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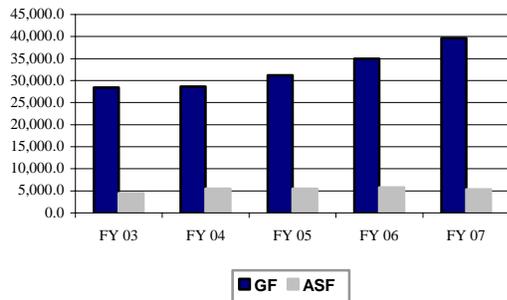
Legal

Office of Attorney General

Public Defender

Board of Parole

Five-Year Appropriation History



FUNDING

	FY 2006 ACTUAL	FY 2007 BUDGET	FY 2008 GOV. REC.
GF	37,010.0	39,652.3	43,640.1
ASF	5,209.5	5,315.3	5,371.1
TOTAL	42,219.5	44,967.6	49,011.2

POSITIONS

	FY 2006 ACTUAL	FY 2007 BUDGET	FY 2008 GOV. REC.
GF	427.5	440.5	452.5
ASF	57.9	58.9	58.4
NSF	42.6	48.6	47.7
TOTAL	528.0	548.0	558.6

- ◆ Recommend one-time funding in the Office of Management and Budget's Development Fund for technology initiatives.

Public Defender

- ◆ Recommend \$276.8 in Personnel Costs and 3.0 FTEs (1.0 Application Support Specialist and 2.0 Public Defender V) to cover increased caseloads.
- ◆ Recommend \$50.0 in Contractual Services for costs related to capital case mitigation expert funds due to an expiring federal grant.
- ◆ Recommend one-time funding in the Office of Management and Budget's Development Fund for electronic filing and disaster recovery.

Board of Parole

- ◆ Recommend \$10.0 in Contractual Services for educational reimbursement.

FY 2008 BUDGET HIGHLIGHTS

OPERATING BUDGET:

Attorney General

- ◆ Recommend \$462.1 in Personnel Costs and 5.8 FTEs (3.0 Investigator and 2.8 Deputy Attorney General) to provide staff for the Community Prosecution, Child Predator, Felony Trial, Medicaid Fraud and Traffic Safety Resource units.
- ◆ Recommend \$183.6 in Personnel Costs and 3.2 FTEs Social Worker for positions associated with an expiring federal grant.
- ◆ Recommend \$55.8 ASF in Tobacco: Personnel Costs based on Health Fund Advisory Committee recommendations.

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OFFICE OF ATTORNEY GENERAL

15-01-01

MISSION

To provide successful prosecution of violations of 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

- Ensure all criminal matters are fairly and efficiently resolved in a manner that safeguards the constitutional rights of the defendant and human rights of the victim.
- Provide timely and accurate information to victims and witnesses regarding the criminal cases that involve them.
- Reduce delays in the resolution of criminal cases.
- Improve the quality of the Department's litigation through training.
- Enforce laws pertaining to youth access to tobacco and enforce the Master Settlement Agreement in an effort to prevent the loss of settlement dollars.
- Respond promptly and accurately to requests and complaints regarding applicability of the Freedom of Information Act.
- Execute the Attorney General's priorities through comprehensive planning, programming and budgeting, and ensure the appropriate distribution of resources.
- Develop and implement a personalized, quality information technology training program.
- Prosecute health care providers who have defrauded or attempted to defraud the Delaware Medicaid program.
- Complete determination of special investigations examinations within six months from the date of initial assignment.
- Process intakes and follow through on all consumer and business complaints in a timely and efficient manner.
- Ensure that registered financial professionals comply with the Delaware Securities Act.

BACKGROUND AND ACCOMPLISHMENTS

The Office of Attorney General is organized into five divisions: Criminal, Civil, Fraud, Administrative, and Appeals. 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 and is assisted by the Chief Deputy Attorney General.

CRIMINAL DIVISION

Mission - To protect all citizens of Delaware by prosecuting violations of criminal and motor vehicle laws throughout the State in a just and efficient manner; to provide counseling, support referral, notification and information services to victims and witnesses of crime; and to provide legal assistance and training to other law enforcement agencies.

