

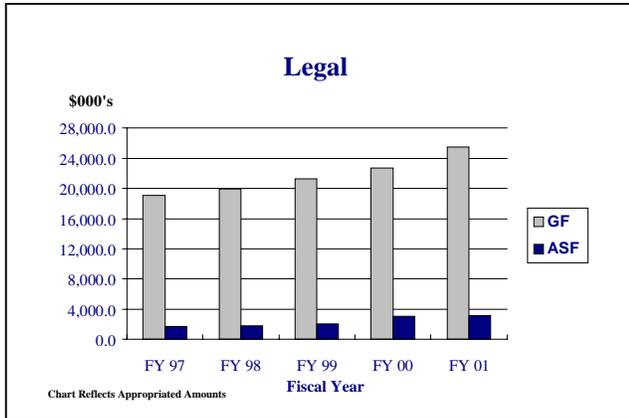
**LEGAL
15-00-00**

Legal

Office of Attorney General

Public Defender

Board of Parole



BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	21,301.7	22,704.4	25,499.5
ASF	2,083.7	3,061.1	3,174.1
TOTAL	23,385.4	25,765.5	28,673.6

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	361.9	375.6	382.7
ASF	35.6	41.9	41.9
NSF	43.6	46.6	44.0
TOTAL	441.1	464.1	468.6

FY 2001 BUDGET HIGHLIGHTS

OPERATING BUDGET:

Attorney General

- ◆ Base adjustments include \$1,002.4 in personnel costs for the new Deputy Attorney General Salary Plan designed to aid the recruitment and retention of Deputy Attorneys General by increasing entry level salaries and establishing new promotional steps within Deputy Attorney General levels. Also included are \$73.2 in personnel costs to annualize 8.7 FTEs for Trial Units in Kent and Sussex counties, the Domestic Violence Unit in New Castle County, Family Court Units in Kent and Sussex

counties, the Civil Division, nutrient management and \$66.1 ASF to annualize 6.0 ASF FTEs for the Civil Division, the Thoroughbred Racing Commission, auto torts cases and forfeitures from drug offense cases.

- ◆ Recommend enhancement of \$203.8 in contractual services and \$32.0 in energy to cover the rental and operating costs of new office space in Kent County. This will enable the Office of the Attorney General to consolidate its current space, now in three separate locations, into one location near the court house. Recommend one-time funding of \$40.0 in the Budget Office's Contingency to wire recommended new office space in Kent County for computers. Also recommend one-time funding of \$40.0 in the Budget Office's Contingency to cover moving costs and the costs of new office furniture and equipment for recommended new office space in Kent County.
- ◆ Recommend enhancement of \$35.0 in personnel costs and 1.0 FTE Social Worker to pick up a position currently funded by an expiring grant that assists elderly and juvenile victims of crime in Kent County. Will also require (1.0) NSF FTE adjustment.
- ◆ Recommend enhancement of \$150.0 in contractual services to pick up a program currently funded by an expiring grant that supports Sara's House. Sara's House is an emergency shelter for battered women and their children in New Castle County, part of the Attorney General's Family Violence Program. Also recommend enhancement of \$56.3 in contractual services to pick up another Family Violence Program item currently funded by an expiring grant, a licensed therapist located in Milford who counsels battered women and children.
- ◆ Recommend structural change transferring (\$36.7) in personnel costs within the Office of the Attorney General IPU (15-01-01) to contractual services \$36.7 to cover the increased costs of telephone services.

