file program that permits the office to identify defendants on active probation. (The procedure of identifying and targeting cases from the Grand Jury list was a significant factor in doubling the number of cases resolved via the Fast Track Program.)

Domestic Violence Unit

The unit assisted in the preparation and enactment of legislation creating a minimum sentence of 15 days for persons who repeatedly violate PFAs or injure a person during such a violation. At the invitation of the Governor's Office, the unit reviewed the proposed legislation regarding the redesign of the Division of Family Services' child abuse response and had significant input into that legislation. The unit participated with representatives of other law enforcement agencies in the revision of the domestic violence police report.

The unit is currently involved with other state and federal agencies in establishing guidelines for police in cases involving violations of new federal weapons laws.

The unit has filed indictments or informations in, and/or prosecuted, over 6,000 domestic violence cases in New Castle County in the past year. Kent and Sussex

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counties handled more than 2,000 misdemeanor cases during the past year.

Rape Unit

The Rape Unit has assisted in the development of the Child Advocacy Center of Delaware, Inc. (CAC), which is now fully operational. The CAC enables the unit to better serve juvenile victims of sexual assault by allowing them to be interviewed by a forensic professional in a child friendly environment.

During the past year, the sex offender and community notification statutes have been implemented. The unit has been responsible for the development of policies and procedures involving the implementation of these statutes statewide. It has worked with various police agencies and DELJIS to attempt to address some of the varied and complex issues involved with implementation.

The unit, by statute, has been assigned the additional burden of completing a Risk Assessment Scale (RAS) for each sex offender. Since April 1997, the unit has completed 92 RAS in New Castle County alone.

The unit has significantly increased its efforts regarding sex offender registration and notification in both Family Court and the Court of Common Pleas and has developed a method for identifying all cases triggering the registration and notification laws in those courts.

Misdemeanor Trial Unit

During Fiscal Year 1997, the Misdemeanor Trial Unit continued its efforts to provide uniform and coordinated standards of prosecution in the various courts that deal with misdemeanors. The unit has accommodated the jurisdictional changes which gave the Court of Common Pleas the ability to conduct jury trials, averaging five jury trials per month.

During this past year, the unit has handled more than 33,000 charges (involving 18,485 defendants) in the Court of Common Pleas. This represents an increase of 13.4 percent in the number of defendants over Fiscal Year 1996. The unit has also handled 1,606 DUIs and has transferred 42 DUIs to Superior Court for felony prosecution. Additionally, the unit has prosecuted 700 DUIs in Justice of the Peace Court #14 and 330 truancy cases. The unit has been instrumental in training teachers as to the proper procedures and evidence needed to prosecute successfully these truancy cases.

During Fiscal Year 1997, the Misdemeanor Trial Unit started to handle all traffic fatalities in which only traffic offenses (no criminal charges) were brought. The unit handles each case from intake, involves a social worker to provide contact with the victim's family and takes the case through to completion by way of plea or trial. Approximately, ten such cases have come through the unit and all have resulted in pleas to the original charge(s).

Family Court Unit

During Fiscal Year 1997, the Family Court Unit accomplished the following:

- Assisted in the initiation of Attorney General Case Tracking in Kent and Sussex Family Courts involving juvenile felonies;
- Initiated and assisted in the planning of a comprehensive restitution plan for all Delaware courts through a Restitution Summit scheduled to take place in Winter 1997-1998;
- Assisted in the expansion of the Juvenile Drug Court from a portion of the City of Wilmington to all of New Castle County;
- Assisted in the creation and implementation of the Juvenile Community Court to begin October 1997; and
- Reduced delays in prosecuting juvenile cases through improvements, including:
 - Automated discovery in juvenile felony cases;
 - Elimination of second case reviews;
 - Elimination of delays caused by transfer of paperwork (usually warrants) between Family Court and Department of Justice;
 - Preparation of quarterly juvenile Superior Court calendars to expedite juvenile transfer cases.

Drug Unit

The past year has witnessed the expansion of the Superior Court Drug Program to Kent and Sussex counties. Fiscal Year 1996 involved the initial implementation of the program that was expanded this past year to provide downstate drug court calendars and drug counseling services in Kent and Sussex counties. Deputies have been designated to coordinate the respective programs in Dover and Georgetown.

