

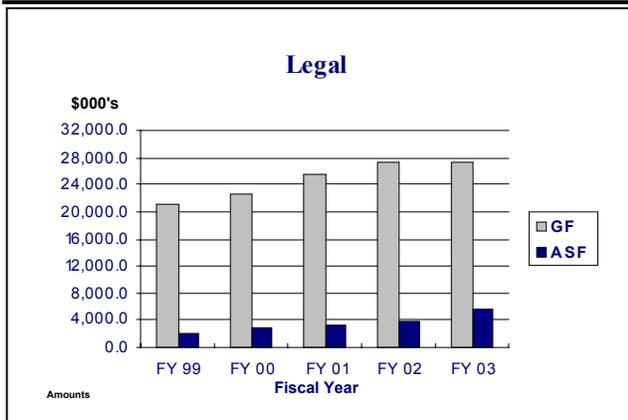
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Legal

Office of Attorney General

Public Defender

Board of Parole



BUDGET

	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 GOV. REC.
GF	26,001.7	27,396.3	27,395.4
ASF	2,430.6	3,862.5	5,479.8
TOTAL	28,432.3	31,258.8	32,875.2

POSITIONS

	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 GOV. REC.
GF	384.7	400.4	400.4
ASF	43.9	47.9	48.9
NSF	45.0	38.8	42.8
TOTAL	473.6	487.1	492.1

FY 2003 BUDGET HIGHLIGHTS

OPERATING BUDGET:

Attorney General

- ◆ Base adjustments include \$61.4 in Personnel Costs for the annualization of two Deputy Attorneys General, one Social Worker, one Legal Secretary and one Paralegal, picked up in Fiscal Year 2002 from an expiring Juvenile Accountability Incentive Block Grant (JAIBG), who are responsible for the prosecution of serious juvenile offenders in Family Court in Kent and Sussex counties and coordination of a statewide juvenile diversion program; \$16.2 in Personnel Costs for the annualization of Investigator/Elder Abuse Advocate who assists the elderly and disabled in Kent and Sussex counties who are victims of financial exploitation and abuse; \$614.4 ASF in Child Support

Enforcement to cover increased personnel costs due to the implementation of the Deputy Attorney General Salary Plan; and (\$31.5) ASF in Personnel Costs to adjust personnel costs to reflect the reassignment of a Deputy Attorney General out of Tort Attorney Program.

- ◆ Recommend inflation adjustment of \$118.6 in Personnel Costs to cover anticipated salary shortage.
- ◆ Recommend enhancement of \$9.2 in Contractual Services to cover contractually increased rental costs of new office space in Dover.
- ◆ Recommend enhancement of \$47.9 ASF in Contractual Services for pick up of Child Therapist position (with People's Place II) currently serving child victims in Sussex County as part of Attorney General's Family Violence Program. The source of this funding is to be the Victim Compensation Fund.
- ◆ Recommend one-time funding in the Budget Office's contingency of \$5.0 for office furniture and equipment for transitional space assigned to the Attorney General in the new New Castle County Courthouse (facility to open in September 2002).

Public Defender

- ◆ Base adjustments include \$258.9 in Personnel Costs, \$6.8 in Contractual Services and \$4.0 in Supplies and Materials to annualize 8.0 FTEs (three Assistant Public Defenders (III), three Psycho-Forensic Evaluators and two Investigators), picked up in Fiscal Year 2002 from the expiring Juvenile Accountability Incentive Block Grant (JAIBG), who are responsible for providing legal and evaluation services to serious juvenile offenders with mental health and/or substance abuse problems; and Delaware State Clearinghouse Committee approved items of \$49.2 ASF in Personnel Costs and 1.0 ASF FTE Paralegal for Superior Court Fast Track cases (for probationers convicted of drug offenses who are arrested on new drug charges) in Kent and Sussex counties [funding is to come from the Substance Abuse Rehabilitation, Treatment, Education and Prevention Fund] and 1.0 NSF FTE DNA Paralegal, for the Public Defender's Byrne Grant DNA Project, to assist the Public Defender/Forensic Services and Education Coordinator.

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- ◆ Recommend one-time funding in Budget Office's contingency of \$25.0 for restoration of life cycle replacement of computers and associated equipment, software, licenses and other related items.

OFFICE OF ATTORNEY GENERAL
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MISSION

Providing successful prosecution of violations of criminal law; providing 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; improving victim, witness, and police officer trial attendance; and improving the case tracking process to provide a sound foundation for statistical analysis.
- Developing a case tracking system for sex crime investigations thereby improving efficiency and effectiveness of prosecutorial services for those who commit crimes.
- 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.
- 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 2003.
- Responding to consumer complaints promptly and accurately.
- Improving investor awareness through expanded educational programs, increased utilization of technological resources, (i.e. webpage) and a responsive approach.
- Improving communication and sensitivity to clients of Child Support Enforcement and increase the enforcement of civil and criminal actions against "deadbeat" parents.

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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, Fraud and Consumer Protection, Administrative and Appeals. All divisions are directed by the Attorney General who serves as the chief law enforcement officer of the State. The Attorney General supervises and directs the overall administration of the department.

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

MISSION

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

KEY OBJECTIVES

- Enhance the prosecution of violent crimes committed with firearms by increasing the resources devoted to such cases, by centralizing the prosecution of such cases, and by expanding interagency and intergovernmental coordination of such prosecutions through the joint Delaware Attorney General-United States Department of Justice Gun Crime Committee.
- Enhance the prosecution of domestic violence cases through improved case screening, the reduction of case processing time, improved victim and witness contact, and enhanced filing and record keeping.
- Enhance the division's ability to prosecute complicated financial crimes by ensuring that experts in such cases are available within the division's White Collar 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.

BACKGROUND AND ACCOMPLISHMENTS

The Criminal Division again met its objective of prosecuting criminal cases fairly and effectively. The Trial Unit experienced a ten 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 through improved efficiencies. The increased numbers of cases that are resolved at First Case Review has exponential benefits for the overall caseload in Superior Court.