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Public Defender

- ◆ Base adjustments include \$80.0 in personnel costs to cover Selective Market Variation increase to Public Defender attorney salaries due to new Deputy Attorney General Salary Plan (the basic Selective Market Variation salaries for Public Defenders and Deputy Attorneys General are the same); \$77.8 in personnel and operating costs to annualize 2.0 FTE Senior Public Defenders and 2.0 FTE Paralegals for Superior Court units in Kent and Sussex counties and 1.0 FTE Associate Public Defender for Court of Common Pleas in Kent County; \$20.8 in personnel costs to annualize Public Defender's salary (now equal that of the Attorney General's salary); and \$18.1 in personnel costs to annualize Chief Deputy Public Defender's salary (now equal to that of the Chief Deputy Attorney General's salary).
- ◆ Recommend enhancement of \$276.4 in personnel costs and 6.0 FTEs to pick up positions currently funded by expiring grant dedicated to the Videophone Project. The Project places Public Defenders at Delaware's major prisons so that the quality of representation and public safety are increased and case disposition time and transportation costs are decreased. Recommend enhancements of \$3.0 in contractual services and \$1.8 in supplies and materials for operating costs for these positions. Will also require (6.0) NSF FTEs adjustment.
- ◆ Recommend enhancement of \$50.0 in contractual services for the rent of new, larger office space. Recommended space would be nearly double the current space.
- ◆ Recommend enhancement of \$15.0 in supplies and materials for a subscription to access WESTLAW by internet, as used by the Office of the Attorney General and the courts, to enhance legal research capabilities. This would replace current reliance on WESTLAW CD-ROM materials.
- ◆ Recommend moving one-time request of \$25.0 for replacement computers to base budget capital outlay as an enhancement for lifecycle replacement of computers.
- ◆ Recommend one-time funding in the Budget Office's Contingency; \$25.0 for replacement computers and related equipment (companion to enhancement of \$25.0 in capital outlay); \$22.5 for

wiring and purchase of telecommunications equipment for recommended new office space in Sussex County; \$5.0 for moving costs for recommended new office space in Sussex County; \$10.0 for network upgrades and rewiring of new and existing facilities; \$4.0 for rewiring Public Defender office in the Multi-Purpose Criminal Justice Facility; and \$18.0 for training of Public Defender information technology staff.

Board of Parole

- ◆ Recommend inflation adjustments of \$1.2 in travel, \$.9 in contractual services and \$.2 in supplies and materials to cover increasing costs of operations.
- ◆ Recommend enhancement of \$1.0 in contractual services for computer training so staff develops an in-house user application expertise on software applications used by the Board.
- ◆ Recommend one-time funding of \$6.0 in the Budget Office's Contingency for computer equipment and software upgrades (including voice recognition software to replace dictation).

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**OFFICE OF ATTORNEY GENERAL
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MISSION

Providing successful prosecution of violations of criminal law; ensuring the quality provision of legal services to state agencies, officials and instrumentalities; and protecting the public against fraud and deceptive trade practices.

CRIMINAL DIVISION

MISSION

To prosecute violations of criminal law statewide 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.

KEY OBJECTIVES

- Strengthening efforts to prosecute instances of domestic violence through an aggressive intake process, equitable caseload distribution, and ensuring that 90 percent of informations are filed in Family Court prior to arraignment.
- Efficiently respond to the overwhelming caseload in the Court of Common Pleas (caseload doubled after merging of the Municipal Court into the Court of Common Pleas) through effective resource use; continue prudent use of the drug diversion program by increasing graduation rates by five percent.
- Aggressively and efficiently prosecute sexual offenders, provide specialized assistance to victims of sexual offenses, and manage the 80 percent increase in Children's Advocacy Center caseload by equitably distributing cases among the paraprofessional and professional staff during Fiscal Year 2001.

CIVIL DIVISION

MISSION

Provide quality, cost effective legal service to state government.

KEY OBJECTIVES

- Manage the administrative caseload through prompt and efficient response to departments of state government, including but not limited to, completing written case decisions within 30 days of the final hearing and providing written legal opinions to departments, agencies and boards within 45 days of request.
- Provide comprehensive legal defense for those involved in tort actions against the state, thereby reducing reliance on external counsel by 50 percent.
- Aggressively enforce child support and child abuse laws through filing of criminal child actions against "deadbeat" parents within 30 days of referral and completing fact witness interviews not less than 10 days prior to a hearing.

**FRAUD AND CONSUMER PROTECTION
DIVISION**

MISSION

To 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.

KEY OBJECTIVES

- Intake consumer and business complaints in a timely and efficient manner, and follow-up with information, assistance, mediation, investigation and/or enforcement within three months of initial complaint.
- Increase public awareness of unit resources and laws through seminars, classroom presentations, and briefings to include, two major statewide events per year and four small programs per month.
- Prosecute those who criminally infringe upon the rights and safety of long term care residents of Delaware nursing homes.
- Provide patient abuse training to state, county, and city law enforcement agencies; and continue providing training for Certified Nursing Assistants in long term care nursing facilities.