Drug asset forfeiture activities were substantially expanded both with respect to increased seizures as well

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as contested forfeiture hearings. Approximately 130 hearings were scheduled in Superior Court in New Castle County.

The Drug Unit assisted the New Castle County Police and the Delaware State Police in transferring seized assets into working capital. Hundreds of thousands of dollars were reclaimed from crowded inventories. The unit has begun a similar program with the Wilmington Police Department involving an estimated \$400,000.

The Drug Unit continued a training program for state, county and local police agencies regarding drug investigations and prosecutions; and initiated a program to disseminate recent Delaware court decisions to drug officers to enhance street performance.

The unit's working relationship with the Medical Examiner's Office has continued to improve. The computerized production of toxicology reports has been fully implemented and the delay in the availability of reports has been further reduced. Over the past three years, the time required for report production has decreased by almost two thirds.

FRAUD AND CONSUMER PROTECTION DIVISION

MISSION

Protect the citizens of Delaware against consumer fraud and deceptive trade practices; prevent fraud in government welfare and Medicaid programs; educate consumers and investors regarding consumer protection and securities regulations; and conduct special investigations into police and other official misconduct.

BACKGROUND AND ACCOMPLISHMENTS

The Consumer Protection Unit (CPU) handles a high volume of calls, letters and visits from the public with questions and complaints regarding landlord/tenant and general consumer matters. In the last fiscal year, the CPU fielded an average of 600 calls a week, of which approximately one-third were referred to other agencies. The remaining 400 callers per week (approximately 20,000 annually) were assisted by the unit's intake staff. The CPU received a total of 1,287 letters from the public last year. Of these, 42 percent were referred to other agencies, in particular, the Bank Commissioner's Office; and the remaining 751 letters were answered by the staff. The CPU conducted extensive public education efforts last year. It assisted in the preparation of the summary of the new Landlord-Tenant Code (enacted in July 1996); and printed and distributed over

1,500 copies to tenants and landlords. The CPU also conducted statewide public workshops on the new law, which were attended by over 100 landlords. Additionally, the CPU provided three public workshops on the new Auto Repair Fraud Prevention Act attended by approximately 200 auto mechanics. Finally, in conjunction with the Delaware Bankers Association, the CPU prepared the handbook "Hang up on Fraud" and presented related training on telemarketing fraud prevention to banking personnel.

During 1996, responsibility for all consumer protection and certain "white collar" criminal investigations and actions was consolidated under a new Litigation and Enforcement Unit. This newly formed unit incorporated all of the investigation and enforcement duties of the former Consumer Protection Unit. During the last year, operating in tandem with the newly reconstituted Consumer Protection Unit, enforcement investigators opened or continued over 30 enforcement investigations. Two resulted in major civil fraud enforcement lawsuits, four led to criminal indictment and six were resolved by cease and desist consent orders. The remainder of the matters is still under investigation, pending settlement or approaching filing in the appropriate courts.

The Litigation and Enforcement Unit's primary targets included "bait and switch" and false advertising by new car dealers and retailers, consumer fraud and deceptive trade practices in health care, violations by pervasively fraudulent business enterprises, consumer and criminal fraud by used car dealers, criminal and consumer fraud by construction contractors and new home developers and consumer fraud by direct mail solicitors.

The Securities Division saw a number of changes in Fiscal Year 1997. As a result of revisions to federal law, the Delaware Securities Act was largely revamped to reflect the Securities Division's new duties and responsibilities. The Securities Division is now exclusively responsible for the registration and regulation of Delaware investment advisers with assets under management of less than \$25 million. Other changes to the Securities Act include increased fees for Fiscal Year 1998 and beyond and simplified filing requirements for mutual funds and other nationally traded securities. The Securities Division's revenues increased five percent in Fiscal Year 1997 to \$6,222,886. This revenue was derived from registrations and notice filings of 1,535 mutual funds, 4,460 securities other than mutual funds, 55,347 broker-dealer agents, 1,501 broker-dealer firms, 5,336 investment adviser representatives and 636 investment adviser firms.

