

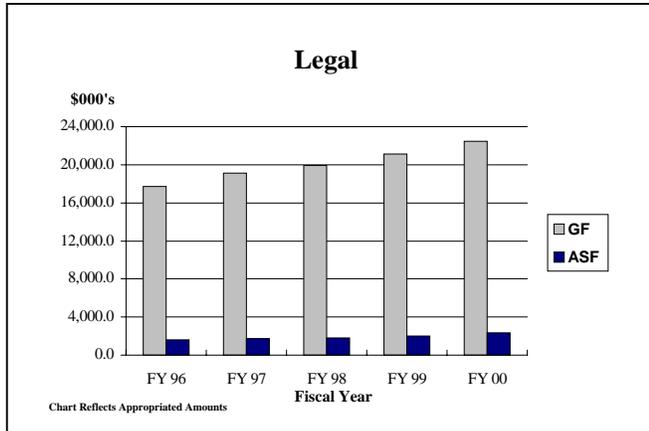
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Legal

Office of Attorney General

Public Defender

Board of Parole



BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	19,932.6	21,136.6	22,445.1
ASF	1,775.5	2,024.6	2,323.8
TOTAL	21,708.1	23,161.2	24,768.9

POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	342.9	361.9	372.6
ASF	32.6	35.6	40.9
NSF	41.6	43.6	46.6
TOTAL	417.1	441.1	460.1

FY 2000 BUDGET HIGHLIGHTS

OPERATING BUDGET:

Attorney General

- ◆ Recommend enhancement of \$48.6 and 1.0 FTE Deputy Attorney General II for the New Castle County Domestic Violence Unit to cover additional domestic violence calendars in Family Court; \$156.8 and 4.0 FTEs (two Deputy Attorneys General II and two Legal Secretaries) to be assigned to Trial Units in Kent and Sussex counties to handle increased numbers of calendars and cases resulting from the additional Superior Court judges appropriated in Fiscal Year 1999; \$32.0 and .7 FTE

Deputy Attorney General II for the conversion of an existing ASF position for permanent assignment to the Civil Division to meet increasing demands for legal services from administrative agencies that hold hearings.

- ◆ Recommend enhancement of \$48.6 ASF and 1.0 ASF FTE Deputy Attorney General II for Drug Unit statewide to handle the increase in forfeiture cases (originally General Fund request); \$56.2 ASF and 1.0 ASF FTE Deputy Attorney General IV to provide additional legal services to the Department of Children, Youth and their Families, Division of Family Services; \$61.9 ASF and 1.0 ASF FTE Deputy Attorney General III to provide additional contract review and general legal services and legal counsel as needed for the Department of Administrative Services, Division of Professional Regulation; \$129.0 ASF and 3.0 ASF FTEs (Deputy Attorney General III, Legal Secretary, and Paralegal) to reduce costs incurred by the State by handling personal injury litigation involving state-owned vehicles; \$12.0 for the rental of additional office space in Kent County; and \$2.0 for office supplies for recommended positions.
- ◆ Recommend one-time funding of \$14.1 in Budget Office's Contingency for furniture and equipment and computer equipment for recommended positions.

Public Defender

- ◆ Recommend enhancements of \$216.8 and 4.0 FTEs (two Senior Public Defenders and two Paralegals) to be assigned to Kent and Sussex counties to handle increased numbers of calendars and cases resulting from the additional Superior Court judges appropriated in Fiscal Year 1999; \$56.2 and 1.0 FTE Associate Public Defender to be assigned to Kent County to handle cases due to appropriation of additional Commissioner for the Court of Common Pleas in that county; \$30.0 for rental of additional office space in Kent and Sussex counties for recommended positions; \$4.0 for operating

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expenses for recommended positions; \$5.4 for continuing maintenance associated with Wide Area Network upgrade; \$4.5 for continuing maintenance associated with WESTLAW upgrade; and \$11.9 for DNA expert witness fees.