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ADMINISTRATIVE DIVISION

MISSION

Providing responsive customer-oriented direct operational support to Department of Justice employees, and facilitating indirect administrative support to the public within the State of Delaware.

KEY OBJECTIVES

- Provide first class facilities for all Department of Justice employees; ensure that major facility adequacy standards are adhered to during Fiscal Year 2001.
- Introduce electronic data processing enhancements in the disciplines of document imaging; migration of the Attorney General Case Tracking System; and increased utility of the Payroll Human Resources Statewide Technology (PHRST) to streamline processes and improve productivity; implement Attorney General Case Tracking during Fiscal Year 2001.
- Provide safe and reliable vehicles in support of law enforcement and investigative activities; ensure a fully mission capable rate of 95 percent.

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 practices. The department is organized into five divisions: Criminal, Civil, Administrative, Fraud and Consumer Protection, and Appeals Divisions. All divisions are directed by the Attorney General who serves as the chief law enforcement officer of the state. The Attorney General supervises and directs the overall administration of the department.

During the past year The Department of Justice continued to provide quality legal services to the State of Delaware in the most efficient and cost-effective manner. Resources have been used economically and effectively; personnel assets are continuing to produce quality products; organizational charting properly reflects the mission and execution of the department mission; the paraprofessional staff is much more involved with daily operations and proactive activities thereby maximizing attorney staff time; and the

administrative staff continues to improve uses of technology which is improving productivity and efficiencies throughout the department.

The Criminal Division is responsible for the prosecution of violations of criminal law throughout the state, provides assistance to law enforcement agencies, and manages a victim assistance program which provides information, counseling, and referral services to victims of crime.

The Civil Division provides legal services to the Governor, the General Assembly, and officers, departments, boards, agencies, commissions, and instrumentalities of state government.

The Administrative Division provides operational and administrative support to the department through personnel, information systems, supply, and financial management. The Fraud and Consumer Protection Division protects the citizens of Delaware against consumer, securities, Medicaid, welfare and other instances of fraud, deceptive practices and abuse.

The Appeals Division represents the State's interests in criminal and 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.

Criminal Division

The Criminal Division met its objective of prosecuting criminal cases fairly and effectively. The addition of six attorneys to the division is helping to offset the continued increase in caseload. The Trial Unit experienced a 13 percent increase in caseload during this fiscal year. The Superior Court Fast Track program, consolidating offenses committed by probationers with associated probation violations, continues to prove very successful through improved efficiencies. Implementation of the Superior Court Case Management Program resulted in a dramatic increase in case resolutions with an associated decrease in rescheduling of trial matters. This initiative has improved the time parameter from indictment to case resolution.

The Victim/Witness Service Unit realized a 15 percent growth in the number of notification letters sent to victims of crime, and handled nearly 15,000 telephone calls related to victim services. The 15 assigned social workers continue to provide expert counseling services, participate actively in the Children's Advocacy Centers, make multiple presentations at forums throughout the

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state educating the public about domestic violence, sexual assault and other victimization, training rape crisis counselors, providing training at police academies, and disseminating information about the Victim's Bill of Rights.

The Drug Unit collected over \$700,000 in forfeitures during the past year, which represents an increase of nine percent over Fiscal Year 1999. The forfeiture backlog has been eliminated in Sussex County, and significantly reduced in Kent and New Castle counties. Title 16 cases continue to be on the increase with each deputy averaging a caseload of 97 cases. The recent addition of two deputies to this unit will alleviate the extensive caseload through a more equitable distribution. The Drug Unit continues to conduct training for police departments, the Delaware State Police, and the New Castle County Police Academy regarding search and seizure issues.

The Rape Response Unit has been extraordinarily busy. The addition of the Children's Advocacy Center in Milford, and an increasing numbers of cases in New Castle County resulted in significant increases in victim services. During the past year, deputies and social workers participated in over 330 multidisciplinary interviews—it is anticipated that the unit will conduct between 500-600 interviews by the close of the calendar year, nearly doubling last year's interviews. Each social worker carried a caseload of approximately 300 victims. In addition, the unit conducted over 500 intake interviews, prosecuted over 60 cases, and implemented Megan's Law along with changes in the law revolving around sexual offenses. The Rape Response Unit also continues to be proactive by making presentations at training seminars, law enforcement training sessions, schools, medical personnel training, and speaking to local special interest groups.