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The Medicaid Fraud Control Unit has responded to the increased government emphasis on prosecution of health care fraud nationwide. This activity has resulted in multiple criminal felony convictions of an ambulance service provider and its billing agent. The loss to the government was in excess of \$1 million. Joint investigations with other states and the U. S. Department of Justice resulted in recoveries to Delaware in excess of \$100,000 from a number of national laboratory service providers. An independent state investigation of a hospital provider resulted in the recovery of \$1.2 million in overpayments, damages, penalties and costs of investigation.

During Fiscal Year 1997, the Elder Abuse and Exploitation Project handled 132 referrals of abuse, neglect, exploitation and other crimes involving elderly victims. Nineteen of the cases led to arrests and convictions. The bulk of the convictions was for economic crimes and resulted in court ordered restitution totaling \$161,000.

A Welfare Fraud Unit exists in the Department of Justice to work closely with investigators from the state Department of Health and Social Services, to detect, investigate and prosecute fraud in these government programs. This effort continues to be successful. In Fiscal Year 1997, 349 cases were referred to the office, bringing the total number of active cases to 585. Most of the cases continue to be handled administratively, saving the criminal justice system time and cost. The Welfare Fraud Unit recovered \$806,542 in restitution by the courts as a result of these efforts.

APPEALS DIVISION

MISSION

To represent the State in criminal appeals in the Delaware Supreme Court and in federal habeas corpus litigation.

BACKGROUND AND ACCOMPLISHMENTS

The division represents the State in criminal appeals in the Delaware Supreme Court and the U. S. Supreme Court and in all federal habeas corpus litigation. The division also conducts all post-trial litigation (appeals, state post-conviction, federal habeas, commutation proceedings) in death penalty cases. Attorneys in the division also provide guidance and assistance to prosecutors in the Criminal Division. In addition, the

division supervises extradition proceedings and conducts any litigation related to extradition.

The division's most significant accomplishment has been its continued success in representing the State in state appellate and federal habeas proceedings. During the last fiscal year, a result favorable to the State was obtained in over 90 percent of criminal appeals decided by the Delaware Supreme Court and in all federal habeas corpus cases decided by the U. S. District Court or the Court of Appeals.

In Fiscal Year 1997, attorneys in the division represented the State in 227 criminal appeals in the Delaware Supreme Court; and appeared before the Court at oral argument in 20 cases. The division also responded to 42 federal habeas petitions. During the year, the division was involved in post-trial litigation in ten death penalty cases.

BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	12,712.7	13,440.9	14,119.2
ASF	1,419.7	1,813.8	2,022.4
TOTAL	14,132.4	15,254.7	16,141.6

POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	223.4	235.9	242.7
ASF	31.6	32.6	35.6
NSF	32.1	34.6	27.6
TOTAL	287.1	303.1	305.9

OFFICE OF ATTORNEY GENERAL

15-01-01

ACTIVITIES

- Prosecute violations of Delaware criminal law.
- Provide legal services to state agencies, officials and instrumentalities.
- Protect the public against consumer and government fraud.
- Disseminate information to victims, witnesses and police officers.
- Counsel and advise victims of domestic violence and sexual assault.
- Undertake asset forfeitures.
- Extradite prisoners and process gun permits.
- Investigate allegations of police and other official misconduct.

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- Develop legislative initiatives pertaining to criminal and civil justice matters.
- Administer the budgeting, payroll, clerical, technological and personnel components of the department.
- Intake, screen and refer consumer complaints.
- Provide training to staff, outside agencies and the public.
- Counsel and advise clients regarding immigration and naturalization matters.
- Draft legal opinions and reports.
- Regulate the securities industry within the State.

PERFORMANCE MEASURES

	FY 1997 Actual	FY 1998 Budget	FY 1999 Gov. Rec.
Average caseload per prosecutor (Superior Court - Criminal)	120	130	150
Average time from arrest to indictment	35 days	30 days	30 days
# consumer complaints intaked/referred	24,000	25,400	26,000
# victims notified	29,577	22,500	30,000
# domestic violence victims counseled	1,000	1,100	1,200
% increase domestic violence victims contacted prior to trial	N/A	95	95
% satisfied clients as measured by Client Satisfaction Survey (Satisfactory-good)	N/A	80	90
\$ amount of asset forfeitures undertaken	515,579	550,000	600,000
% complaints where a prosecutorial decision was made in six months	75	80	85

PUBLIC DEFENDER 15-02-01

MISSION

Chapter 25, Title 46, Delaware Code creates the Office of the Public Defender to preserve the constitutional rights of indigent defendants to the assistance of counsel in criminal cases at every stage of the adjudication process. Case law has established that the Public Defender, as an officer of the court, has the professional duty to assist the court in every reasonable way in the improvement of justice.