- ◆ Recommend one-time funding of \$1.5 in Budget Office's Contingency for computer for Senior Public Defender for Municipal Court Merger; \$1.5 for office furniture for Senior Public Defender for Municipal Court Merger; \$18.9 for replacement of current network software; \$17.5 for print server upgrade for new software compliance; \$102.4 for replacement personal computers so that new case management/database integration project can be implemented; \$17.4 for upgrade to wide area network router; \$34.0 for desktop software upgrade to bring office up to State standards; \$11.5 for CD-ROM tower for legal research (WESTLAW); \$18.0 for Windows training for information technology staff; and \$3.5 for office furniture for recommended positions.
- ◆ Recommend inflation adjustments of \$3.0 for interpreters, \$4.0 for photocopier rental; and \$2.0 for books and subscriptions.

Board of Parole

- ◆ Recommend one-time funding of \$6.4 in Budget Office's Contingency for replacement of computer and software for Year 2000 compatible computer and software and \$12.0 for the installation of a new high-density filing system for more efficient use of limited floor space in new offices.

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:
 - increase the number of letters sent advising victims of key court events to 30,000;
 - maintaining an average felony 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.
- To enhance the provision of 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.
- To 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;
 - provide access to 120 legal data bases through the Internet;
 - upgrade 100 percent of the department's personal computers to Windows 95 and provide all users with standard office software; and
 - upgrade 100 percent of criminal division personal computers to OIS/DELJIS standards by June 30, 1999.

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- To maximize the education and protection of Delaware consumers relating to fraud and deceptive trade practices and other consumer oriented laws 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.
- To improve services to victims of crime through improved counseling, information and referral services.

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 staff who provides 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 continued to make 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/her division's resources are being utilized in a manner which 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 continues to have a significant, positive impact. Similarly, support staff have assumed many functions previously handled by paralegals. In this way, and in many others, the department, as a whole, continues to maximize its productivity in the face of a growing workload and limited resources.

Each of the department's five divisions also realized significant accomplishments in Fiscal Year 1998. During the past fiscal year, the Administrative Division implemented several administrative management improvements. The division has also continued to refine and improve upon the reorganization of its functions which was initiated in Fiscal Year 1997. Under the reorganization, responsibilities have been decentralized and administrative processes opened up, both internally and externally. The reorganization has resulted in better communications both in-house and with other state agencies and has improved administrative operations leading to the more efficient and effective delivery of services.

ADMINISTRATIVE DIVISION

MISSION

To provide administrative and operational support to all divisions of the department 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, computer technology services, information

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resource management and analysis, policy development, grant management, facilities management, records management, library services, provision of immigration and naturalization services and undertaking extraditions and processing gun permits through the state detectives.

In Fiscal Year 1998, a number of administrative and management improvements were implemented. The division provided a training program to improve the staff's technical skills in the use of personal computers.

Other significant achievements included the performance of an audit to ensure computer software is properly installed and the acquisition of distribution software that will allow for the automated management of all software installed. The division also performed an audit on exposure relating to the computer change of century problem (Y2K) and has taken appropriate actions to replace those components of the system needing corrective action. The division also conducted a personnel review and ensured that proper Job Analysis Questionnaires were prepared for all positions.

CIVIL DIVISION

MISSION

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

BACKGROUND AND ACCOMPLISHMENTS

The Civil Division is responsible for providing legal services to the Governor and the 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 interests in civil litigation, conducts administrative prosecutions, acts as counsel to 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.

The Civil Division provides some degree of legal representation for virtually all state officials, agencies and instrumentalities in addition to its obligation to provide legal representation to state officers and agencies who are parties to civil lawsuits. On a daily basis, its deputies advise their clients regarding civil legal issues involving such diverse areas as

environmental, contract, tort, civil rights, labor, finance, employment, and administrative law. The division provides these services through its four working groups: Government Services, Departments and Agencies, Major Litigation and Family Services.