The Felony Screening Unit continued its efforts for timely intake, screening, and processing of criminal cases. Intake volume increased by 11 percent resulting in each paralegal conducting over 800 interviews per year. Over 20 percent of the intakes conducted were domestic violence cases. The merger of Municipal Court with the Court of Common Pleas resulted in a 25 percent increase in the number of days reserved for preliminary hearings (from three to four days per week). This, in turn, has placed additional caseload responsibility upon the paralegals and attorney staff. Felony screening has been instrumental in a streamlined process transferring bail and bail conditions between Superior Court and the Court of Common Pleas. Before

this initiative was introduced, bail and conditions were at risk of being eliminated until Court of Common Pleas information was docketed. Extremely proactive, the unit continues to teach at law enforcement agencies, brief on firearms legislation, and answer multiple calls from police agencies regarding charging decisions.

The Domestic Violence Unit continues to take all measures within the law to protect victims of domestic violence, and their families, from future domestic violence. The Family Court prosecutor has effectively managed approximately 90 trials per week while the Court of Common Pleas prosecutor managed approximately 40 trials (jury and non-jury) per week. A progressively rising Superior Court domestic violence docket and responsibility for participating as members of the multi-disciplinary team chartered to investigate child abuse cases at the Children's Advocacy Centers make for challenging time management issues.

The Family Court Unit continues to have an aggressive caseload, responsible for filing nearly 7,000 cases during this past fiscal year. The unit has taken an aggressive approach to school violence by using a dedicated Deputy Attorney General and an ombudsman to initiate both proactive education and swift response to criminal and/or delinquent activity. Strong internal management and close coordination with the Family Court resulted in a significant improvement to the time parameter from intake to trial; this process is now taking from 45-60 days in direct contrast to four and five months during previous years. Strong involvement in the drug diversion program continues to demonstrate a reduction in the recidivism rate of juveniles.

The White Collar Crime Unit (WCCU) was established in 1999 in response to the increasing numbers of complex financial issues and profound economic losses to victims. Because of the specialized skill required to prosecute these complex cases, ad hoc assignments to other Deputy Attorneys General was no longer a feasible solution. Since inception, there have been 45 cases designated for prosecution by the WCCU. The deputy is currently assisting other agencies in 15 investigations of possible criminal activity, which will, if prosecuted, be assigned to the WCCU. In concert with the Fraud Division, a tentative protocol for investigation and referral of white-collar crime cases has been established.

The Misdemeanor Trial Unit continues to serve as the principal training unit for newly employed deputies in the Criminal Division. Implementation of a Drug Diversion Program within the Court of Common Pleas

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has been extremely successful. Since implementation, 380 defendants have entered the program, 130 graduated, and 25 have been terminated. The merger of the Municipal Court into the Court of Common Pleas has resulted in a doubling of the caseload.

Establishment of the Career Criminal Unit resulted in prosecution of 12 cases resulting in nine felony convictions and two misdemeanor convictions.

The Kent and Sussex County offices continue to see significant increases in caseload. Although additional attorneys and associated support staff have helped to meet the challenges of increasing court dockets, the caseloads in both counties continue rising at exponential rates. In Sussex County, the establishment of a formal drug court has been successful. Additionally, speedy trial compliance has continued to rise, leveling at 83 percent over the past year. The Court of Common Pleas case volume is exploding; i.e., 1400 charges were filed in October 1998, conversely, 2260 charges were filed in March 1999.

Participation in Teen Court, Truancy Court, and the Children's Advocacy Center highlight additional responsibilities allocated to the Kent office. Reorganization of support and attorney staff into two distinct units has helped with span of control and lines of authority easing the process for case management and control. The preceding fiscal year saw a 12 percent increase in prosecutions. Highlighting the many serious cases tried by the county were three convictions in very complex first degree murder cases.