KEY OBJECTIVES

To ensure that the Office of the Public Defender provides effective assistance of counsel to its clients while responsibly using the agency's personnel resources, the Public Defender has identified the following objectives:

- Increase client contact by attorneys in felony cases with at least two face-to-face meetings prior to trial.
- Conduct intake interviews within two days of arrest for incarcerated individuals.
- Make full use of JIC and DELJIS to open client files and make attorney assignments within 24 hours of the intake interview.
- Reduce attorney caseloads to comply with the following national standard, established by the National Advisory Commission:
 - Not more than 150 felonies per attorney per year
 - Not more than 400 misdemeanors per attorney per year
 - Not more than 200 juvenile cases per attorney per year
 - Not more than 25 appeals per attorney per year
- Superior Court Psycho-Forensic Evaluators to produce 60 reports per year.
- Provide attorneys with desk-top access to computer aided legal research to reduce the time necessary to engage in legal research and to thereby increase time available to engage in other activities of legal representation.

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- Better coordinate the day to day delivery of legal services and related support services by the adoption of a more structured table of organization. In the past, the Public Defender with the Chief Deputy carried most of the administrative responsibility in the Public Defender Organization. In recognition of the growth of the agency's caseload over the years and to enhance the overall management of the agency so as to sustain the quality of its legal representation, this plan reorganizes the flow of authority and responsibility.

BACKGROUND AND ACCOMPLISHMENTS

Services:

The Office of the Public Defender is directed by the Public Defender.

The Administrative Services Section currently has nine positions consisting of executive staff and administrative support staff. The executive staff recommends policies and goals for the agency and is responsible for the daily administration of the office that includes assigning cases, drafting programs, personnel supervision and computer automation and training. The administrative support staff is responsible for maintaining office inventory, financial and personnel records, processing financial and personnel transactions and preparing federal and legislative reports.

The Legal Services Section provides competent legal representation to indigents accused of a crime at all phases of criminal proceedings. This includes providing investigative services and legal representation at the pre-trial, trial and post conviction stages of the adjudication process. The legal section consists of 47 staff attorneys, four part-time contractual attorneys, ten Psycho-Forensic Evaluators, 12 Investigators/Social Service Specialists and 27 support personnel.

Legal services are currently provided to the Supreme Court, Superior Court, Court of Common Pleas and Family Court state-wide. The office also provides services in New Castle County to Justice of the Peace Court 18, Wilmington Municipal Court and Newark Alderman's Court. Services are not provided to other Justice of the Peace Courts, however defendants who desire our services are advised to have their cases transferred to the Court of Common Pleas where an Assistant Public Defender will represent them if they qualify.

The Support Services Section consists of Psycho-Forensic Evaluators, Investigators, Intake, Paralegals and secretarial support.

Social Service Specialists assist staff attorneys by conducting initial interviews with defendants to determine indigency based on financial resources and the client's account of events that led to his arrest.

Investigators gather facts about the alleged offense(s) and incorporate these facts into written reports for reference by staff attorneys. It is also the responsibility of the investigators to conduct polygraph examinations, interview witnesses, serve subpoenas and collect, preserve and evaluate evidence and surveillance.

The Psycho-Forensic Evaluators aid staff attorneys in their representation of clients. The unit conducts psychological assessments of defendants upon referral by Assistant Public Defenders. The unit supplies written reports, including information obtained on clients from interviews and tests. These reports help attorneys in making recommendations for bail, pre-trial intervention and sentencing alternatives.

Paralegals assist with case management, legal research and attorney schedule maintenance.

Technological Accomplishments

The Public Defender Case Management System, which was funded in Fiscal Year 1998, is in the development phase. Test screens of the Public Defender database has been developed that will allow the information currently in the Public Defender database to be converted to the new system. Discussions have taken place with OIS regarding accessing the mainframe and a proposal for the hardware and software upgrades will be submitted in the future.