The Civil Division continued to improve the quality and level of legal services provided to government agencies during the past fiscal year. A significant developing trend in the provision of legal services to government is the increasing number of administrative proceedings as well as the number of cases in which employees, licensees or other parties to these administrative hearings are represented by private counsel. The greatest number of administrative hearings is in the areas of Professional Regulation and labor and personnel matters. During the past year, the Civil Division provided legal counsel to the Title 24 licensing boards as well as prosecutorial services in 92 administrative hearings. The Civil Division has also provided board and prosecutorial services to the Human Relations Commission, the Industrial Accident Board (through March 1998), Unemployment Insurance Appeals Board, Merit Employee Relations Board, Equal Employment Review Board, Public Employee Relations Board, Alcohol Beverage Control Commission and other administrative bodies. Those administrative functions account for well over 1,500 hearings and opinions during the past year. A significant trend in these cases is the involvement of private attorneys. This has resulted in substantially more legal issues which must be decided by the boards, longer opinions and consequently, a significant increase in the amount of legal services which are required of the Civil Division.

Under 29 Del. C. §2504 and 29 Del. C. §10005, the Attorney General provides legal opinions to government officers and agencies as well as opinions responding to Freedom of Information claims which are made against local governments and their various boards, committees and commissions. The Attorney General authored 23 opinions during Fiscal Year 1998, five more than in Fiscal Year 1997. Additionally, on a daily basis the Civil Division responds to numerous requests for verbal and written advice which meets the requirements of 29 Del. C. §2504 but which does not take the form of formal opinions.

The Civil Division also provides litigation services to all state officers and agencies. There were a significant number of civil jury trials during the last year in which the division represented the State. The Corrections

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Section has a pending caseload of approximately 100 cases in state and federal court. The Environmental Section has over 200 pending matters. Additionally, this section has provided significant assistance to the Department of Natural Resources and Environmental Control (DNREC) in the area of Superfund litigation, saving the State over \$100,000 in one case in which the State was a defendant in a federal superfund case. The Major Litigation Section has continued its outstanding record of protecting the State and its employees from numerous lawsuits that posed substantial risk.

The Family Services Group provides a major service to the State and its citizens through legal and trial services to the Bureau of Child Support Enforcement. A rough extrapolation of existing data shows that the group processed approximately 15,500 cases last year, over 1,000 more cases than in Fiscal Year 1997. The Division of Child Support Enforcement (DCSE) was assisted in collecting \$58,476,604 in IV-D claims (approximately \$4.5 million dollars more than in Fiscal Year 1997). The active caseload was 60,896 cases (more than 15,000 more than in Fiscal Year 1997).

The commitment caseload has been holding steady at about 280 active cases and about 75 Delaware Psychiatric Center commitment hearings per month. Twenty-six guardianship petitions were filed through August 30, 1997. The group does roughly 103 Division of Family Services (DFS) hearings per month, including about 23 probable cause hearings, 39 adjudicatory hearings and three Termination of Parental Rights (TPR) hearings per month. Because of a change in the federal Safe Families Act, the division will face increases in its caseload during the next 18 months.

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.

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 Justice of the Peace Courts. To help fulfill this

responsibility, the Criminal Division is organized into nine units. These units are Victim Services Unit; the Family Court Unit; the Domestic Violence Unit; the Drug Unit; the Trial Unit in each of the three county offices; the Misdemeanor Trial Unit; the Felony Screening Unit; and the Rape Response 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

The Victim/Witness Unit social workers are regularly involved in program planning, public education and training initiatives through multi-disciplinary committees and task forces concerned with the rights of and services to victims of crime. A sampling of these initiatives is:

- Two unit social workers and the director were named to the Attorney General's Task Force on Child Victims created in October 1996 and continue to regularly participate. Staff is also active on various subcommittees of the task force. Staff participated as panel members at the four public hearings sponsored by the task force in late 1997. The report of the task force was released in April 1998. The group continues to meet quarterly.
- Trained police and probation officers on provisions of the Victims' Bill of Rights through the annual training for law enforcement sponsored by the Domestic Violence Coordinating Council.
- Participated in the planning of the Restitution Summit sponsored by the Department of Justice.

Family Court Unit

During Fiscal Year 1998, this unit has accomplished the following:

- Taken over the responsibility to notify schools of "off campus" juvenile arrests. The function was originally performed by the Victim/ Witness Assistance Unit. This has added significantly to the support staff workload.
- Assisted in the modification and implementation of newly revised Family Court sentencing guidelines and procedures for juveniles.
- Assisted the Family Court in a review of the backlog of old Family Court juvenile delinquency

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cases which existed prior to the implementation of procedural processes that eliminated the transfer of warrants to the office as a pre-condition to the initiation of the juvenile delinquency process in Family Court.