The Criminal division is responsible for processing criminal cases in Superior Court, Court of Common Pleas, Family Court and, to a lesser extent, Justices of the Peace Courts. To fulfill this responsibility, the division is organized into various units in all three counties. In New Castle County those units are the Felony Trial, Victim/Witness Service, Drug, Sex Crimes, Domestic Violence, Felony Screening, Family Court, White Collar Crime, Misdemeanor Trial and Career Criminal units. In Kent and Sussex counties, those units are the Felony Trial, Misdemeanor Trial, Felony Screening and Sex Crimes units.

The Criminal division is responsible for prosecuting violations of criminal law throughout the State, providing assistance to law enforcement agencies and managing its responsibilities under the Victims' Bill of Rights through the Victim Assistance program, which provides information, counseling and referral services to victims and witnesses of crime.

CIVIL DIVISION

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

The Civil division is responsible for providing legal services to the Governor and General Assembly, as well as to officers, departments, boards, agencies, commissions, and instrumentalities of state government. Among other responsibilities, the division provides formal and informal opinions of the Attorney General, represents the State's interest in civil litigation, conducts administrative prosecutions, acts as counsel to

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administrative bodies, provides representation to the public in child support cases and in certain labor matters, and provides legislative drafting and review services for members of the General Assembly and state agencies.

Deputies advise their clients regarding civil legal issues involving such diverse areas as environment, contract, tort, civil rights, labor, finance, employment, and administrative law. The Civil division provides services through four working groups: Government Services, Departments and Agencies, Litigation, and Family Services.

FRAUD AND CONSUMER PROTECTION DIVISION

Mission - To protect consumers from unfair and deceptive trade practices.

The Fraud division protects the citizens of Delaware against consumer, securities, medicaid, welfare and other instances of fraud, deceptive trade practices and elder abuse.

The Fraud division continues to provide invaluable services to the public through enforcement of laws, comprehensive investigatory practices, aggressive prosecution (when necessary) and a strong emphasis on community education to ensure that citizens are aware of their rights and understand protections under the relevant laws. Consumer education and outreach efforts are proving successful as demonstrated by the growing demand on the Consumer unit's resources, particularly in connection with victim contact and public education demands. Significant efforts have been invested in the areas of predatory lending and manufactured housing.

The Antitrust unit participates in multistate antitrust investigations and litigation. Through these multistate actions, the unit has been successful in obtaining injunctive and monetary relief for the State and its consumers.

ADMINISTRATIVE DIVISION

Mission - The Administrative division is responsible for providing customer-oriented operational support to Department of Justice employees. This division manages information systems, personnel programs, fiscal discipline, purchasing and supply, facilities, and oversees the immigration and naturalization related services provided to residents of Delaware.

The division is divided into six units: Human Resources, Fiscal, Supply and Purchasing, Information Technology, Extradition, and Service for Foreign Born.

APPEALS DIVISION

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

The Appeals division represents the State's interest in criminal and appellate matters, primarily in the Delaware Supreme Court, U.S. District Court, U.S. Court of Appeals and U.S. Supreme Court.

The Appeals division performs essentially three functions. First and foremost, it is responsible for persuading the Delaware Supreme Court to affirm criminal judgments of conviction. Along this same line, the division is also the State's advocate in a host of other criminal (or criminally related) appellate matters, including those relating to sentencing, adjudication of probation violations, and pretrial and post-conviction relief matters.

The second function of the Appeals division is to defend the federal constitutionality of state judgments of conviction from attack in federal court by prisoners in state custody. Such attacks are brought pursuant to the federal habeas corpus provisions of 28 USC §2254.

The third function of the division is to provide research assistance to the prosecutors in cases presenting highly complex legal issues, e.g., capital murder prosecutions. This consists of assisting with questions that arise, or are anticipated to arise, during trial. On occasion, the appellate attorneys are also responsible for preparing written memoranda at the trial level or conducting in-depth research assignments.