The Victim/Witness Services professionals statewide continue to send notification letters to victims of crime in Justices of the Peace Court, Family Court, Court of Common Pleas, and Superior Courts; during Fiscal

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Year 2001, over 38,500 notification letters were sent. Emphasis has been placed on providing community education regarding domestic violence, sexual assault and other victimization, training rape crisis counselors, providing training for police agencies, and disseminating information about the Victim's Bill of Rights. A significant achievement during the past year was the continued success of the Senior Victim Advocate Program. The Department of Justice has participating senior adult volunteers who contact and support senior victims.

Sex crimes prosecutors statewide have been extraordinarily busy over the past year. Deputies and social workers have participated in numerous multi-disciplinary interviews. Final work has been completed on an automated case tracking system in New Castle County – a computerized system which keeps all pertinent data on cases reviewed whether prosecution is initiated or not. This system will eventually replace a manual system of record keeping so that pertinent data concerning a suspect or victim can be obtained quickly and easily. Another benefit is that it is an excellent management tool that can track the progress of cases during trial. Training of personnel has been completed, but data entry of historical information will continue through Fiscal Year 2003. The division anticipates creating an automated case tracking system in Kent and Sussex counties.

Felony screening intakes continued in a timely fashion statewide. The felony screening paralegals are intaking on average 67 felony cases per month. During the busiest months, (January 2001) the average was 78 felony cases, with one paralegal intaking 88 felony cases in New Castle County. This volume level has caused police officers to wait ten days before felony intakes can be scheduled. The department has devoted additional personnel to in-take cases to bring the police officer's waiting time back down to no more than five days.

During the past fiscal year, the department has continued to assist the Family Court with implementation of a new computer system which has required a high degree of cooperation to successfully implement. Another achievement over the past year was the creation of files for juvenile misdemeanor cases which has significantly improved the prosecution of those cases, however, it also has strained support staff resources. The department has also assisted in the development of a new diversion program, called REALITY, INC., to divert minor cases out of the Family Court juvenile justice system. In order to improve the prosecution of serious juvenile offenders, additional

prosecutors statewide have been requested through a Federal Juvenile Accountability Incentive Block Grant (JAIBG) to assist in the vertical prosecution of juveniles transferred from Family Court to Superior Court which will increase the effectiveness and consistency of the prosecution of those defendants.

White collar crime prosecutions present deputies with very complex financial issues and have profound economic losses to victims. Because of the specialized skill required to prosecute these cases, it is difficult to make ad hoc assignments to various Deputy Attorneys General with white collar crime investigations. 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 requires multi-disciplinary services of an auditor/investigator assigned to the Fraud Division.

Misdemeanor trial prosecutions continue to serve as the principal training grounds for newly employed deputies in the Criminal Division. In New Castle County the implementation of a new Bryne Grant pilot project within the Justice of the Peace Court 20 has begun. This project's goal is to reduce by 50 percent the rate of transfer from Justice of the Peace Court 20 to the Court of Common Pleas (CCP) of misdemeanor and traffic cases which are eligible, by statute to be heard in the Justice of the Peace Court and which may be transferred by the defendant to the Court of Common Pleas. To measure the success of the project, a control group of statistics has been established. Statistics from the second quarter of 2001 will be compared to those from periods throughout the project time period.

CIVIL DIVISION

MISSION

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

KEY OBJECTIVES

- 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.

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- Improve communication and sensitivity to the clients of Child Support Enforcement and increase the enforcement of civil and criminal actions against “deadbeat” parents.
- 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.

BACKGROUND AND ACCOMPLISHMENTS

The Civil Division continued to provide quality legal services to government agencies during the past fiscal year. It is difficult to quantify the hours dedicated to providing legal advice and guidance to clients who serve state government in many different capacities. By encouraging several of the Deputy Attorneys General to develop expertise in areas such as personnel, government contracting, freedom of information and disabilities law, fewer Deputy Attorneys General provide specialty legal services to many government agencies allowing the various Deputy Attorneys General who represent the agencies to concentrate on the needs of the agency without unnecessarily duplicating services which are able to be provided by the specialists.

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

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.
- 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.

BACKGROUND AND ACCOMPLISHMENTS

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 practice during the past year. The Intake Unit averages approximately 1,750 telephone calls, letters, and walk-in inquires from the public per month. Each of the special investigators assigned average 15-20 open cases daily. During this past year, the Consumer Protection Unit conducted 80 formal investigations. The unit successfully prosecuted and resolved several highly complex consumer enforcement lawsuits in major Delaware trial courts, including the National Publishers Clearing House case over the past year.

In Fiscal Year 2001, the Securities Division conducted four investor town meetings, with at least one in each of Delaware’s three counties. The total attendance was 261 Delawareans statewide. Revenues and fees collected by the Securities Unit totaled \$9,938,829, a 5 percent increase over the prior year. Restitution in the amount of \$317,379 was ordered to victims for violations of the Delaware Securities Act, a 98 percent increase over prior year.

The Medicaid Fraud Control Unit continued its diligence in protecting the public from Medicaid fraud and protecting the elderly and infirm who reside in Medicaid nursing homes. The Medicaid Fraud Control

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Unit successfully prosecuted 25 cases during Fiscal Year 2001 in the area of patient abuse. These cases produced \$120,000 in fines, penalties and recovered overpayments and \$137,723 in restitution.

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.
- Provide timely, customer-focused, and efficient general supply, equipment and transportation support for department employees.
- 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.