- Participated in the Child Victim Task Force that resulted in a comprehensive report improving the delivery of services and protection of child victims.
- Assisted in the creation and implementation of the Juvenile Community Court in the city of Wilmington, which began in December 1997.

Domestic Violence Unit

The Domestic Violence Unit has commenced staff training in the "Victimless Prosecution" model for handling Domestic Violence cases. This system recognizes that, for various reasons, Domestic Violence victims fail to appear for trial, and when they do, they often recant their earlier statements to the police. Procedures have been adopted to deal with these cases and training has commenced with police agencies including Wilmington, Delaware State Police and New Castle County Police to implement police procedures to allow successful prosecution of these cases.

The unit has provided input to police agencies to assist in the implementation of firearm relinquishment by abusers as part of the Protection from Abuse Act Orders.

The Domestic Violence Unit has also provided assistance and guidance to the Domestic Violence Coordinating Counsel and law enforcement agencies regarding revisions to the Domestic Violence Uniform Crime reports, to be used by police statewide.

The unit is assisting in expanding the Child Advocacy Center program to include more child abuse cases beyond the sexual abuse area.

Drug Unit

The Fast Track Program, which applies to offenders on probation on the date of any new offense, was an unqualified success. Almost 60 percent of eligible defendants pled guilty not only to the probation violation but also to the new pending charges.

One Deputy Attorney General in the unit has very capably carried a full-time caseload in Superior Court (95 cases) as well as handling all forfeiture matters. The efforts on forfeiture work, produced in excess of

\$650,000 during Fiscal Year 1998. The unit coordinated police training for both the New Castle County Police and Wilmington Police. The same Deputy Attorney General who handled a full Superior Court caseload and forfeiture matters also coordinated the input of all deputies in their teaching duties.

The Drug Court Diversion Program, which demands significant discretion on the part of deputies, has clearly had "a positive impact on the reduction of criminal behavior as it relates to substance abuse" according to The Delaware Drug Court: A Baseline Evaluation (May 1998). The unit is doing well in qualifying offenders for the Court. Following implementation of the program, those who failed to complete it were arrested at a 55 percent rate within one year while graduates of the program exhibited only an 18 percent re-arrest rate.

Trial Unit

The net result of efforts to resolve cases in an expedited fashion, in an environment of spiraling case loads in Superior Court, is to place a tremendous burden on this office to comply with the Victims' Bill of Rights as well as to comply with the Court's Case Management procedure. The unit continues to apply an aggressive plea and trial policy, with an emphasis on trial dispositions, and to meet the Trial Unit's goals of efficient and appropriate resolution of cases.

The Criminal Division's Superior Court Fast Track Program, wherein cases involving offenses committed by probationers are resolved together with the probation violation charge continues to impress. Twenty-five to 30 Superior Court cases are resolved each month (as well as the related probation violation matters) through Fast Track. Utilization of the Attorney General's Office case tracking system, master file program (which permits this office to identify defendant on active Superior Court probation), as well as dedicating attorney and paralegal resources have all been significant factors in increasing the number of cases resolved by means of Fast Track.

Misdemeanor Trial Unit

The Misdemeanor Trial Unit experienced significant changes in Fiscal Year 1998. The unit assisted with the initiation and development of a Drug Diversion Program in the Court of Common Pleas. The unit also assisted in the expansion and merger of Municipal Court into the Court of Common Pleas (CCP). A program to obtain a police report for every case pending in CCP was also initiated.

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The result of the Municipal Court/CCP merger was the transfer of 9,000 defendants and 24,000 charges. This was a much greater caseload increase than had been forecast, mainly because the new Justice of the Peace Court did not keep the majority of misdemeanor and motor vehicle violations as originally anticipated. The result is that filings in the Court of Common Pleas have doubled. The additional filings has lead to a resultant increase in discovery and collection of police reports, among other duties, which has caused the unit to assume an enormous increase in its workload.