Westlaw is currently available to all attorneys in the Carvel Building and will be available statewide by the end of October 1997.

BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	5,649.5	5,989.5	6,451.4
ASF	--	--	--
TOTAL	5,649.5	5,989.5	6,451.4

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POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	100.0	100.0	107.0
ASF	--	--	--
NSF	7.0	7.0	7.0
TOTAL	107.0	107.0	114.0

ACTIVITIES

Intake services conducts timely indigency screening and preliminary factual investigation interviews for incarcerated and non-incarcerated individuals.

Using JIC and DELJIS, support staff open and close client files, making necessary entries in the systems to reflect pertinent information.

Investigators conduct defense investigations of witnesses and/or crime scenes as requested by the assigned attorney.

Psycho-Forensic Evaluators develop client-specific plans for conditional pre-trial release and alternatives to incarceration; assist in case preparation by providing relevant background information on clients; and develop capital case mitigation evidence for every death penalty case.

Forensic, psychological, medical or psychiatric examinations are conducted by relevant experts, as needed.

To prepare felony cases for trial or appeal, for both incarcerated and non-incarcerated clients, Trial or Appellate Assistant Public Defenders conduct at least two attorney/client interviews per client.

A Public Defender Investigator conducts internal polygraph examinations to verify information and use for negotiation with prosecutors.

Language and hearing impaired interpreters are provided as necessary for interviews and trials.

Assistant Public Defenders in the Appellate Unit handle appeals for indigent clients, including the appeals of clients who originally used a private attorney at trial but are no longer able to retain the private attorney. They also work with trial Assistant Public Defenders to educate them on appellate practices as it relates to trial work.

PERFORMANCE MEASURES

	FY 1997 Actual	FY 1998 Budget	FY 1999 Gov. Rec.
Average # days from arrest to intake interview for incarcerated clients - New Castle County	4.5	4	3
Average # felony cases closed per attorney per yr (Superior Court)	NCC 604 Kent 602 Sussex 713	NCC 634 Kent 632 Sussex 748	NCC 665 Kent 664 Sussex 785
Avg # misdemeanor cases closed per attorney per yr in Municipal Court	851	893	0
Average # misdemeanor cases closed per attorney per yr in Court of Common Pleas	NCC 1436 Kent 1435 Sussex 1656	NCC 1507 Kent 1506 Sussex 1738	NCC 1582 Kent 1581 Sussex 1824
Average # juvenile cases closed per attorney per yr in Family Court	NCC 482 Kent 807 Sussex 472	NCC 506 Kent 847 Sussex 495	NCC 531 Kent 889 Sussex 519
# appeals closed statewide	69	72	76
Average length of time (days) from date of interview to date client file is opened	NCC 5.5 Kent 1.5 Sussex 1.5	NCC 4 Kent 1 Sussex 1	NCC 1 Kent 1 Sussex 1
Psycho-Forensic Evaluator Plans*			
Accepted	64%	64%	64%
Partially accepted	24%	24%	24%
Rejected	12%	12%	12%

* Nationally, these types of plans have an average acceptance rate of 65 percent

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BOARD OF PAROLE 15-03-01

MISSION

To protect the public by conducting informed hearings in order to make careful and equitable parole decisions and credible recommendations to the Courts and Board of Pardons;

To use appropriate Department of Correction and community resources to facilitate the offender's successful transition from confinement to community and family reintegration;

To return promptly to prison those offenders who demonstrate an unwillingness to abide by the law and/or pose a risk to the public.

KEY OBJECTIVES

- **Public Safety:** Select individuals for transition from prison who will succeed as law-abiding citizens and to keep incarcerated until the good-time release date or return to prison those offenders who are a danger to the community.
- **Public/Victims Input:** Encourage views and information for crime victims and their families and from the public and keep victims and the public informed of board decisions.
- **Efficiency:** Hold hearings consistent with statutory requirements within budgetary constraints, utilizing information systems technology to improve processes.
- **Training and Development:** Support training and development opportunities that improve decision-making skills of board members and develop skills for staff that will assist in meeting organizational goals.
- **Public Information:** Inform the public of the Parole Board functions and activities.