FUNDING

	FY 2006 ACTUAL	FY 2007 BUDGET	FY 2008 GOV. REC.
GF	23,896.5	25,820.4	28,328.8
ASF	5,208.2	5,315.3	5,371.1
TOTAL	29,104.7	31,135.7	33,699.9

POSITIONS

	FY 2006 ACTUAL	FY 2007 BUDGET	FY 2008 GOV. REC.
GF	283.5	290.5	299.5
ASF	57.9	58.9	58.4
NSF	42.6	46.6	45.7
TOTAL	384.0	396.0	403.6

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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 and provide service to victims of crime.
- 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 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, including advice concerning compliance with the Delaware Freedom of Information Act.

PERFORMANCE MEASURES

	FY 2006 Actual	FY 2007 Budget	FY 2008 Gov. Rec.
# of average Superior Court filings per prosecutor	206	191	179
# of average Court of Common Pleas filings per prosecutor	8,586	9,096	9,423
# of average Family Court filings per prosecutor	1,007	975	926
% of Delaware Supreme Court appeals with State's brief filed within 60 days	97	100	100

PUBLIC DEFENDER

15-02-01

MISSION

29 Del. C. c. 46 creates the Office of the Public Defender to preserve the constitutional rights of indigent defendants through 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 maintain its national reputation and 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 guarantee compliance with the national standards established by the National Advisory Commission;
- Require psycho-forensic evaluators (PFE) to produce a minimum of 60 court plans each year;
- Conduct intake interviews with incarcerated individuals within two days of their imprisonment and make attorney assignments within one day thereafter;
- Make full use of Judicial Information Center (JIC) and Delaware Justice Information System (DELJIS) to open client files; and
- Require attorneys to contact incarcerated clients in person or by videophone to prepare their defense.

BACKGROUND AND ACCOMPLISHMENTS

The agency enjoys an outstanding national reputation as reflected by the Public Defender's receipt of the American Bar Association's 2006 Dorsey Award; the National Legal Aid and Defender Association's 2006 Reginald Heber Smith Award and the International Association of Forensic Nurses 2005 Vision Award.

The Dorsey Award, which honors an outstanding public defender or legal aid lawyer, is designed to recognize the extraordinary achievements of public defenders or legal aid lawyers and to inform the general public about the outstanding work performed and the positive impact made by our nation's public lawyers.

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The Reginald Heber Smith Award celebrates the outstanding achievements and dedicated services of an attorney for contributions made while employed by an organization providing civil legal or indigent defense services. It is one of the highest national awards that a public defender can receive.

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

Legal Services

The Legal Services section provides legal representation to indigents accused of a crime through all phases of criminal proceedings, including representation at the pre-trial, trial and post-conviction stages of the adjudication process. Legal services are provided statewide to the Supreme Court, Superior Court, Court of Common Pleas and Family Court. The office also provides services to the Newark Alderman's Court, Justice of the Peace Court 20 and Board of Pardons.

Investigators 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 or her 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 interview witnesses; serve subpoenas; collect, preserve and evaluate evidence; and conduct surveillance.

The PFEs aid staff attorneys in their representation of clients. PFEs conduct psychological assessments of defendants upon referral by assistant public defenders. The unit provides written reports, including information obtained on clients from interviews and tests. These reports help attorneys in assessing a client's legal competence as well as in making recommendations for bail, pre-trial intervention and sentencing alternatives. PFEs also assist attorneys in the hiring, communication and presentation of expert witnesses.

Mitigation specialists perform all PFE functions in death penalty cases and also assist attorneys in the development and presentation of mitigation evidence in death penalty cases. Paralegals assist with case management, legal research and attorney schedule maintenance. Support staff makes necessary entries in JIC and DELJIS and opens and assigns client files to attorneys.

The Public Defender, as Vice Chairman of the Delaware Criminal Justice Council (CJC), chairs the Videophone Sub-Committee for the CJC. The Videophone Sub-Committee has authority over a statewide system of

videophones located at 96 sites. The Public Defender and his employees provide oversight and maintenance of all 96 sites. The Office of the Public Defender has attorneys assigned to videophone locations at Baylor Correctional Institution, Delaware Correctional Center, Howard R. Young Correctional Institution, Sussex Correctional Institution and New Castle County Detention Center.

