

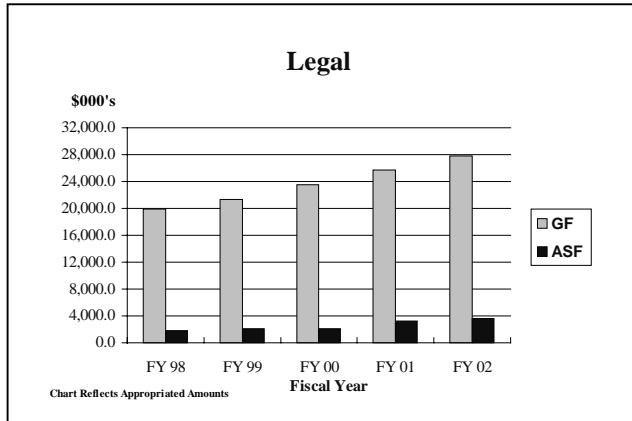
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Legal

Office of Attorney General

Public Defender

Board of Parole



BUDGET

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	23,511.4	25,669.4	27,771.5
ASF	2,057.6	3,284.1	3,632.1
TOTAL	25,569.0	28,953.5	31,403.6

POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	375.6	384.7	400.4
ASF	41.9	43.9	43.9
NSF	46.6	45.0	30.8
TOTAL	464.1	473.6	475.1

FY 2002 BUDGET HIGHLIGHTS

OPERATING BUDGET:

Attorney General

- ◆ Base adjustments include \$39.9 in Personnel Costs for the annualization of a Human Resource Specialist and a Deputy Attorney General assigned to the Delaware State Police; \$85.1 ASF in Personnel Costs to cover increased personnel costs of the Tort Attorney Program; \$175.5 ASF in Child Support, also to cover increased personnel costs due to the implementation of the Deputy Attorney General Salary Plan; and .3 FTE to correct the number of authorized General Fund FTEs.

- ◆ Recommend enhancement of \$176.2 in Personnel Costs, 5.0 FTEs (two Deputy Attorneys General, one Legal Secretary, one Social Worker and one Paralegal) and (5.0) NSF FTEs for positions currently funded by the expiring Juvenile Accountability Incentive Block Grant (JAIBG). The first four of these positions are responsible for the prosecution of serious juvenile offenders in Family Court in Kent and Sussex counties. The fifth position is the statewide coordinator for a juvenile diversion program. Recommend enhancement of \$22.1 in Personnel Costs, 1.0 FTE Investigator and (1.0) NSF FTE for a position, funded by an expiring federal grant, that assists the elderly and disabled in Kent and Sussex counties who are victims of financial exploitation and abuse. Recommend enhancements of \$30.2 in Personnel Costs, 1.0 Social Worker and (1.0) NSF FTE for a position, funded by an expiring grant, responsible for providing prosecution-based victim services to victims of violent crimes.
- ◆ Recommend enhancements of \$11.6 in Personnel Costs and .25 FTE and .75 NSF FTE (split-funded position) for additional Investigator position for Medicaid fraud investigations in Kent and Sussex counties, requested to meet the State match requirement to a federal grant. The NSF FTE portion of this grant position has already been approved by the Delaware State Clearinghouse Committee.
- ◆ Recommend enhancement of \$35.0 in Contractual Services to cover increased final rental costs of new office space in Dover. Recommend enhancement of \$50.0 in Contractual Services to pick up the final phase, three months of operations, of an expiring grant that supports Sara's House, an emergency shelter for battered women and their children in New Castle County. This is part of the Attorney General's Family Violence Program. Phase I was picked up in Fiscal Year 2001. Recommend enhancement of \$60.0 ASF for database application user licenses needed by Criminal Division Deputy Attorneys General and staff to implement new in-house Attorney General Case Tracking System.

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Also recommend enhancement of \$10.0 ASF for two replacement high-speed printers for the Criminal Division Case Processing Unit.

- ◆ Recommend one-time funding in the Budget Office's Development Fund for the Office of the Attorney General to purchase desktop software application package upgrade for all Office of the Attorney General computer users.