BACKGROUND AND ACCOMPLISHMENTS

The Board of Parole is an independent agency in the Executive branch of state government, with the Chairperson serving as agency director. Field supervision is conducted by the Bureau of Community Custody of the Department of Correction.

Under current law, the Board of Parole consists of four members - one from each county plus one from the City of Wilmington and a Chairperson. The Board of Parole is responsible for serving as the state's paroling authority by conducting hearings for making release and revocation decisions and sentence commutation and modification recommendations to the Board of Pardons and the Courts. The board also issues warrants and orders, prepares reports for the Courts and the Board of Pardons, decides supervision level changes and early discharges from supervision.

With the exception of those offenders serving less than one year or sentences specifically excluded from parole consideration by statute, persons committed to the custody of the Department of Correction for crimes committed prior to June 30, 1990, are eligible for release on parole. As of June 30, 1997, 596 offenders were under parole supervision. This represents a decrease of 44 parolees, or seven percent, from Fiscal Year 1996 and a decrease of 151, or 20 percent, from Fiscal Year 1995. However, an unknown number of offenders released from prison upon reaching their good-time release date are subject to return before the board for violation of the conditions of release until the maximum expiration date of their sentence.

Under the Truth-In-Sentencing Act, parole was abolished for all offenses committed June 30, 1990, or thereafter. According to Department of Correction statistics, the number of parole eligible inmates remaining in prison, as of July 3, 1997, is 666. The Board of Parole, however, upon receipt of an application for sentence modification from the Department of Correction which shows "good cause" and certifies that the offender does not pose a substantial risk to the public, shall hold a hearing for the purpose of providing the sentencing judge with a recommendation. During Fiscal Year 1997, the board heard 41 cases for sentence modification.

The numbers of cases heard by the board has been declining (see table).

Under Delaware law, the Board of Parole also serves as a review board for the Board of Pardons, whenever the Board of Pardons seeks advice from the Board of Parole as to the state of rehabilitation of an individual who has applied for commutation. During Fiscal Year 1997, the board reviewed and provided reports to the Board of Pardons in 33 cases. This compares with 40 cases for Fiscal Year 1996 and 28 cases for Fiscal Year 1995.

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Cases Heard by the Board of Parole

	FY 1995	FY 1996	FY 1997
Parole	198	211	171
Parole Eligible	747	640	596
Sentence Modification	50	33	41
Sentence Commutation	28	40	33
Revocation	133	99	85
Returned to Prison	97	64	53
Other	45	33	19

Although Board of Parole statistics indicate that the total number of cases heard has dropped over the past three fiscal years, the board's workload in the areas of victim and public notification activity has increased approximately 40 percent from Fiscal Year 1995 to Fiscal Year 1996 and, again, approximately 40 percent from Fiscal Year 1996 to Fiscal Year 1997. This increase has been the result of more aggressive activity on the part of the board to respond to recent statutory requirements with the respect to notification.

Board of Parole Victim/Public Notification Activity

	FY 1995	FY 1996	FY 1997
Victims Notifications Sent	183	256	341
Victims Responding	80	88	98
Public Notices Issued	N/A	N/A	25

Throughout its deliberations, the board remains focused on making decisions, which provide for the controlled release of those offenders who can be safely reintegrated into the community. Furthermore, the board continues its collaborative efforts with the other components of the criminal justice system with the objective of improving system efficiency and effectiveness in order to ensure safer communities for Delaware's citizens.

Accomplishments

- **Public Safety.** During Fiscal Year 1997, the Chairperson assigned the Parole Investigator to the SENTAC Videophone Committee for the purpose of establishing a protocol for videoconferencing Board of Parole hearings. Videoconferencing will be initiated on a pilot basis during the first quarter of Fiscal Year 1998. Videoconferencing is expected to result in a reduction of public safety concerns associated with inmate transportation. Also, victims will have the opportunity to provide input to the board via videophone at a non-prison site, thus providing victims with a safe environment in which to express their concerns.