Felony Screening Unit

During Fiscal Year 1998, the Felony Screening Unit continued its efforts to timely intake, screen and process criminal cases. The paralegals continue to operate at maximum caseload, each intaking approximately 750 cases per year. In addition to Title 11 cases, this unit intakes Insurance Fraud, Consumer Fraud and Securities cases.

The unit coordinated the validation and update of the Law File. New procedures were devised to insure that new legislation was entered into the Law File and was made accessible to the law enforcement community. These procedures were developed with the cooperation of DELJIS and the Attorney General's Legislative Review Committee. The validation of the Law File was also coordinated with DELJIS and the assistance of the various units within the Criminal Division. Validation insured the accuracy of the Law File. This is an ongoing project.

The Felony Screening Unit was instrumental in coordinating efforts to improve the Rule 9 Warrant process in Superior Court. Through participation in a multi-agency committee, the Rule 9 Warrant process has been changed so that Superior Court (not the police agencies) holds the warrant. Additional improvements in the process, including moving the case out of "pending" upon indictment, will alleviate the creation of duplicate cases. This is also an ongoing project.

The Felony Screening Unit continues to be actively involved in the training of law enforcement officers. Members of the unit continue to teach at the New Castle County and Delaware State Police Academies.

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.

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 350 calls a week (approximately 18,000 annually), of which approximately one-third were referred to other agencies. The remaining 230 callers per week were assisted by the unit's intake staff. The CPU received a total of 1,800 letters from the public last year. Of these, 45 percent were referred to other agencies, in particular, the Bank Commissioner's Office, and the remaining 990 letters were answered by staff. The Consumer Protection Unit restructured its consumer intake organization in Fiscal Year 1998 to enhance its ability to field and address consumer complaints and inquiries. The Consumer Protection Unit implemented a structured response procedure and accountability system to reduce backlogs and provide for complaint audit trails. The changes have improved the unit's ability to monitor and track consumer complaints and have enhanced the speed with which valid complaints are handled.

The Securities Unit saw a number of changes in Fiscal Year 1998. As a result of revisions to federal law, the Delaware Securities Act was largely revamped to reflect the Securities Unit's new duties and responsibilities. The Securities Unit 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 Unit's revenues increased 29 percent in Fiscal Year 1998 to \$7,968,087. The increase was derived primarily from two factors: the increase in licensing fees imposed by Senate Bill 181 and the increase in the number of firms and individuals seeking licenses due to the continuing

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stock market boom. Investor education programs were continued during Fiscal Year 1998. Together with the Philadelphia regional office of the SEC, the unit hosted a series of town meetings throughout the state, which were attended by 350 people. The unit offered the Wall Street Journal classroom edition to all high schools in the state for the current school year together with teacher training. To date 30 high schools have accepted the offer.

During the past year, the Medicaid Fraud Control Unit (MFCU) has undertaken and accomplished a number of initiatives. As health care fraud has gained national attention and more resources have become available at the federal level, the unit has responded in the following ways:

- Continued joint investigations and prosecutions of health care fraud with the U.S. Attorney's Office and other federal agencies resulting in federal criminal charges in one case pending trial and other cases pending indictment.
- Joined with other federal agencies in comprehensive investigations of health care fraud violators, which coordinated investigative activities and brought more resources to bear on fraudulent providers in a shorter time span.
- Continued participating in the Health Care Fraud Task Force which includes only law enforcement agencies and meets regularly to share information and coordinate investigations.
- Participated in an initiative to gain access to information from private insurance carriers about fraud and abuse they have discovered in their provider base (joint between the Attorney General, the U.S. Attorney for Delaware and the Insurance Commissioner).
- The unit has continued to acquire computer hardware, software, and training to better deal with the changing technological environment in which health care fraud is occurring. In particular this has included developing the capacity to access, download, and manipulate data from the mainframe system that stores Medicaid claims data, MCO encounter data, point of services (POS) real time pharmacy claims data and other program related data bases.

With regard to patient abuse, a top priority of the unit has been and will continue to be patient abuse training initiative to include police recruit class and in-service training of law enforcement officers in the investigation of patient and resident abuse. The unit has 51 active patient abuse cases pending and received 113 new referrals in the past 12 months. With the advent of recent legislative changes in state oversight in nursing homes and a new agency to screen abuse complaints, it is anticipated that there will be an increase in the number of abuse complaints referred to the MFCU.