Public Defender

- ◆ Base adjustments include \$315.7 in Personnel Costs to annualize five Senior Public Defenders and one Paralegal for the Videophone Project, located in Delaware's prisons, that were picked up from an expiring grant in Fiscal Year 2001 and \$271.5 in Personnel Costs to annualize the new Public Defender Salary Matrix (similar to the Deputy Attorney Salary Plan).
- ◆ Recommend enhancements of \$239.5 in Personnel Costs, 8.0 FTEs (three Assistant Public Defenders, three Psycho-Forensic Evaluators and two Investigators) and (8.0) NSF FTEs for positions currently funded by the expiring Juvenile Accountability Incentive Block Grant (JAIBG). These positions are used to expedite the case processing for serious juvenile offenders and to provide defense attorneys, prosecutors, Family Court officials and family members with holistic, comprehensive psycho-forensic evaluations and concomitant diagnosis and more meaningful mental health placement and treatment alternatives for these offenders.
- ◆ Recommend enhancement of \$72.0 in Contractual Services for a subscription to on-line Internet access to WESTLAW.com, the same subscription option used by the Office of the Attorney General and the courts, to enhance their legal research capabilities with access to the largest and most diverse legal databases and special citation process. Also recommend enhancement of \$2.5 in Contractual Services for subscription to monthly updated CD-ROMs used in troubleshooting and repairing software and network applications.
- ◆ Recommend one-time funding in the Budget Office's contingency of \$4.0 for furniture and equipment; \$4.0 for telephones; \$20.0 for new furniture; \$1.0 for new T-1 line; \$8.0 for new router; and \$4.0 for datapath lines for moving costs and new office space in Dover.

OFFICE OF ATTORNEY GENERAL 15-01-00

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.

KEY OBJECTIVES

- Enhancing domestic violence case prosecution and processing through improved case screening and reduction of case processing time; improved victim, witness and police officer trial attendance; and to improve the case tracking process to provide a sound foundation for statistical analysis.
- Completing the implementation of a case tracking system for Sex Crime Unit investigations thereby improving efficiency and effectiveness of prosecutorial services for those who commit crimes and improvement of counseling services for victims and witnesses of crime during Fiscal Year 2002.
- Providing expert litigation services to the State of Delaware, thereby protecting the State from significant financial losses from lawsuits filed against the State.
- Enforcing aggressively the State of Delaware tobacco laws pertaining to youth access and enforce the Master Settlement Agreement in an effort to prevent the loss of settlement dollars.
- Enforcing aggressively the laws of child abuse and neglect through custody adjudications, termination of parental rights, and maintenance of the abuse registry.
- Providing safe and reliable vehicles in support of law enforcement and investigative objectives of the department, ensure a fully mission capable rate of 95 percent.
- Executing the Attorney General's priorities through a comprehensive planning, programming, and budgeting process ensuring the equitable distribution of resources, proper use of federal and state grants, and visionary planning for future expenditures during Fiscal Year 2002.

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- Respond promptly and accurately to consumer complaints, resolving preliminary investigations within one month and formal investigations within six months.
- Improve investor awareness through expanded educational programs, increased utilization of technological resources, (i.e. webpage).

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

- Acquire sufficient equipment, such as computers, copiers, and facsimile machines to increase efficiency.
- Meet the increased obligations to the multi-disciplinary process embodied by the Children's Advocacy Centers in New Castle and Kent/Sussex counties in order to provide services to child victims of sexual and physical abuse and to more effectively prosecute defendants who commit those crimes.
- Increase asset forfeitures statewide, both in Title 16 and Title 11 cases.
- Absorb effectively the responsibility of prosecuting juvenile misdemeanor cases and to file petitions at the time of arraignment in the Family Court.
- Implement the Victimless Prosecution model in domestic violence cases through prosecutor and police training and stronger case prosecution.
- Implement and improve the file retention protocol for Criminal Division files.
- Develop standards and criteria for case acceptance and develop a tracking system for investigations in the White Collar Crime Unit.
- Develop standards and criteria for the prosecution of child pornography cases in the Sex Crimes Unit.
- Develop a framework for Sex Crimes Units in both Kent and Sussex counties so that victims of sexual offenses may be better served and resources through the Child Advocacy Centers are better utilized.

- Develop and implement a case tracking system for the Sex Crimes Unit.
- Improve upon the implementation of sex offender registration and notification statutes statewide.
- Streamline the process for victim notification through letters informing them of key court events and case dispositions pursuant to the Victims' Bill of Rights.
- Respond to the ever-increasing charges filed in the Court of Common Pleas (over 2,000 per month) through effective scheduling and dedicated attorney support.