Civil Division

The Civil Division continued to provide quality legal services to government agencies during the past fiscal year. The trend continues in providing increased levels (both complexity and numbers) of legal services to government entities. The major areas of concentration for administrative hearings are in Professional Regulations and Labor and Personnel matters. Through the Division of Professional Regulation, the Civil Division provided counsel to the Title 24 licensing boards as well as the provision of prosecutorial services in administrative hearings. In the capacity of providing counsel to various administrative boards and also as prosecuting attorney, the Civil Division has participated in over 1000 administrative hearings over the past year. The increased involvement of private attorneys at these hearings required more complex legal services to be provided by the division.

The Attorney General authored 18 opinions during the past fiscal year. Each day, the Civil Division responds to numerous requests for verbal and written advice, which do not result in formal opinions being published.

The Civil Division provides litigation services to all state officers and agencies. The Corrections Section has a pending caseload of approximately 100 cases in state and federal court; the Environmental Section has over 200 pending matters. The upcoming year promises to present heightened challenges associated with protection of Delaware's air and water resources. The Clean Air Act and Clean Water Act mandates will force technological pollution control strategies. Resistance in the form of lawsuits has already been encountered and will undoubtedly continue, as industry is further required to modify their policies and procedures. During the past fiscal year, the department received approximately \$30,000 worth of toys and educational materials as a part of proceeds from the multi-state Toys R Us anti-trust case.

The Family Services Group provides legal services to the Bureau of Child Support Enforcement. During this past year, nearly 15,000 cases were processed, over \$63,000,000 was collected in Title IV-D claims, and the group litigated approximately 100 Department of Family Services cases per month. Recent changes to federal and state law resulted in increased complexity of cases; though quantifiable numbers appear level, the complexity increases time, effort, and comprehensiveness on the part of attorneys and support staff.

Administrative Division

The Administrative Division made significant strides to improve departmental support during the past fiscal year. Efforts are underway to improve technology through document imaging and internal case tracking; work has begun to automate personnel programs; i.e., vacation/sick computations, streamlining employment testing for clerical positions; improved supply and equipment accountability processes have been implemented; and fiduciary responsibility is becoming a shared process among the department. Strong emphasis has been placed on facilities and security of employees within those facilities; addressing the growth in Kent and Sussex counties has been a priority and will continue to be in the upcoming budget years.

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Fraud and Consumer Protection Division

The Fraud and Consumer Protection Division continues to play a vital role in the protection of Delaware residents against fraud of all kinds and deceptive business practices. During this past year, several complex consumer enforcement lawsuits have been filed and are being prosecuted in Delaware trial courts. The Intake Unit averages approximately 1750 telephone calls, letters, and walk-in inquiries from the public per month. Each of the special investigators assigned average 15-20 open cases on any given day. During this past year, special investigators have taken on a proactive approach by conducting investigations in the areas of car repairs and automotive false advertising. Consumer education and outreach programs are extremely successful as evidenced by the increased demand on personnel resources to conduct briefings and training for a myriad of organizations throughout the state; this has been the area of greatest achievement over the past year.

The Securities Unit continues to emphasize investor education as a cornerstone of service to the public. Town meetings, school presentations, and training for law enforcement agencies highlighted a busy year. The unit opened 53 new investigations, filed 13 administrative complaints, and issued three cease and desist orders. Over \$41,000 was recovered for the Investor Protection Fund, and \$70,000 in restitution was ordered to be paid to investors. The Securities Unit continues to be aggressive in collecting fees for registration, licensure, and notice filings. To improve productivity and reduce time spent searching for records, the unit began scanning registration documents during this year thereby resolving many storage and archiving challenges.

The Medicaid Fraud Control Unit continued its diligence in protecting the public from Medicaid Fraud and protecting the elderly and infirmed who reside in Medicaid Nursing Homes. The Medicaid Fraud Unit closed 46 cases encompassing both fraud and patient abuse resulting in 25 prosecutions and settlements. These actions returned \$40,000 in fines, penalties, and overpayments; \$18,000 in investigation costs, and \$33,000 in restitution. The unit received 203 patient abuse referrals and 12 fraud referrals during the past year; currently, there are 70 active patient abuse cases and 42 active fraud cases.