BACKGROUND AND ACCOMPLISHMENTS

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 vacation/sick leave balances, staffing and position classification. From a recruitment perspective, methods for recruiting have improved results significantly. Pursuing recruitment in the electronic media has improved the fill rates. Recruitment is done through

print media, and various websites at the local, and national level, as well as professional affiliations such as the Delaware Paralegal Association, universities, and trade schools. Testing candidates for clerical positions (keyboarding and secretarial examinations) is now streamlined using testing sites in all three counties. An agreement in Fiscal Year 2001 with the State Personnel Office has significantly improved a previously antiquated and unreliable process. Because monitoring vacation/sick leave using a manual calculating process is such an inefficient method, the department implemented an automated vacation/sick leave monitoring process which has exponentially improved efficiency and allows employees to view their balances by simply "pointing and clicking."

The information technology (IT) branch made reasonable progress over the past year. The IT unit has moved closer to the launch of an AG Case Tracking System. A new dedicated server will be purchased during the current fiscal year pursuant to a Criminal Justice Council grant recently approved. Using the middleware software that the Office of Information Services has installed on the DELJIS mainframe system, the department will be able to download the information it needs into an Oracle database on the new server. The information will then be made available to the Criminal Division via a secure intranet webpage that allows for queries and real time updates. Once the criminal information has been updated on the Oracle database, using the middleware, the updated information will be sent to the DELJIS mainframe system thereby improving data fidelity.

The Fiscal Year 2001 Budget Act granted the Department of Justice approval to lease office space to consolidate Kent County office functions. The department successfully moved into its new building on August 6, 2001. The consolidation of the various offices in Kent County has improved the department's span of control and now provides for a safe and secure environment for Department of Justice employees.

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.

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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.

BACKGROUND AND ACCOMPLISHMENTS

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.

BUDGET

	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 GOV. REC.
GF	17,332.0	17,805.6	17,366.1
ASF	2,430.2	3,862.5	5,430.6
TOTAL	19,762.2	21,668.1	22,796.7

POSITIONS

	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 GOV. REC.
GF	258.7	266.4	266.4
ASF	43.9	47.9	47.9
NSF	36.0	33.8	36.8
TOTAL	338.6	348.1	351.1

OFFICE OF ATTORNEY GENERAL

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ACTIVITIES

- Prosecute violations of Delaware criminal law.
- Provide legal services to state agencies, officials and instrumentalities.
- Protect the public against consumer and government fraud.
- Disseminate information 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 2001 Actual	FY 2002 Budget	FY 2003 Gov. Rec.
Average caseload per prosecutor (Superior Court – Criminal)	501	501	550
Average time from arrest to indictment (days)	35	30	30
# consumer complaints intaked/referred	18,000	19,000	20,000
# victims notified	38,500	40,000	41,500
# domestic violence victims counseled	1,200	1,400	1,500
% increase domestic violence victims contacted prior to trial	95	95	95
% satisfied clients as measured by Client Satisfaction Survey (Satisfactory-good)	80	90	90
% fraud 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; and
 - 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. 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 20, 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.

During Fiscal Year 2000, the Public Defender's Office began an internal reorganization, which continued into

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Fiscal Year 2001 with the implementation of an attorney pay plan. This initiative will continue into next fiscal year.

The Office of the Public Defender will continue its ongoing efforts to develop 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 first step. The office will continue to work closely and share relevant computer information with the other components of the criminal justice 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 95 locations.

The State has continued eight positions funded through a JAIBG grant in Family Court. The continuation of these positions will help to keep the attorney caseloads closer to the national standard.

At the present time the office has three federal grants to assist in carrying out new initiatives. A DNA project has been in place since January 2001. The DNA Attorney is trained in forensic issues, so DNA evidence may be identified and researched earlier in the process. In addition, the DNA Attorney educates the staff on forensics issues. A Responsible Release Project employs one Psycho-Forensic Evaluator and one Paralegal. The grant identifies public defender clients, where in appropriate situations, the office will ask the court to set a bail the client can afford, or one that requires no security, and that appropriate bail recommendations be imposed. A volunteer monitor is assigned to the individual to see that court appearances and treatment appointments are made and kept. A JP Court 20 project addresses two problems. First, the high percentage of accused persons being held while waiting trial and second, the delay in case processing causing failures in the court system to adhere to its own speedy trial guidelines. With the addition of two Assistant Public Defenders in JP Court 20 it is projected that a significant number of cases will be resolved at that level. This will help relieve the growing caseload in the Court of Common Pleas.

BUDGET			
	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 GOV. REC.
GF	8,385.2	9,223.5	9,657.8
ASF	--	--	49.2
TOTAL	8,385.2	9,223.5	9,707.0

POSITIONS			
	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 GOV. REC.
GF	119.0	127.0	127.0
ASF	--	--	1.0
NSF	9.0	5.0	6.0
TOTAL	128.0	132.0	134.0

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.

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- 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 these relate to trial work. Technology personnel manage the day-to-day information resources including network administration, hardware and software support, mainframe systems, video conferencing, programming, and computer training.
- Financial personnel provide fiscal management of financial resources including budgeting, record keeping, financial reporting, financial transactions, auditing, and payroll.
- Administrative personnel provide supervision of staff, assign 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 (DUC) number. 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, violations of probation, amenability hearings, preliminary hearings, and capias hearings. Closed cases include trials, pleas, nolle prosequis, dismissals, attorney general’s probation, and diversions.

Fiscal Year 2001 attorney averages are based on actual attorneys assigned per court and actual caseloads in each court. Fiscal Year 2002 averages are based on actual attorneys assigned per court and a five percent projected increase in caseloads. In Superior Court and Court of Common Pleas, Fiscal Year 2003 averages are based on additional attorneys requested (three in Court of Common Pleas and three in Superior Court), and a five percent projected increase in caseloads.

Psycho-Forensic Evaluator Average Plans are based on an actual number of evaluators and actual plans.