CIVIL DIVISION

MISSION

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

KEY OBJECTIVES

- Improve and enhance client communication in litigation cases to assure the client is kept current on progress of litigation which affects the State and in which the client's employees are the major witnesses.
- Enhance the provision of legal services to Family Services, particularly with respect to cases involving the Abuse Registry and termination of parental rights.
- Enforce the State of Delaware tobacco laws pertaining to youth access and enforce the Master Settlement Agreement in an effort to prevent the loss of settlement dollars.
- Improve communication and sensitivity to the clients of Child Support Enforcement and increase the enforcement of civil and criminal actions against "deadbeat" parents.
- Respond promptly and accurately to requests and complaints regarding the applicability of the Freedom of Information Act.
- Provide responses to requests for opinions of the Attorney General within 45 days.
- Improve the ability to prepare for administrative hearings by increased use of paraprofessionals.
- Enhance contract review and drafting capabilities thereby serving clients more efficiently.

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- Improve document identification and retrieval systems through exploration of document imaging initiatives saving countless man hours and improving accessibility to vital documents through “point and click”.
- Acknowledge all business mail and prepare appropriate responses in a timely manner and return client telephone calls within 24 hours.
- Continue to utilize the Client Satisfaction Survey to better ascertain client needs and attorney performance and productivity issues, with the objective of achieving a 90 percent satisfaction rate.

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, as needed in a timely manner.
- Complete all preliminary investigations with the Intake Unit within three months from the date of the initial contact.
- Complete determinations in formal investigations by Special Investigators within six months from the date of initial assignment.
- Increase public awareness of unit resources and laws through seminars, classroom presentations, and briefings.
- Increase investor awareness through conducting educational programs within the community.
- Serve and protect all Delaware investors from violations of the Securities Act and fraudulent practices.
- Decrease the length of time from initial investor complaint to final resolution of the investigation.
- Prosecute those who violate laws in administering the Medicaid Program.

- Prosecute those who criminally infringe upon the rights and safety of long-term care residents of Delaware nursing homes.
- Recover damages and overpayments to the Delaware Medicaid Program.
- Improve the flow of fraud and abuse referrals through education and training outreach efforts and use of Memorandums of Understanding with other state agencies.
- Provide support and cooperation in Medicaid-related investigations/prosecutions undertaken by federal law enforcement agencies.
- Improve law enforcement effectiveness through a statewide patient abuse training initiative and enhance effective communications with the Delaware law enforcement community.
- Prosecute those who criminally infringe upon the rights and safety of long-term care residents of Delaware nursing homes.

ADMINISTRATIVE DIVISION

MISSION

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

KEY OBJECTIVES

- Achieve the highest levels of competence in varied administrative practices to better serve the employees assigned to the Department of Justice through a fully staffed division, opportunities for growth and development of staff, and a commitment to responsive service.
- Improve employee satisfaction through a proactive human resources effort enhancing communication; implementing fair, equitable, reasonable and enforceable policies; developing aggressive recruitment processes; and ensuring a close liaison with the Office of State Personnel and the Office of the Budget to assure proper compensation and classification of assigned personnel.
- Execute the Attorney General’s priorities through comprehensive planning, programming, and budgeting.

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- Provide timely, customer-focused, and efficient general supply, equipment and transportation support for department employees.
- Provide first class facilities for staff, ensuring that employees work in an environment conducive to optimal productivity and that such an environment is secure and safe.
- Provide counseling, guidance, and assistance to clients residing in Delaware regarding United States Immigration and Naturalization laws and procedures.
- Develop a rapid, responsive, streamlined, and collaborative data automation system which provides users with the tools to access, manipulate, and respond to information in the most efficient and effective manner during Fiscal Year 2002.

APPEALS DIVISION

MISSION

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

KEY OBJECTIVES

- File briefs and other responses (e.g., federal habeas answers, briefs in opposition to certiorari petitions) in a timely fashion.
- Plan and initiate strategies for post-conviction and federal habeas litigation.
- File non-capital appeals in the Delaware Supreme Court within 60 days in 100 percent of the cases.
- File the response to habeas cases within 60 days in 75 percent of the cases.