The Special Investigations Unit investigated 151 cases during Fiscal Year 1998. Of that figure, 32 cases were carried over from Fiscal Year 1997 and closed during Fiscal Year 1998. The total cases assigned or investigated during Fiscal Year 1998 represented a 19 percent increase of cases over Fiscal Year 1997.

The unit was assigned to assist in cases or investigations with other agencies, such as the Delaware State Police and State Auditor's Office and to investigate complaints referred by the Attorney General, division heads, unit supervisors, and numerous state and federal agencies. Investigators in the unit assisted deputies assigned to the Welfare Fraud Division by preparing cases, obtaining Rule 9 Warrants and attempting execution of those warrants, in an effort to impact that area of fraud. In many cases it appears that referrals to the unit by other agencies are made because a) they do not have the resources to investigate the complaint; b) the scope of the complaint is beyond their abilities; or c) they do not want to be involved or embroiled in the ongoing complaint.

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 United States 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

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assistance to prosecutors in the Criminal Division. In addition, the division supervises extradition proceedings and conducts any litigation related to extraditions.

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 95 percent of criminal appeals decided by the Delaware Supreme Court and in all federal habeas corpus cases decided by the United States District Court or the Third Circuit Court of Appeals.

In Fiscal Year 1998, attorneys in the division represented the State in 187 criminal appeals in the Delaware Supreme Court (Fiscal Year 97-227) and appeared before the Court at oral argument in 21 cases (Fiscal Year 1997- 20). The division also responded to 53 federal habeas petitions in the United States District Court and the Court of Appeals (Fiscal Year 1997 -42).

BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	13,462.9	14,280.9	14,918.7
ASF	1,775.4	2,024.6	2,323.8
TOTAL	15,238.3	16,305.5	17,242.5

POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	235.9	246.9	252.6
ASF	32.6	35.6	40.9
NSF	34.6	30.6	36.6
TOTAL	303.1	313.1	330.1

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.
- 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 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
Average caseload per prosecutor (Superior Court - Criminal)	175	150	200
Average time from arrest to indictment	35 days	30 days	30 days
# consumer complaints intaked/referred	19,800	26,000	26,500
# victims notified	36,149	30,000	36,500
# domestic violence victims counseled	1,100	1,200	1,300
% 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	661,104	600,000	600,000
% complaints where a prosecutorial decision was made in six months	80	85	85

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PUBLIC DEFENDER

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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:

- Require attorneys to contact incarcerated clients in person or by videophone.
- 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.

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.

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 54 full-time Attorneys, 3 part-time Attorneys, 10 Psycho-Forensic Evaluators, 12 Investigators/Social Service Specialists, and 28 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, Justice of the Peace Court 20 in Wilmington, and the Board of Pardons. Social Service Specialists 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. 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. Written reports, including information obtained on clients from interviews and tests, are supplied by the unit. These reports help attorneys in making recommendations for bail, pre-trial intervention and sentencing alternatives.

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,

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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.

As a member of the Delaware Criminal Justice Council, the Public Defender, with cooperation from other agencies, has made great strides in improving the efficiency of both the organization and the broader criminal justice system. 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. For example, in September 1998, using the videophones, the Public Defender represented indigent defendants at 268 arraignments, 435 arraignment/bail hearings, 523 capias hearings, 30 preliminary hearings, and 58 bail reviews.

The goal of the videophone project is to decrease the lapse time from arrest to adjudication, and reduce transportation costs. The state has also realized large savings by not transporting detainees to court. At the same time, the system is far less taxing on defendants and correctional personnel. It reduces disruption of detainees daily routine and less movement of detainees decreases security risks.

BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	6,141.0	6,511.7	7,169.4
ASF	--	--	--
TOTAL	6,141.0	6,511.7	7,169.4

POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	100.0	108.0	113.0
ASF	--	--	--
NSF	7.0	13.0	10.0
TOTAL	107.0	131.0	123.0

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:

- 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 will 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.
- A Public Defender Investigator conducts internal polygraph examinations to verify information and use for negotiation with prosecutors.
- Attorneys in the Appellate Unit handle appeals for indigent clients formerly represented by a private attorney at trial. 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.