PERFORMANCE MEASURES

	FY 2001 Actual	FY 2002 Budget	FY 2003 Gov.Rec
Average days from imprisonment to intake interview for incarcerated clients	NCC 4 Kent 3 Sussex 4	4 3 3	4 3 4
Superior Court -Average felony caseload per attorney per year	358	347	327
CCP - Average misdemeanor caseload per attorney per year	1,438	1,385	1,163
Family Court - Average juvenile caseload per attorney, per year	501	526	552
Appeals closed statewide	132	139	146
Average days from interview to date client file is opened	NCC 2 Kent 0 Sussex 2	2 0 2	2 0 2
Psycho-Forensic Evaluator plans have an average acceptance rate of 65% nationally	605 plans	605	605

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BOARD OF PAROLE

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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, 2001, 575 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 2001, only 11 parolees (1.9 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, 2001, is 418. 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 2001, the board heard 101 cases for parole consideration, and 32 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 has been declining. The number of cases heard, the populations potentially to be heard by and under the jurisdiction of the board, and victim/public notification activity are noted in the following charts.

Cases Heard by the Board of Parole

	FY 1999	FY 2000	FY 2001
Meetings held	24	25	27
Parole	117	102	101
Sentence modification	40	34	32
Sentence commutation	29	29	36
Revocation	87	74	67
Rescission / Discharge	12	15	13
Total	285	262	249

Board of Parole Prison/Community Population

	FY 1999	FY 2000	FY 2001
# parole eligible in prison	442	412	418
# parolees in the community	564	541	575
% of parolees returned to prison	2.6	3.1	1.9
% of parolees successfully discharged	5.8	3.4	4.8

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Board of Parole Victim/Public Notification Activity

	FY 1999	FY 2000	FY 2001
Victims notifications sent	455	450	360
Victim input hearings held	12	10	9
Public notices issued	27	23	23

ACCOMPLISHMENTS

Public Safety. During Fiscal Year 2001, risk assessments were completed on 100 percent of cases considered for parole release; 24 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 arranges for Victim input hearings before the board.

Efficiency. Computer systems enhancements during the past three fiscal years have improved the board's response time for completing various operations tasks. Planned improvements include further automation and standardization of the processes and enhancing the Internet site presence.

Training and Development. All board members and staff participated in professional training programs during Fiscal Year 2001.

Public Information. During Fiscal Year 2001, the board maintained its 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.

BUDGET

	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 GOV. REC.
GF	284.3	367.2	371.5
ASF	--	--	--
TOTAL	284.3	367.2	371.5

POSITIONS

	FY 2001 ACTUAL	FY 2002 BUDGET	FY 2003 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 an offender's return and successful discharge.

Victims/Public Input:

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

Efficiency:

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

Training and Development:

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

Public Information:

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

PERFORMANCE MEASURES

	FY 2001 Actual	FY 2002 Budget	FY 2003 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	1.9	3.1	3.1
# victim's notifications/ decisions sent	360	400	400
% 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	100	100	100
% public information requests answered within 5 working days	100	100	100
# meetings per month	2.25	2.00	2.00
# actions processed	989	1,000	1,000

**LEGAL
DEPARTMENT SUMMARY**

15-00-00 Appropriation Units	POSITIONS				DOLLARS			
	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Recommend	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Recommend
Office of the Attorney General								
General Funds	258.7	266.4	269.4	266.4	17,332.0	17,805.6	19,010.5	17,366.1
Appropriated S/F	43.9	47.9	47.9	47.9	2,430.2	3,862.5	4,445.4	5,430.6
Non-Appropriated S/F	36.0	33.8	36.8	36.8	2,436.5	2,182.7	2,339.2	2,339.2
	<u>338.6</u>	<u>348.1</u>	<u>354.1</u>	351.1	<u>22,198.7</u>	<u>23,850.8</u>	<u>25,795.1</u>	25,135.9
Public Defender								
General Funds	119.0	127.0	142.0	127.0	8,385.2	9,223.5	11,366.9	9,657.8
Appropriated S/F			1.0	1.0			49.2	49.2
Non-Appropriated S/F	9.0	5.0	6.0	6.0	836.2	369.3	440.2	440.2
	<u>128.0</u>	<u>132.0</u>	<u>149.0</u>	134.0	<u>9,221.4</u>	<u>9,592.8</u>	<u>11,856.3</u>	10,147.2
Board of Parole								
General Funds	7.0	7.0	7.0	7.0	284.3	367.2	371.5	371.5
Appropriated S/F								
Non-Appropriated S/F								
	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	7.0	<u>284.3</u>	<u>367.2</u>	<u>371.5</u>	371.5
TOTAL								
General Funds	384.7	400.4	418.4	400.4	26,001.5	27,396.3	30,748.9	27,395.4
Appropriated S/F	43.9	47.9	48.9	48.9	2,430.2	3,862.5	4,494.6	5,479.8
Non-Appropriated S/F	45.0	38.8	42.8	42.8	3,272.7	2,552.0	2,779.4	2,779.4
	<u>473.6</u>	<u>487.1</u>	<u>510.1</u>	492.1	<u>31,704.4</u>	<u>33,810.8</u>	<u>38,022.9</u>	35,654.6
OTHER AVAILABLE FUNDS - REGULAR OPERATIONS								
General Funds					0.2	261.3		
Special Funds					<u>0.6</u>			
SUBTOTAL					0.8	261.3		
TOTAL DEPARTMENT - REGULAR OPERATIONS								
General Funds					26,001.7	27,657.6	30,748.9	27,395.4
Special Funds					<u>5,703.5</u>	<u>6,414.5</u>	<u>7,274.0</u>	8,259.2
TOTAL					<u>31,705.2</u>	<u>34,072.1</u>	<u>38,022.9</u>	35,654.6
TOTAL DEPARTMENT - FIRST STATE IMPROVEMENT FUND - SPECIAL FUNDS CAPITAL IMPROVEMENTS - SPECIAL FUNDS								
GRAND TOTAL								
General Funds					26,001.7	27,657.6	30,748.9	27,395.4
Special Funds					<u>5,703.5</u>	<u>6,414.5</u>	<u>7,274.0</u>	8,259.2
GRAND TOTAL					<u>31,705.2</u>	<u>34,072.1</u>	<u>38,022.9</u>	35,654.6
	(Reverted)				50.1			
	(Encumbered)				146.8			
	(Continuing)				114.5			