Administrative Services

The Administrative Services section has executive and administrative support staff. 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; maintains and processes financial and personnel transactions; and prepares federal and state reports.

Technology Services

The Technology Services section is responsible for developing, implementing and maintaining all aspects of computer technology, which includes the statewide CJC Videophone system.

The Office of the Public Defender will continue its ongoing efforts to develop an integrated statewide case tracking system. The use of Delaware Uniform Case (DUC) numbers in New Castle County among the police, courts, prosecution, defense and corrections is a first step. The office will continue to work closely and share relevant computer information with the other components of the criminal justice system (LEISS, DELJIS, COTS, DACS, etc.) The development of an integrated statewide case tracking system will effectively enable all criminal justice components to track cases through the system from issuance and execution of the warrant to release from supervision by the Department of Correction.

FUNDING

	FY 2006 ACTUAL	FY 2007 BUDGET	FY 2008 GOV. REC.
GF	12,654.6	13,225.1	14,658.8
ASF	0.5	--	--
TOTAL	12,655.1	13,225.1	14,658.8

POSITIONS

	FY 2006 ACTUAL	FY 2007 BUDGET	FY 2008 GOV. REC.
GF	136.0	142.0	145.0
ASF	--	--	--
NSF	--	2.0	2.0
TOTAL	136.0	144.0	147.0

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ACTIVITIES

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

- Intake Services conducts eligibility screening and preliminary factual investigation interviews for incarcerated and non-incarcerated individuals and makes appropriate referrals to PFEs;
- All personnel use JIC, DELJIS and in-house databases to open and close client files and to 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;
- PFEs 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 PFEs make referrals for forensic, psychological, medical or psychiatric examinations and for interpreters or other experts as needed;
- The Forensic Services unit provides in-house expert consulting services for cases involving forensic issues, autopsy reports, sexual assault reports, medical records and other scientific studies;
- Attorneys prepare felony and misdemeanor cases for trial, post-conviction motions and appeals;
- Attorneys in the Appellate unit handle appeals for indigent clients represented by the Public Defender and for those formerly represented by a private attorney at trial who have become indigent as a result of incarceration;
- 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 resources including budgeting, recordkeeping, financial reporting, financial transactions, auditing and payroll; and
- Administrative personnel provide supervision of staff, assign cases, coordinate caseloads with court schedules and maintain personnel records.

PERFORMANCE MEASURES

	FY 2006 Actual	FY 2007 Budget	FY 2008 Gov. Rec.
# of appeals closed statewide	97	99	101
Superior Court average felony caseload per attorney per year	427	427	392
Court of Common Pleas average misdemeanor caseload per attorney per year	1,410	1,258	978
Family Court average caseload per attorney per year	519	472	375
JP Court 20 average misdemeanor caseload per attorney per year	1,296	1,321	899
# of plans produced per PFE	74	74	74
# of days from imprisonment to intake interview for incarcerated clients	3.1	2	2
# of days from interview to date client file is opened	1	1	1

Attorney caseloads consist of cases closed during the fiscal year, violations of probation (VOP), amenability hearings, preliminary hearings and capias hearings. Closed cases include: trials, pleas, nolle prosequis, dismissals, diversions, probation before judgment, inactive capiases, and mediated cases.

Fiscal Year 2006 attorney averages are based on actual attorneys assigned per court and actual caseloads in each court. Fiscal Year 2007 averages are based on current attorney assignments per court and a projected two percent increase in caseloads. Fiscal Year 2008 averages are based on additional attorneys requested in each court and a projected two percent increase in caseloads.

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BOARD OF PAROLE

15-03-01

MISSION

To protect the public by conducting informed hearings in order to make fair and equitable decisions for the controlled release of offenders and to make credible recommendations to the courts and the Board of Pardons.

KEY OBJECTIVES

- **Public Safety:** Select individuals for transition from prison who will succeed as law-abiding citizens.
- **Victims/Public Input:** Notify 100 percent of crime victims and the public, as required by statute, of hearings at least 30 days prior to the hearing and of decisions within ten days of decision.
- **Efficiency:** Hold a number of hearings each fiscal year that will satisfy 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 the mission.
- **Public Information:** Respond to 100 percent of public information requests within five working days of receipt.