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. 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.

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.

During the past year, the Department of Justice continued to provide quality legal services to the State of Delaware in an 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.

Criminal Division

The Criminal Division met its objective of prosecuting criminal cases fairly and effectively. The Trial Unit experienced a 14 percent increase in caseload during this past fiscal year. The Superior Court Fast Track Program, consolidating offenses committed by probationers with associated probation violations, continues to prove very successful. The permanent re-assignment of duties among personnel has resulted in an increase of 20 percent of First Case Review pleas accepted. The increased numbers of cases that are resolved at First Case Review has exponential benefits for the overall caseload in Superior Court.

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The Victim/Witness Service Unit sends notification letters to victims of crime in Justice of the Peace Courts, Family Court, Court of Common Pleas, and Superior Court; during Fiscal Year 2000, over 37,000 notification letters were sent. The 16 professional social workers assigned to this unit carried a combined average caseload of 1,800 cases per quarter. In addition to providing services to the hundreds of adult victims of crime, social workers provided services to 567 child victims, 82 senior victims, 26 survivors of family members who experienced violent deaths, 38 mentally disabled, and 28 physically disabled victims. Great emphasis has been placed on providing the community with education regarding domestic violence, sexual assault and other victimization, training rape crisis counselors, providing training for police agencies, and disseminating information about the Victims' Bill of Rights. A significant achievement during the past year was the provision of senior victim domestic violence training to senior adult volunteers. The Department of Justice now has participating senior adult volunteers who respond by telephone to senior victims of domestic violence.

The Drug Unit collected nearly \$625,000 in forfeitures, which were deposited into the Special Law Enforcement Assistance Fund (SLEAF) during the past year, and resolved 83 cases via trial or settlement. The forfeiture caseload was reduced from 50 pending cases to 36 pending cases statewide over the past year. The Drug Unit has an average of 60 Title 16 cases per attorney. The Drug Unit continued its efforts toward educating police agencies throughout the State of Delaware regarding prosecution tactics and forfeiture issues. This unit continues to work collaboratively with the U.S. Attorney's Office to develop intergovernmental cooperation in the implementation of new drug forfeiture legislation.

Formerly the Rape Unit, the Sex Crimes Unit recently changed its name to more accurately convey the nature of its caseload - which is continually increasing. During the past year, deputy attorneys general and social workers participated in over 272 multi-disciplinary interviews, a 30 percent increase over the previous year. The Sex Crimes Unit will conduct 500 intakes in Fiscal Year 2001. The unit has completed final work on the automated Sex Crimes Unit cases tracking system - a computerized system which keeps all pertinent data on cases reviewed by the Sex Crimes Unit whether prosecution is initiated or not. This system will eventually replace a manual system of record keeping.

The Felony Screening Unit continued its efforts for timely intake, screening, and processing of criminal cases. Since Fiscal Year 1997, the number of felony screening intakes has escalated from 3,006 to 5,040 in Fiscal Year 2000 - a 67 percent increase. During this period the paralegal specialists have experienced an increase in annual caseload from 750 in Fiscal Year 1997 to 1,440 in Fiscal Year 2000. This unit's performance is vital to smooth processing of cases in other units of the department. Despite the increasing caseload, the Felony Screening Unit continues to provide valuable educational opportunities for police agencies regarding pre-arrest investigation advice.

The Domestic Violence Unit made significant progress toward strengthening prosecutorial response in domestic violence cases. Achievement of this progress occurred as a result of improved case preparation, early victim contact, and intakes of child abuse cases. The 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 prosecutors have effectively managed approximately 100 trials per week while the Court of Common Pleas prosecutor managed approximately 50 trials (jury and non-jury) per week. The Superior Court domestic violence caseload has grown to approximately 750 cases per year. In felony cases, the unit is working toward victimless prosecution since so many of the victims fail to cooperate in the prosecution. The goal is for each Deputy Attorney General to handle at least one trial without a victim during the course of the year. During the last fiscal year, the unit initiated an intake procedure for all child abuse cases. Not only has investigation and prosecution improved, the process has served as a valuable training mechanism for police officers. Currently the unit intakes approximately six to eight child abuse cases per week; the expectation is that this number will grow as police officers adjust to this new procedure.