**LEGAL
OFFICE OF THE ATTORNEY GENERAL
APPROPRIATION UNIT SUMMARY**

15-01-00 Programs	POSITIONS				DOLLARS			
	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Recommend	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Recommend
Office of the Attorney General								
General Funds	258.7	266.4	269.4	266.4	17,332.0	17,805.6	19,010.5	17,366.1
Appropriated S/F	43.9	47.9	47.9	47.9	2,430.2	3,862.5	4,445.4	5,430.6
Non-Appropriated S/F	36.0	33.8	36.8	36.8	2,436.5	2,182.7	2,339.2	2,339.2
	<u>338.6</u>	<u>348.1</u>	<u>354.1</u>	<u>351.1</u>	<u>22,198.7</u>	<u>23,850.8</u>	<u>25,795.1</u>	<u>25,135.9</u>
TOTAL								
General Funds	258.7	266.4	269.4	266.4	17,332.0	17,805.6	19,010.5	17,366.1
Appropriated S/F	43.9	47.9	47.9	47.9	2,430.2	3,862.5	4,445.4	5,430.6
Non-Appropriated S/F	36.0	33.8	36.8	36.8	2,436.5	2,182.7	2,339.2	2,339.2
	<u>338.6</u>	<u>348.1</u>	<u>354.1</u>	<u>351.1</u>	<u>22,198.7</u>	<u>23,850.8</u>	<u>25,795.1</u>	<u>25,135.9</u>

**LEGAL
OFFICE OF THE ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
INTERNAL PROGRAM UNIT SUMMARY**

15-01-01 Lines	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Base	Inflation & Volume Adjustment	Structural Changes	Enhance- ments	FY 2003 Recommend
Personnel Costs								
General Funds	15,042.1	15,347.5	16,326.0	15,738.5	118.6			15,857.1
Appropriated S/F	32.1	718.8	718.8	687.3				687.3
Non-Appropriated S/F	1,997.9	1,738.9	1,895.4	1,738.9			156.5	1,895.4
	<u>17,072.1</u>	<u>17,805.2</u>	<u>18,940.2</u>	<u>18,164.7</u>	118.6		<u>156.5</u>	<u>18,439.8</u>
Travel								
General Funds	13.6	13.7	13.7	13.7				13.7
Appropriated S/F		0.1	0.1	0.1				0.1
Non-Appropriated S/F	50.4	19.8	19.8	19.8				19.8
	<u>64.0</u>	<u>33.6</u>	<u>33.6</u>	<u>33.6</u>				<u>33.6</u>
Contractual Services								
General Funds	1,840.6	2,005.9	2,130.4	1,321.4			9.2	1,330.6
Appropriated S/F		0.1	0.1	659.6			47.9	707.5
Non-Appropriated S/F	229.5	312.2	312.2	312.2				312.2
	<u>2,070.1</u>	<u>2,318.2</u>	<u>2,442.7</u>	<u>2,293.2</u>			<u>57.1</u>	<u>2,350.3</u>
Energy								
General Funds	15.9	41.3	41.3	41.3				41.3
Appropriated S/F								
Non-Appropriated S/F	1.6	3.0	3.0	3.0				3.0
	<u>17.5</u>	<u>44.3</u>	<u>44.3</u>	<u>44.3</u>				<u>44.3</u>
Supplies and Materials								
General Funds	62.7	61.4	61.4	61.4				61.4
Appropriated S/F		0.3	0.3	0.3				0.3
Non-Appropriated S/F	60.1	44.7	44.7	44.7				44.7
	<u>122.8</u>	<u>106.4</u>	<u>106.4</u>	<u>106.4</u>				<u>106.4</u>
Capital Outlay								
General Funds	22.1	22.0	22.0	22.0				22.0
Appropriated S/F		75.1	75.1	75.1				75.1
Non-Appropriated S/F	98.5	60.3	60.3	60.3				60.3
	<u>120.6</u>	<u>157.4</u>	<u>157.4</u>	<u>157.4</u>				<u>157.4</u>
One-Time								
General Funds	0.4		101.9					
Appropriated S/F								
Non-Appropriated S/F								
	<u>0.4</u>		<u>101.9</u>					
Other Items								
General Funds								
Appropriated S/F	94.7							
Non-Appropriated S/F	-1.5	3.8	3.8	3.8				3.8
	<u>93.2</u>	<u>3.8</u>	<u>3.8</u>	<u>3.8</u>				<u>3.8</u>
Extradition								
General Funds	50.8	40.0	40.0	40.0				40.0
Appropriated S/F								
Non-Appropriated S/F								
	<u>50.8</u>	<u>40.0</u>	<u>40.0</u>	<u>40.0</u>				<u>40.0</u>
Victims Rights								
General Funds	283.8	273.8	273.8					
Appropriated S/F	16.6	179.0	179.0	452.8				452.8
Non-Appropriated S/F								
	<u>300.4</u>	<u>452.8</u>	<u>452.8</u>	<u>452.8</u>				<u>452.8</u>