Appeals Division

The Appeals Division's most significant achievement is 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. Attorneys within the division completed 370 assignments as compared to 351 during the preceding year, 17 of which involved post-trial litigation in death penalty cases, and 64 cases which involved federal habeas litigation in the District Court or the Court of Appeals.

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	14,388.3	15,156.7	17,127.1
ASF	2,084.5	3,061.1	3,174.1
TOTAL	16,472.8	18,217.8	20,301.2

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	246.9	255.6	256.7
ASF	35.6	41.9	41.9
NSF	30.6	36.6	36.0
TOTAL	313.1	334.1	334.6

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.
- 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.

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- 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 1999 Actual	FY 2000 Budget	FY 2001 Gov. Rec.
Average caseload per prosecutor (Superior Court - Criminal)	175	200	225
Average time from arrest to indictment (days)	35	30	30
# consumer complaints intaked/referred	22,750	26,500	27,000
# victims notified	41,571	36,500	42,000
# domestic violence victims counseled	1,100	1,300	1,400
% increase domestic violence victims contacted prior to trial	95	95	95
% satisfied clients as measured by Client Satisfaction Survey (Satisfactory-good)	80	90	90
\$ amount of asset forfeitures undertaken	700,000	600,000	800,000
% complaints where a prosecutorial decision was made in six months	80	85	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. In addition, 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:

- 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.
- Conduct intake interviews within two days of imprisonment 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.
- Require attorneys to contact incarcerated clients in person or by videophone.

BACKGROUND AND ACCOMPLISHMENTS

The Office of the Public Defender is directed by the Public Defender. It is currently organized in three sections: Administrative, Technical and Legal.

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Administrative Services

The Public Defender's Administrative Section has executive staff and administrative support staffs. The executive staff establishes and enforces the policies and goals, and is responsible for daily administration; assigning cases; supervising personnel; and drafting programs. The administrative support staff maintains office inventory, financial and personnel records; processes financial and personnel transactions; and prepares federal and state reports.

Technology

The Technology Section is responsible for installing and maintaining the computer and videophone systems. Computer training and technical assistance are provided to attorneys and support staff. This section also provides programming, statistical data for case management and is developing an integrated statewide case tracking system.

Legal Services

The Legal Section provides legal representation to indigents accused of a crime at all phases of criminal proceedings, including representation at the pre-trial, trial and post conviction stages of the adjudication process. The Legal Section is staffed with full-time Attorneys, part-time Attorneys, Psycho-Forensic Evaluators, Investigators, and support personnel. Legal services are provided to the Supreme Court, Superior Court, Court of Common Pleas and Family Court statewide. The office also provides services to Newark Alderman's Court, Justice of the Peace Court 18, and the Board of Pardons. Investigators assist staff attorneys by conducting initial interviews with defendants to determine indigency based on financial resources and the clients' account of events that led to his arrest. They also 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 investigator to conduct polygraph examinations, interview witnesses, serve subpoenas, collect, preserve and evaluate evidence and conduct 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. Support staff make necessary entries in

JIC and DELJIS and open and assign client files to attorneys.

The Office of the Public Defender will continue its ongoing efforts in developing an integrated statewide case tracking system. The use of the Delaware Uniform Case Numbers in New Castle County among the police, courts, prosecution, defender and corrections is a step in the right direction. The office will continue to work closely and share relevant computer information with the other components of the criminal justice system, to help the state establish an integrated statewide case tracking system. The development of an integrated statewide case tracking system will effectively enable all components to track cases through the system from issuance and execution of the warrant, to release from supervision by the Department of Correction. It is another means for the criminal justice system to reduce case processing time and be more cost-efficient.

The Public Defender, as Vice Chairman of the Delaware Criminal Justice Council, chairs the Criminal Justice Council's Videophone Committee, which has authority over a statewide videophone system of 85 locations. With the videophone project, the Public Defender currently employs five senior attorneys to staff prison and jail facilities throughout the state. This program allows the Public Defender to increase the quality of services provided to the indigent and the system as a whole.