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- 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. It is used to track the case through the system from issuance and execution of the warrant, to release from supervision by the Department of Correction. 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 1998 Actual	FY 1999 Budget	FY 2000 Gov. Rec.
Average # days from arrest to intake interview for incarcerated clients - New Castle County*	7	5	4
Average # felony cases closed per attorney per yr (Superior Court)	688	696	580
Average # misdemeanor cases closed per attorney per yr in Court of Common Pleas	1,235	1,297	876
Average # juvenile cases closed per attorney per yr in Family Court	555	585	471
# appeals closed	65	68	71
Average # days from interview to date client file is opened**	NCC 4 Kent 1 Sussex 1	NCC 3 Kent 1 Sussex 1	NCC 1 Kent 1 Sussex 1
Psycho-Forensic Evaluator Plans***	406 Plans	600 Plans	720 Plans
Accepted	70%	70%	70%
Partially accepted	24%	24%	24%
Rejected	6%	6%	6%

*Approximately 87% of interviews are completed within five working days for incarcerated clients in New Castle County, 95% in Kent County and 91% in Sussex County.

**Approximately 80% of files are opened within five working days of the interview in New Castle County.

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

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 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

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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, 1998, 570 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 1998, only 21 parolees, or 3.4 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 June 15, 1998, is 508. 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 1998, the Board heard 115 cases for parole consideration, and 29 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 1998, the Board reviewed and provided reports to the Board of Pardons in 25 cases. This compares with 33 cases for Fiscal Year 1997 and 40 cases for Fiscal Year 1996.

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 1996	FY 1997	FY 1998
Parole	211	171	115
Sentence Modification	33	41	29
Sentence Commutation	40	33	25
Revocation	99	85	105
Rescission / Discharge	33	19	13

Although Board of Parole statistics indicates 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 had increased approximately 40 percent from Fiscal Year 1996 and Fiscal Year 1997. For Fiscal Year 1998, while the workload for Victim Notification decreased approximately nine percent, Revocation Hearings increased nearly 25 percent from Fiscal Year 1997. This increase may be attributed, in part, to enhanced monitoring and the efforts of the Operation Safe Streets Program (see below and above noted charts).

Board of Parole Prison / Community Population

Parole Eligible in Prison	738	666	508
Parolees in the Community	640	596	570
Mandatory Releases in the Community	UNK	UNK	UNK
# / % of Parolees Returned to Prison	35 4.9 %	29 4.4 %	21 3.4 %
# / % of Parolees successfully discharged	44 6.1 %	32 4.9 %	35 5.6 %

Board of Parole Victim/Public Notification Activity

	FY 1995	FY 1996	FY 1997
Victims Notifications Sent	256	341	312
Victim Input Hearings Held	13	11	17
Public Notices Issued	N/A	25	26

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 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 was initiated on a pilot basis during Fiscal Year 1998. Videoconferencing

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is expected to result in a reduction of public safety concerns associated with inmate transportation. Also, victims had 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. A total of six hearings were held via videoconference during Fiscal Year 1998.

During Fiscal Year 1998, 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.

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 1998, 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. 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.

Training and Development. All Board members and staff participated in at least one professional training program during Fiscal Year 1998.

Public Information. During Fiscal Year 1998, 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. During Fiscal Year 1998, the Board's public information was updated. Public information was also provided by the Chairperson in speaker forums and by staff upon request.

BUDGET

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 GOV. REC.
GF	328.8	344.0	357.0
ASF	--	--	--
TOTAL	328.8	344.0	357.0

POSITIONS

	FY 1998 ACTUAL	FY 1999 BUDGET	FY 2000 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.

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PERFORMANCE MEASURES

	FY 1998 Actual	FY 1999 Budget	FY 2000 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	3.4	4.9	3.4
# victims' notifications sent	312	408	408
# post-hearing decisions sent to victims	205	205	205
% 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	1,156	1,276	1,276