**LEGAL
OFFICE OF THE ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
INTERNAL PROGRAM UNIT SUMMARY**

15-01-01 Lines	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Base	Inflation & Volume Adjustment	Structural Changes	Enhance- ments	FY 2003 Recommend
Medicaid Fraud Program								
General Funds								
Appropriated S/F	40.2	30.6	30.6	30.6				30.6
Non-Appropriated S/F								
	<u>40.2</u>	<u>30.6</u>	<u>30.6</u>	<u>30.6</u>				<u>30.6</u>
Securities Administration								
General Funds								
Appropriated S/F	562.7	618.8	618.8	618.8				618.8
Non-Appropriated S/F								
	<u>562.7</u>	<u>618.8</u>	<u>618.8</u>	<u>618.8</u>				<u>618.8</u>
Child Support								
General Funds								
Appropriated S/F	797.9	1,031.8	1,646.2	1,646.2				1,646.2
Non-Appropriated S/F								
	<u>797.9</u>	<u>1,031.8</u>	<u>1,646.2</u>	<u>1,646.2</u>				<u>1,646.2</u>
Consumer Protection								
General Funds								
Appropriated S/F	344.4	1,061.7	1,061.7	1,061.7				1,061.7
Non-Appropriated S/F								
	<u>344.4</u>	<u>1,061.7</u>	<u>1,061.7</u>	<u>1,061.7</u>				<u>1,061.7</u>
AG Opinion Fund								
General Funds								
Appropriated S/F	0.1	15.0	15.0	15.0				15.0
Non-Appropriated S/F								
	<u>0.1</u>	<u>15.0</u>	<u>15.0</u>	<u>15.0</u>				<u>15.0</u>
Professional Reg Attorney								
General Funds								
Appropriated S/F	61.4							
Non-Appropriated S/F								
	<u>61.4</u>							
Medical Attorney								
General Funds								
Appropriated S/F	37.3							
Non-Appropriated S/F								
	<u>37.3</u>							
Administrative Attorney								
General Funds								
Appropriated S/F	36.3							
Non-Appropriated S/F								
	<u>36.3</u>							
Tort Attorney								
General Funds								
Appropriated S/F	211.5		-31.5					
Non-Appropriated S/F								
	<u>211.5</u>		<u>-31.5</u>					
Racing Attorney								
General Funds								
Appropriated S/F	35.5							
Non-Appropriated S/F								
	<u>35.5</u>							

**LEGAL
OFFICE OF THE ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
INTERNAL PROGRAM UNIT SUMMARY**

15-01-01 Lines	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Base	Inflation & Volume Adjustment	Structural Changes	Enhance- ments	FY 2003 Recommend
Tobacco								
General Funds								
Appropriated S/F	70.0	131.2	131.2	135.2				135.2
Non-Appropriated S/F								
	<u>70.0</u>	<u>131.2</u>	<u>131.2</u>	<u>135.2</u>				<u>135.2</u>
Victim Personnel								
General Funds								
Appropriated S/F	89.5							
Non-Appropriated S/F								
	<u>89.5</u>							
TOTAL								
General Funds	17,332.0	17,805.6	19,010.5	17,238.3	118.6		9.2	17,366.1
Appropriated S/F	2,430.2	3,862.5	4,445.4	5,382.7			47.9	5,430.6
Non-Appropriated S/F	2,436.5	2,182.7	2,339.2	2,182.7			156.5	2,339.2
	<u>22,198.7</u>	<u>23,850.8</u>	<u>25,795.1</u>	<u>24,803.7</u>	118.6		<u>213.6</u>	<u>25,135.9</u>
IPU REVENUES								
General Funds	9,338.4	7,738.1	8,338.1	8,338.1				8,338.1
Appropriated S/F	2,945.3	2,411.1	2,886.1	2,886.1				2,886.1
Non-Appropriated S/F	2,780.2	1,940.1	2,283.1	2,283.1				2,283.1
	<u>15,063.9</u>	<u>12,089.3</u>	<u>13,507.3</u>	<u>13,507.3</u>				<u>13,507.3</u>
POSITIONS								
General Funds	258.7	266.4	269.4	266.4				266.4
Appropriated S/F	43.9	47.9	47.9	47.9				47.9
Non-Appropriated S/F	36.0	33.8	36.8	33.8			3.0	36.8
	<u>338.6</u>	<u>348.1</u>	<u>354.1</u>	<u>348.1</u>			<u>3.0</u>	<u>351.1</u>

BASE, INFLATION, STRUCTURAL CHANGES, ENHANCEMENTS AND ONE-TIME ITEMS

* Base adjustments include \$61.4 in Personnel Costs for the annualization of 2.0 FTEs Deputy Attorneys General, 1.0 FTE Social Worker, 1.0 FTE Legal Secretary and 1.0 FTE Paralegal from an 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 Paralegal is the state-wide coordinator for a juvenile diversion program. Also included is \$16.2 in Personnel Costs for the annualization of 1.0 FTE Investigator/Elder Abuse Advocate that assists the elderly and disabled in Kent and Sussex counties who are victims of financial exploitation and abuse. Base adjustments also include \$614.4 ASF in Child Support Enforcement to cover increased personnel costs due to the implementation of the Deputy Attorneys General Salary Plan and (\$31.5) ASF in Personnel Costs to reflect the reassignment of a Deputy Attorney General from the Tort Attorney Program.

* Base adjustments also include reductions of (\$273.8) in Victims Rights and (\$659.5) in Contractual Services for the Attorney General's Family Violence Program (this is split (\$441.9) for Child, Inc. and (\$217.6) for People's Place II) and restoration of \$273.8 ASF in Victims Rights and \$659.5 ASF in Contractual Services (split \$441.9 ASF for Child, Inc. and \$217.6 ASF for People's Place II) using dollars from the Victim Compensation Fund.

* Base adjustment also includes a reduction of (\$25.0) to Contractual Services.

* Recommend inflation adjustment of \$118.6 in Personnel Costs to cover anticipated salary shortage. Do not recommend additional inflation adjustment of \$408.4 in Personnel Costs to cover anticipated deficit and (\$18.6) in Personnel Costs to adjust health insurance amount.

**LEGAL
OFFICE OF THE ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
INTERNAL PROGRAM UNIT SUMMARY**

15-01-01	FY 2001	FY 2002	FY 2003	FY 2003	Inflation & Volume	Structural	Enhance-	FY 2003
Lines	Actual	Budget	Request	Base	Adjustment	Changes	ments	Recommend

* Recommend enhancement of \$9.2 in Contractual Services to cover increased rental costs of new office space in Dover.