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	6,636.6	7,192.3	8,001.5
ASF	--	--	--
TOTAL	6,636.6	7,192.3	8,001.5

POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	108.0	113.0	119.0
ASF	--	--	--
NSF	13.0	10.0	8.0
TOTAL	121.0	123.0	127.0

ACTIVITIES

The Office of the Public Defender is responsible for representing each eligible indigent defendant accused of a crime in Delaware, from the inception of the case through its conclusion. To meet this responsibility, attorneys and support staff perform the following activities:

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- Intake services conduct timely eligibility screening and preliminary factual investigation interviews for incarcerated and non-incarcerated individuals and make appropriate referrals to Psycho Forensic Evaluators.
- All personnel use JIC, DELJIS, and the Public Defender database to open and close client files and make 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 and sentencing; assist in case preparation by providing relevant background information on clients; and develop capital case mitigation evidence for every death penalty case.
- Attorneys and Psycho-Forensic Evaluators make referrals for forensic, psychological, medical or psychiatric examinations, interpreters and other experts, as needed.
- Attorneys prepare felony cases for trial, post conviction motions, or appeals. Trial or Appellate Attorneys conduct at least two attorney/client interviews per client.
- Public Defender Investigators conduct internal polygraph examinations to verify information and use for negotiation with prosecutors.
- Attorneys in the Appellate Unit handle appeals for indigent clients represented by the Public Defender and those formerly represented by a private attorney at trial who have become indigent as a result of incarceration. They also counsel with trial attorneys to apprise them of appellate procedures as it relates to trial work.
- Technology personnel manage the day-to-day information resources including network administration, hardware and software support, mainframe systems, video conferencing, programming, and computer training.
- Financial personnel provide fiscal management of financial resources including budgeting, record keeping, financial reporting, financial transactions, auditing, and payroll.
- Administrative personnel provide supervision of staff, assignment of cases, coordinate caseloads with court schedules, and maintain personnel records.

Public Defender Case

- The Public Defender defines a “case” based on Delaware Uniform Case Number (DUC). This number is a unique number assigned to each criminal case at the time it starts in the criminal justice system. If a police officer chooses to secure a single warrant for five burglaries, the same DUC number is assigned to all five burglaries, and the office would open one client file. If he gets five warrants the case will have five DUC numbers that could later be combined or split, depending on the courts in which it can be tried or the indictment brought by the Attorney General. The DUC number is used to track the case through the system from issuance and execution of the warrant, to release from supervision. Therefore, it is possible for one person charged with numerous offenses to have more than one client file opened at any given time by this office.

PERFORMANCE MEASURES

	FY 1999 Actual	FY 2000 Budget	FY 2001 Gov.Rec
Average days from imprisonment to intake interview for incarcerated clients	7	5	4
Superior Court -Average felony caseload per attorney per year	588	573	422
CCP - Average misdemeanor caseload per attorney per year	1808	1709	1055
Family Court - Average juvenile caseload per attorney, per year	531	515	390
Appeals closed	62	65	68
Average days from interview to date client file is opened	NCC 3 Kent 1 Sussex 1	NCC 2 Kent 1 Sussex 1	NCC 1 Kent 1 Sussex 1
Psycho-Forensic Evaluator plans have an average acceptance rate of 65% nationally	Plans 484 Accepted 71% Partially 24% Rejected 5%	Plans 524 71% 24% 5%	Plans 645 71% 24% 5%

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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.

KEY OBJECTIVES

- **Public Safety:** Select individuals for transition from prison who will succeed as law-abiding citizens.
- **Public/Victims Input:** Notify 100 percent of crime victims and the public, as required by statute, of hearings at least 30 days prior to hearing and of decisions within ten days of decision.
- **Efficiency:** Hold the number of hearings each fiscal year that will not exceed budgetary constraints while meeting statutory requirements, utilizing information systems technology to improve the process.
- **Training and Development:** Ensure that all Board members and staff are granted at least one training opportunity each fiscal year to improve skills needed to meet mission.
- **Public Information:** Respond to 100 percent of public information requests within five working days of receipt of request.

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 Corrections 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, 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, 1999, 564 offenders were under parole supervision. 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. For Fiscal Year 1999, only 15 parolees, or 2.6 percent of parolees in the community, were returned to prison, following a hearing by the board, for violation of parole.