The Family Court Unit continues to have an aggressive approach to its caseload, filing over 7,000 juvenile cases during this past fiscal year. The unit was integral in the implementation of the Family Court Case Management System which has resulted in improved efficiencies. Another significant achievement was the improvement of the witness identification and notification process for all school offenses. This initiative resulted in significant improvement in witness notification and availability for school offense trials. The School Violence Prevention Program has been extremely successful. The Deputy Attorney General and School Ombudsman carry a strong message to all schools throughout the State of

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Delaware in the interest of preventing crime and understanding resources that are available within the school system and the Department of Justice. The Family Court Diversion Program diverts relatively minor cases out of Family Court into an approved diversion program allowing Family Court to focus on more serious cases. In New Castle County, the total number of misdemeanor and felony filings have increased by over 30 percent since 1995.

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 assignment to other deputy attorneys general was no longer a feasible solution. The WCCU has had 25 active (post charge) cases designated statewide for prosecution. Approximately \$50,000 in assets have been seized and is pending forfeiture. The deputy is currently assisting other agencies in 20 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. Many times these cases involve complex financial issues which require multi-disciplinary services of an auditor/investigator assigned to the Fraud Division.

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 has been extremely successful. Now in its second year of operation, it continues to see a successful completion rate. Forty-two percent of those enrolled have successfully completed the program and 29 percent are still in the program. The merger of the Municipal Court into the Court of Common Pleas has resulted in a doubling of the caseload.

The Kent County Office continues to experience increases (by way of comparison from Fiscal Year 1999 to Fiscal Year 2000) in caseload filings in Superior Court (16.2 percent) and the Court of Common Pleas (9 percent). During Fiscal Year 2000, the Superior Court attorneys prosecuted 36 cases obtaining 30 convictions. The staff continues to respond to increases with the same complement of support personnel. The Kent County Office continues to aggressively pursue staff and attorney cross-training to ensure optimal productivity within the office. An objective of the Kent County Office will be moving toward specialization to better serve the public.

The Sussex County Office continues to experience increases in caseload as well. The Superior Court filings have stabilized over the past two years after progressive increases from Fiscal Years 1995 through 1998. Despite stabilization, the amount of time prosecutors spend in court has increased dramatically (with the addition of final case review day, arraignment day, drug court days). Court of Common Pleas filings increased over the past fiscal year (9 percent). The Sussex County Misdemeanor Unit now prosecutes all misdemeanor delinquency cases in Family Court. The Superior Court continues to consistently maintain compliance with the 120-day rule. During the last fiscal year, the Superior Court attorneys prosecuted 33 cases and obtained 27 convictions.

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 in complexity and numbers) of legal services to government entities. The major areas of concentration for administrative hearings are in professional regulations, labor, and personnel matters. Through 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 1,500 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 Civil Division represents the State in civil cases filed against state agencies and officers as well as participating in national anti-trust actions on behalf of Delaware citizens. The division was successful in obtaining summary judgment in an alleged whistle blower case pending in the U.S. District Court. The allegations, if proven, could have cost the State approximately \$150,000 in back pay alone. Had the State not prevailed in that case, the opposing party could have obtained an additional judgment for attorneys fees. The savings to the State were approximately \$250,000 on that case alone. The Litigation Section of the division drafted the Nuisance Abatement Statute passed by the General Assembly and signed into law which permits both the government and private citizens to sue alleged drug dealers and obtain the abatement of drug trafficking as well as damages for property or commercial loss resulting from such illegal activities.

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Legal services provided to child and family related issues was one of the most critical areas of legal attention in Fiscal Year 2000 and in the first six months of Fiscal Year 2001. Issues of child abuse and dependency and neglect were of increasing significance in Fiscal Year 2000. However, in the first six months of Fiscal Year 2001, this significant area of the law became critical in terms of the cases and need for sophisticated legal support.

Administrative Division

The Administrative Division made significant strides to improve departmental support during the past fiscal year. In the area of human resources, more efficient and effective measures have been implemented for recruitment, testing of candidates, automation of annual/sick leave balances, staffing, and position classification. Pursuing recruitment in the electronic media has improved fill rates 30 percent. Testing candidates for clerical positions (keyboarding and secretarial examinations) is now streamlined using testing sites in all three counties. An automated vacation/sick leave monitoring process which has improved efficiency and was implemented allowing employees to view their balances by simply "pointing and clicking."