* Recommend enhancement of \$47.9 ASF in Contractual Services for pick up of Child Therapist position (with People's Place II) currently serving child victims in Sussex County as part of Attorney General's Family Violence Program. The source of this funding is to be the Victim Compensation Fund. Do not recommend requested enhancement of \$47.9 in Contractual Services for this item.

* Recommend enhancement of 3.0 NSF FTEs Deputy Attorneys General (the original request was for two Deputy Attorneys General and one Legal Secretary) for Civil Divisions in New Castle, Kent and Sussex counties to be assigned to Department of Services for Children, Youth and Their Families, Division of Family Services cases. Funding for these positions will be provided by the Department of Services for Children, Youth and Their Families.

* Do not recommend enhancements of \$34.7 in Personnel Costs and 1.0 FTE Paralegal for Criminal Division in Kent County (primarily for Court of Common Pleas and Superior Court cases); \$34.7 in Personnel Costs and 1.0 FTE Paralegal for Criminal Division in Sussex County (primarily for Court of Common Pleas and Superior Court cases); \$28.3 in Personnel Costs and 1.0 FTE Legal Secretary for Appeals Division in Kent County; \$24.7 in Contractual Services for salary and health insurance cost increases for Child, Inc., part of the Attorney General's Family Violence Program; an additional \$17.7 in Contractual Services for increased health and liability insurance and other operating costs for People's Place II, part of the Attorney General's Family Violence Program; and \$25.0 in Contractual Services for programmer to write application for the newly developed case tracking system.

* Recommend one-time funding in the Budget Office's contingency of \$5.0 for office furniture and equipment for transitional space in the new New Castle County Courthouse to open in September 2002.

* Do not recommend one-time funding of \$90.0 for replacement computers and related equipment and \$6.9 for office furniture, equipment and computers for positions not recommended.

**LEGAL
PUBLIC DEFENDER
APPROPRIATION UNIT SUMMARY**

15-02-00 Programs	POSITIONS				DOLLARS			
	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Recommend	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Recommend
Public Defender								
General Funds	119.0	127.0	142.0	127.0	8,385.2	9,223.5	11,366.9	9,657.8
Appropriated S/F			1.0	1.0			49.2	49.2
Non-Appropriated S/F	9.0	5.0	6.0	6.0	836.2	369.3	440.2	440.2
	<u>128.0</u>	<u>132.0</u>	<u>149.0</u>	134.0	<u>9,221.4</u>	<u>9,592.8</u>	<u>11,856.3</u>	10,147.2
TOTAL								
General Funds	119.0	127.0	142.0	127.0	8,385.2	9,223.5	11,366.9	9,657.8
Appropriated S/F			1.0	1.0			49.2	49.2
Non-Appropriated S/F	9.0	5.0	6.0	6.0	836.2	369.3	440.2	440.2
	<u>128.0</u>	<u>132.0</u>	<u>149.0</u>	134.0	<u>9,221.4</u>	<u>9,592.8</u>	<u>11,856.3</u>	10,147.2

**LEGAL
PUBLIC DEFENDER
PUBLIC DEFENDER
INTERNAL PROGRAM UNIT SUMMARY**

15-02-01								
Lines	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Base	Inflation & Volume Adjustment	Structural Changes	Enhance- ments	FY 2003 Recommend
Personnel Costs								
General Funds	7,490.1	8,526.9	10,132.9	8,963.4				8,963.4
Appropriated S/F			49.2	49.2				49.2
Non-Appropriated S/F	812.3	342.9	424.7	424.7				424.7
	<u>8,302.4</u>	<u>8,869.8</u>	<u>10,606.8</u>	<u>9,437.3</u>				<u>9,437.3</u>
Travel								
General Funds	1.6	1.7	4.0	1.7				1.7
Appropriated S/F								
Non-Appropriated S/F	1.3	7.5	7.0	7.0				7.0
	<u>2.9</u>	<u>9.2</u>	<u>11.0</u>	<u>8.7</u>				<u>8.7</u>
Contractual Services								
General Funds	655.3	622.4	894.2	617.2				617.2
Appropriated S/F								
Non-Appropriated S/F	15.7	18.4	6.5	6.5				6.5
	<u>671.0</u>	<u>640.8</u>	<u>900.7</u>	<u>623.7</u>				<u>623.7</u>
Energy								
General Funds	6.4	5.4	5.4	7.4				7.4
Appropriated S/F								
Non-Appropriated S/F								
	<u>6.4</u>	<u>5.4</u>	<u>5.4</u>	<u>7.4</u>				<u>7.4</u>
Supplies and Materials								
General Funds	74.3	63.3	89.8	64.3				64.3
Appropriated S/F								
Non-Appropriated S/F	5.3	0.5	2.0	2.0				2.0
	<u>79.6</u>	<u>63.8</u>	<u>91.8</u>	<u>66.3</u>				<u>66.3</u>
Capital Outlay								
General Funds	25.1	3.8	36.3	3.8				3.8
Appropriated S/F								
Non-Appropriated S/F	1.6							
	<u>26.7</u>	<u>3.8</u>	<u>36.3</u>	<u>3.8</u>				<u>3.8</u>
One-Time								
General Funds	132.4		204.3					
Appropriated S/F								
Non-Appropriated S/F								
	<u>132.4</u>		<u>204.3</u>					
TOTAL								
General Funds	8,385.2	9,223.5	11,366.9	9,657.8				9,657.8
Appropriated S/F			49.2	49.2				49.2
Non-Appropriated S/F	836.2	369.3	440.2	440.2				440.2
	<u>9,221.4</u>	<u>9,592.8</u>	<u>11,856.3</u>	<u>10,147.2</u>				<u>10,147.2</u>
IPU REVENUES								
General Funds	0.8							
Appropriated S/F			49.2	49.2				49.2
Non-Appropriated S/F	1,298.0	50.6	50.6	50.6				50.6
	<u>1,298.8</u>	<u>50.6</u>	<u>99.8</u>	<u>99.8</u>				<u>99.8</u>
POSITIONS								
General Funds	119.0	127.0	142.0	127.0				127.0
Appropriated S/F			1.0	1.0				1.0
Non-Appropriated S/F	9.0	5.0	6.0	6.0				6.0
	<u>128.0</u>	<u>132.0</u>	<u>149.0</u>	<u>134.0</u>				<u>134.0</u>