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 2, 1999, is 442. 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 1999, the board heard 117 cases for parole consideration, and 40 cases for sentence modification.

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 1999, the board reviewed and provided reports to the Board of Pardons in 29 cases. This compares with 25 cases for Fiscal Year 1998 and 33 cases for Fiscal Year 1997.

The number of cases heard by the board and the Board of Parole prison/community population for the past three fiscal years are noted in the following charts.

Cases Heard by the Board of Parole

	FY 1997	FY 1998	FY 1999
Parole	171	115	117
Sentence Modification	41	29	40
Sentence Commutation	33	25	29
Revocation	85	105	87
Rescission / Discharge	19	13	12

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During the past three fiscal years, the number of cases heard by the board has reached a plateau. The board's workload for Victim Notification, however, had increased approximately 34 percent for Fiscal Year 1998. Also, for Fiscal Year 1998, Revocation Hearings increased nearly 25 percent from Fiscal Year 1997. Increases in the intensity of the cases themselves and in victim input activity have resulted in virtually no significant reduction in the number of meetings held by the board nor in the time spent by board members and staff in preparing and hearing cases.

Board of Parole Prison / Community Population			
	FY 1997	FY 1998	FY 1999
Parole Eligible in Prison	666	508	442
Parolees in the Community	596	570	564
Mandatory Releasees in the Community	UNK	UNK	UNK
# / % of Parolees Returned to Prison	29 4.4	21 3.4	15 2.6
# / % of Parolees successfully discharged	32 4.9	35 5.6	33 5.8

Board of Parole
Victim/Public Notification Activity

	FY 1997	FY 1998	FY 1999
Victims Notifications Sent	341	457	455
Victim Input Hearings Held	11	17	12
Public Notices Issued	25	26	27

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 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 1999, risk assessments were completed on 100 percent of cases considered for parole release; 34 warrants were issued for retaking offenders into custody, and 100 percent of the warrants were issued within five days of request. During Fiscal Year 1999, the board conducted two hearings via videophone. These hearings were conducted between Delaware Correctional Center and the Attorney General's Office. Five videophone hearings were conducted for offenders during FY 1998. These hearings were conducted between Delaware Correctional Center, Sussex Correctional Institution and Baylor Women's Correctional Institution.

Victims/Public Input. Pursuant to 11 Delaware Code, §9416 (Victims Bill of Rights), the Board of Parole must inform the victim in writing of the right of the victim to address the board in writing or in person; and the decision of the board. Also, pursuant to 11 Delaware Code, §4347, the board shall notify victims and issue public notices of hearings at least 30 days prior to scheduled parole hearings for inmates convicted of a felony offense and notify the victims and issue public notice of decisions at least ten days of a decision resulting in parole for the same offender. 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 (See Victim/Public Notification Activity Chart).

Efficiency. Computer systems enhancements 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 has contributed to the board's ability to track its processes and to respond to inquiries from the public and other agencies.

Training and Development. All board members and staff participated in at least one professional training program during Fiscal Year 1999.

Public Information. During Fiscal Year 1999, the board continued to develop its 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.

Based upon current statistics, the board does not anticipate major increases or decreases in its caseload in the near future. However, under 11 Delaware Code, §4122, the board is required to hear certain sex offenders' requests for a review of the Attorney General's Risk Assessment Tier designation. The impact of this short term review process is not expected to be significant.

BUDGET

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	276.3	355.4	370.9
ASF	--	--	--
TOTAL	276.3	355.4	370.9

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POSITIONS

	FY 1999 ACTUAL	FY 2000 BUDGET	FY 2001 GOV. REC.
GF	7.0	7.0	7.0
ASF	--	--	--
NSF	--	--	--
TOTAL	7.0	7.0	7.0

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.
- Track information with respect to the offender's return and successful discharge.

Victims/Public Input:

- Notify, in writing, the newspaper and victims of offenders scheduled for hearings of hearing date and of decision.

Efficiency:

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

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 1999 Actual	FY 2000 Budget	FY 2001 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	3.4	2.6
# victim's notifications/decisions sent	455	455	455
% 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
% public information requests answered within 5 working days	100	100	100
# meetings per month	2.5	2	2
# actions processed	1,280	1,280	1,280