The Information Technology Branch made reasonable progress over the past year. Extensive preparation took place to ensure that all computerized equipment was Y2K compliant. Information Technology personnel were sent to training for two specific purposes: 1) learning how to configure a Windows 2000 platform, and 2) learning how to use the platform to launch an Attorney General case tracking system.

The Fiscal Year 2001 Budget Act granted the Department of Justice approval to lease office space to consolidate Kent County office functions. Ground will soon be broken for the construction of a three-story building in Dover with anticipated occupancy of May 2001.

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. The Intake Unit averages approximately 1,600 telephone calls, letters, and walk-in inquiries from the public per month. Each of the special investigators is assigned an average of 15-20 open cases on any given day. During this past year, the Consumer Protection Unit conducted 86 formal investigations, up from 60 during the previous fiscal year. Special

investigators have taken on a proactive approach by conducting investigations in the areas of home building, landlord neglect and automotive false advertising. Litigation increased by 300 percent and investigative activity increased by 15 percent as compared to the previous fiscal year. 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.

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 proactive year. The unit conducted four town meetings - at least one in each county. These meetings were attended by 250 persons, representing a 60 percent increase over the prior year. 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 continued 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 successfully prosecuted 24 cases during Fiscal Year 2000 in the area of patient abuse. The passage of Senate Bill 112 expands the protections afforded by the Patient/Resident Abuse Statute to include acts which are knowingly or recklessly done by the care provider.

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 429 assignments as compared to 370 during the preceding year and 78 cases which involved federal habeas litigation in the District Court or the Court of Appeals. The 429 assignments during the past fiscal year represents a 14 percent increase. The average caseload per attorney is currently 60 cases.

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BUDGET

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	15,770.7	17,297.0	17,992.1
ASF	2,057.3	3,284.1	3,632.1
TOTAL	17,828.0	20,581.1	21,624.2

POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	255.6	258.7	266.4
ASF	41.9	43.9	43.9
NSF	36.6	36.0	29.8
TOTAL	334.1	338.6	340.1

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 2000 Actual	FY 2001 Budget	FY 2002 Gov. Rec.
Average caseload per prosecutor (Superior Court - Criminal)	240	225	250
Average time from arrest to indictment (days)	35	30	30
# consumer complaints intaked/referred	17,889	18,416	19,000
# victims notified	37,000	36,500	40,000
# domestic violence victims counseled	1,150	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	625,000	600,000	800,000
% complaints where a prosecutorial decision was made in six months	80	85	85

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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 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 court plans and reports per year.
- Conduct intake interviews within two days of imprisonment for incarcerated individuals.
- Make full use of Judicial Information Center (JIC) and Delaware Justice Information System (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 Services, Technology and Legal Services.

Administrative Service Section

The Public Defender's Administrative Services Section has executive staff 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, financial and personnel records; processes financial and personnel transactions; and prepares federal and state reports.

Technology Section

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 Section

The Legal Services 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 Services 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 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 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.

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During Fiscal Year 2000, the Public Defender's Office began an internal reorganization, which continues into Fiscal Year 2001 with the implementation of an attorney pay plan. The Public Defender and Chief Deputy have become full-time positions. The organizational structure now has a Chief of Legal Services, Chief of Administrative Services, and a Chief of Technology. In addition, the attorney pay plan has added an Assistant Division Head in the Appellate Unit, and an Assistant Division Head in each county. The plan also provided supervisory positions in New Castle County Superior Court, Family Court, and Court of Common Pleas. The addition of these positions ensures greater accountability, and reinforces the Public Defender's dedication to providing quality representation, improving cost-efficiency, meeting national standards and reducing case processing time.

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 Videophone Committee for the Criminal Justice Council, which has authority over a statewide videophone system in 85 locations. With the videophone project, the public defender currently employs five senior attorneys. These five attorneys staff prisons 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 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	7,446.6	8,001.5	9,400.8
ASF	--	--	--
TOTAL	7,446.6	8,001.5	9,400.8

POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	113.0	119.0	127.0
ASF	--	--	--
NSF	10.0	9.0	1.0
TOTAL	123.0	128.0	128.0

ACTIVITIES

The Office of the Public Defender is responsible for representing each indigent person 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 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.