BACKGROUND AND ACCOMPLISHMENTS

The Board of Parole is an independent agency within the Executive Branch of state government, with the chairperson serving as the agency director. Field supervision is conducted by the Department of Correction, Bureau of Community Corrections.

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 conducting hearings, making release and revocation decisions, and providing 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, and decides supervision level changes and early discharges from supervision.

With the exception of those offenders serving less than one year and 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, 2006, 626 offenders were under parole supervision. 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 their release. For Fiscal Year 2006, 10 parolees (less than 0.1 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 on or after June 30, 1990. As of June 30, 2006, the number of parole-eligible inmates remaining in prison was 291. 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, the Board of Parole shall hold a hearing to provide the sentencing judge with a recommendation. During Fiscal Year 2006, the Board heard 55 cases for parole consideration and 23 cases for sentence modification.

Under Delaware law, the Board of Parole also serves as a review board for the Board of Pardons when the Board of Pardons seeks advice as to the state of rehabilitation of an individual who has applied for commutation. Twenty-eight commutation cases were heard by the Board of Parole during Fiscal Year 2006.

Public Safety: During Fiscal Year 2006, risk assessments were completed on 100 percent of cases considered for parole release; 23 warrants were issued for bringing offenders back into custody; and 100 percent of the warrants were issued within five days of request.

Pursuant to 11 Del. C. §4348, the Board has jurisdiction over persons upon their conditional release and shall maintain said jurisdiction until the maximum term. As a result of this jurisdiction, the Board conducted status hearings for 45 offenders who were scheduled to be released on their good time within 18 months and had been identified by the Board as high-risk offenders. The purpose of the status hearing was to evaluate the individual being released to see if his/her last months of incarceration can be used to better prepare them for transition back into society.

Victims/Public Input: Pursuant to 11 Del. C. §9416 (Victims' Bill of Rights), the Board of Parole must inform the victim in writing, of his/her right to address the Board in writing or in person and the decision of the

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Board. Also, pursuant to 11 Del. C. §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 decisions no more than ten days after a decision resulting in parole for the same offender. The Board's Victims Input Coordinator arranges for victim input hearings before the Board. In Fiscal Year 2006, 14 victims appeared before the Board. A total of 238 pre-hearing and post-hearing notifications were sent to victims during this period.

Efficiency: Computer system enhancements have improved the Board's response time for completing various operations tasks. Planned improvements include further automation, continued standardization of the processes and system upgrades.

Training and Development: All Board members and staff participated in professional training programs during Fiscal Year 2006.

Public Information: During Fiscal Year 2006, the Board, with the assistance of the Department of Technology and Information, standardized its website. The website is maintained to improve public access to information on the role and function of the Delaware Board of Parole.

- Monitor budget to ensure the Board does not exceed funds allocated.
- Review information-tracking systems annually.
- Identify appropriate training and development opportunities for staff and board members.
- Respond to all requests for information on Board of Parole functions and activities.

PERFORMANCE MEASURES

	FY 2006 Actual	FY 2007 Budget	FY 2008 Gov. Rec.
% of warrants issued within 5 days of request	100	100	100
% of victim notifications/decisions sent	100	100	100
% of public notices submitted for publication at least 30 days prior to hearing and within 10 days of hearing	100	100	100
% of public information requests answered within 5 working days	100	100	100
# of actions processed	971	1,300	1,300

FUNDING

	FY 2006 ACTUAL	FY 2007 BUDGET	FY 2008 GOV. REC.
GF	459.3	606.8	652.5
ASF	--	--	--
TOTAL	459.3	606.8	652.5

POSITIONS

	FY 2006 ACTUAL	FY 2007 BUDGET	FY 2008 GOV. REC.
GF	8.0	8.0	8.0
ASF	--	--	--
NSF	--	--	--
TOTAL	8.0	8.0	8.0

ACTIVITIES

- Conduct risk assessments employing risk-related guidelines when considering offenders for release from prison into 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 an offender's return to the community and successful discharge.
- Provide newspapers and victims with written notification of an offender's hearing date and with the decision resulting from that hearing.