During Fiscal Year 1997, the board conducted an annual review and revision of policies, procedures and rules to continually improve the

decision-making process. High-risk offenders seen by the board and denied were targeted and recommended for release to intensive supervision, upon reaching the good-time release date. Risk assessments were completed on 100 percent of cases considered for parole release. Fifty-five warrants were issued for the retaking of a paroled or mandatorily release offender into custody, and 100 percent of the warrants were issued within five days of request.

- **Victims/Public Input.** Pursuant to 11 Delaware Code, §9416 (Victims Bill of Rights), the board, in consideration of victim impact, has the responsibility to inform the victim in writing of:
 - (a) the right of the victim to address the board in writing or in person; and
 - (b) the decision of the board.

Also, pursuant to 11 Delaware Code, §4347, the board is required to notify the victim and to cause at least 30 days notice of scheduled parole hearings for inmates convicted of a felony offense and to notify the victim and to cause at least ten days notice of a decision resulting in parole for the same offender. Throughout Fiscal Year 1997, the board continued to stress the value of victims' input. The board's Victims Input Coordinator, who serves as a liaison between the victims or survivors and the board, meets with victims or survivors and arranges for Victim Input Hearings before the board.

- **Efficiency.** During Fiscal Year 1997, the board established a policy to cover Notification To Victims for the effective enforcement of the relevant statutes. This policy has resulted in improved efficiency of the notification process.

Computer systems enhancements acquired during the past three fiscal years have improved the board's response time for completing various operations tasks. The expansion of the board's statistical data bases, which has been a direct benefit of the computer system's enhancements, has contributed to the board's ability to track its processes and to respond to inquiries from the public and other agencies. The addition of E-mail during Fiscal Year 1996 has increased the board's information sharing capability significantly.

- **Training and Development.** The Chairperson and one board member attended the annual Association of Paroling Authorities, International (APAI) training conference and the Middle Atlantic States Correctional Association (MASCA). One board

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member attended the National Institute of Corrections–sponsored Orientation for Parole Board members.

- **Public Information.** During Fiscal Year 1997, the board developed an Internet Website to improve public access to information on the role and function of the Delaware Board of Parole. Included are Board of Parole Rules and Victims Information. Public information was also provided by the Chairperson in speaker forums and by staff upon request.

BUDGET

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	305.7	353.0	319.5
ASF	--	--	--
TOTAL	305.7	353.0	319.5

POSITIONS

	FY 1997 ACTUAL	FY 1998 BUDGET	FY 1999 GOV. REC.
GF	7.0	7.0	6.0
ASF	--	--	--
NSF	--	--	--
TOTAL	7.0	7.0	6.0

ACTIVITIES

The following activities represent the strategies used by the board to accomplish the objectives:

Public Safety:

- Conduct risk assessments employing risk-related guidelines when considering offenders for release from prison to the community.
- Issue warrants for the arrest and detention of any paroled or mandatory released offender who presents a risk to the public.

Victims/Public Input:

- Notify Department of Correction, Department of Justice, the Office of the Public Defender and the victims of offenders scheduled for hearings.
- Publish notice of scheduled hearings for parole eligible felony offenders and of felony offenders paroled.
- Notify victims of board decision.

Efficiency:

- Monitor budget to ensure board does not exceed 100 percent of the funds allocated.
- Review information tracking systems annually to update as necessary.

- Revise, each quarter as needed, policies, procedures and rules consistent with statutory changes and to maintain and improve agency effectiveness and efficiency.

Training and Development:

- Identify appropriate training and development opportunities for staff and board members.

Public Information:

- Respond to all requests for information on the Board of Parole functions and activities.

PERFORMANCE MEASURES

	FY 1997 Actual	FY 1998 Budget	FY 1999 Gov. Rec.
% parole release cases where risk assessments used	100	100	100
% warrants issued within 5 days of request	100	100	100
% parolees returned to prison during fiscal year	4.9	4.9	4.9
# victims' notifications sent	341	516	408
# post-hearing decisions sent to victims	250	250	250
% public notices submitted for publication at least 30 days prior to hearing and within 10 days of hearing	100	100	100
% operating costs met during current fiscal year	100	100	100
% parole cases scheduled within 30 days of receipt of complete report	100	100	100
# Parole Board members trained	5	5	5
# meetings per month	2.5	2.5	2
# actions processed	1,276	1,276	1,276