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- 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 Definition

- 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, then 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.

Attorney caseloads consist of closed cases, violation of probation, capias, and preliminary hearings. Closed cases include trials, pleas, nolle prosequis, dismissals, attorney general’s probation, and diversion.

Fiscal Year 2000 attorney averages are based on actual attorney assignments per court and actual caseloads in each court. Fiscal Year 2001 averages are based on actual attorney assignments per court and a five percent projected increase in caseloads. In Superior Court, Court of Common Pleas, and Family Court, Fiscal Year 2002 averages are based on additional attorneys requested in service level four (three in Court of Common Pleas, one in Family Court, and one in Superior Court), and a five percent projected increase in caseloads.

Fiscal Years 2000 and 2001 psycho-forensic evaluator average plans are based on an actual number of evaluators and actual plans. Fiscal Year 2002 average plans are based three additional evaluators requested in service level four.

PERFORMANCE MEASURES

	FY 2000 Actual	FY 2001 Budget	FY 2002 Gov.Rec
Average days from imprisonment to intake interview for incarcerated clients	NCC 4 Kent 3 Sussex 4	NCC 4 Kent 3 Sussex 4	NCC 4 Kent 3 Sussex 4
Superior Court -Average felony caseload per attorney per year	587	616	621
CCP - Average misdemeanor caseload per attorney per year	1,687	1,772	1,462
Family Court - Average juvenile caseload per attorney, per year	557	585	567
Appeals closed statewide	68	71	75
Average days from interview to date client file is opened	NCC 2 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 541 accepted/and partially accepted 91% Rejected 9%	Plans 541	Plans 667

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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 conducting hearings, 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; and 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, 2000, 541 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 2000, only 14 parolees (3.1 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 June 30, 1990, or thereafter. According to Department of Correction statistics, the number of parole eligible inmates remaining in prison, as of July 2, 2000, is 412. 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 2000, the board heard 102 cases for parole consideration, and 34 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 the past three fiscal years, the board's workload for victim notification and the number of meetings held by the board has reached a plateau.

The number of cases heard by the board, the board's prison/community population and victim/public notification activity are noted in the following charts.

Cases Heard by the Board of Parole

	FY 1998	FY 1999	FY 2000
Parole	115	117	102
Sentence Modification	29	40	34
Sentence Commutation	25	29	29
Revocation	105	87	74
Rescission / Discharge	13	12	11

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Board of Parole Prison/Community Population

	FY 1998	FY 1999	FY 2000
Parole Eligible in Prison	508	442	412
Parolees in the Community	570	564	541
Mandatory Releases in the Community	Unknown	Unknown	Unknown
# / % of Parolees Returned to Prison	21 3.4	15 2.6	17 3.1
# / % of Parolees successfully discharged	35 5.6	33 5.8	31 3.4

Board of Parole Victim/Public Notification Activity

	FY 1998	FY 1999	FY 2000
Victims Notifications Sent	457	455	450
Victim Input Hearings Held	17	12	10
Public Notices Issued	26	27	23

ACCOMPLISHMENTS

Public Safety. During Fiscal Year 2000, risk assessments were completed on 100 percent of cases considered for parole release; 18 warrants were issued for retaking offenders into custody; and 100 percent of the warrants were issued within five days of request.

Victims/Public Input. Pursuant to 11 Del. C. § 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 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 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. Planned improvements to the data base infrastructure are expected to eliminate redundant data entry and provide a unified base of data.

Training and Development. All board members and staff participated in professional training programs during Fiscal Year 2000.

Public Information. During Fiscal Year 2000, the board maintained 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.

Pursuant to 11 Del. C. c. 41 § 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 2000 ACTUAL	FY 2001 BUDGET	FY 2002 GOV. REC.
GF	295.3	370.9	378.6
ASF	--	--	--
TOTAL	295.3	370.9	378.6

POSITIONS

	FY 2000 ACTUAL	FY 2001 BUDGET	FY 2002 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 2000 Actual	FY 2001 Budget	FY 2002 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	3.1	3.1	3.4
# victim's notifications/decisions sent	450	450	440
% 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 Board members/staff trained	89	100	100
% public information requests answered within 5 working days	100	100	100
# meetings per month	2.1	2.1	1.9
# actions processed	1249	1249	1180