**LEGAL
PUBLIC DEFENDER
PUBLIC DEFENDER
INTERNAL PROGRAM UNIT SUMMARY**

15-02-01 Lines	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Base	Inflation & Volume Adjustment	Structural Changes	Enhance- ments	FY 2003 Recommend
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BASE, INFLATION, STRUCTURAL CHANGES, ENHANCEMENTS AND ONE-TIME ITEMS

* Base adjustments include \$258.9 in Personnel Costs, \$6.8 in Contractual Services and \$4.0 in Supplies and Materials to annualize 8.0 FTEs (three Assistant Public Defender (III's), three Psycho-Forensic Evaluators and two Investigators) from the expiring Juvenile Accountability Incentive Block Grant (JAIBG). These positions provide legal and evaluation services to serious juvenile offenders with mental health and/or substance abuse problems. Also included are items approved by the Delaware State Clearinghouse Committee: \$49.2 ASF in Personnel Costs and 1.0 ASF FTE Paralegal for Superior Court Fast Track cases in Kent and Sussex counties (to be funded from the Substance Abuse Rehabilitation, Treatment, Education and Prevention Fund) and 1.0 NSF FTE DNA Paralegal, for the Public Defender's Byrne Grant DNA Project, to assist the Public Defender/Forensic Services and Education Coordinator.

* Base adjustments also include reductions of (\$12.0) in Contractual Services and (\$3.0) in Supplies and Materials.

* Do not recommend inflation adjustments of \$245.0 in Personnel Costs to cover salary adjustments and \$40.0 in Contractual Services for increased transcript costs.

* Do not recommend enhancements of \$84.6 in Personnel Costs and 1.0 FTE Senior Public Defender V for Supreme Court Appellate Unit; \$185.4 in Personnel Costs and 3.0 FTEs National Caseload Standards Plan Assistant Public Defenders III for Court of Common Pleas cases; \$254.0 in Personnel Costs and 3.0 FTEs National Caseload Standards Plan Senior Public Defenders V for Superior Court cases. Also do not recommend enhancements for Public Defender office reorganization of \$159.6 in Personnel Costs and 4.0 FTEs Paralegals; \$79.6 in Personnel Costs and 1.0 FTE Chief of Support and Planning Services; \$58.3 in Personnel Costs and 1.0 FTE Controller; \$63.1 in Personnel Costs and 1.0 FTE Chief Investigator; \$39.9 in Personnel Costs and 1.0 FTE Interpreter (Spanish). In addition do not recommend \$70.0 in Contractual Services for new office space; \$75.0 in Contractual Services for legal research (Westlaw) ; \$62.5 in Contractual Services and \$7.5 in Supplies and Materials for positions not recommended; \$2.5 in Contractual Services for subscription to MSDN; \$2.3 in Travel; and \$15.0 in Contractual Services for malpractice insurance.

* Recommend one-time funding in Budget Office's contingency of \$25.0 for restoration of life cycle replacement of computers and associated equipment, software, licenses and other related items.

* Do not recommend one-time funding of \$45.0 for furniture, equipment and computers for positions not recommended; \$35.0 for replacement of network infrastructure in new space for displaced Public Defender staff; \$20.0 for staff training on software applications; \$72.0 for servers for migration to new state-wide network infrastructure; \$14.0 for LAN and ISDN diagnosis hardware and software; \$25.0 for court room presentation equipment; \$12.0 for portable computers; and \$3.8 for upgrade of telephone system in Sussex County office.

**LEGAL
BOARD OF PAROLE
APPROPRIATION UNIT SUMMARY**

15-03-00 Programs	POSITIONS				DOLLARS			
	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Recommend	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Recommend
Board of Parole								
General Funds	7.0	7.0	7.0	7.0	284.3	367.2	371.5	371.5
Appropriated S/F								
Non-Appropriated S/F								
	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	<u>284.3</u>	<u>367.2</u>	<u>371.5</u>	<u>371.5</u>
TOTAL								
General Funds	7.0	7.0	7.0	7.0	284.3	367.2	371.5	371.5
Appropriated S/F								
Non-Appropriated S/F								
	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	<u>284.3</u>	<u>367.2</u>	<u>371.5</u>	<u>371.5</u>

**LEGAL
BOARD OF PAROLE
BOARD OF PAROLE
INTERNAL PROGRAM UNIT SUMMARY**

15-03-01 Lines	FY 2001 Actual	FY 2002 Budget	FY 2003 Request	FY 2003 Base	Inflation & Volume Adjustment	Structural Changes	Enhance- ments	FY 2003 Recommend
Personnel Costs								
General Funds	247.2	329.0	333.3	333.3				333.3
Appropriated S/F								
Non-Appropriated S/F								
	<u>247.2</u>	<u>329.0</u>	<u>333.3</u>	<u>333.3</u>				<u>333.3</u>
Travel								
General Funds	9.2	12.2	12.2	12.2				12.2
Appropriated S/F								
Non-Appropriated S/F								
	<u>9.2</u>	<u>12.2</u>	<u>12.2</u>	<u>12.2</u>				<u>12.2</u>
Contractual Services								
General Funds	17.3	22.7	22.7	22.7				22.7
Appropriated S/F								
Non-Appropriated S/F								
	<u>17.3</u>	<u>22.7</u>	<u>22.7</u>	<u>22.7</u>				<u>22.7</u>
Supplies and Materials								
General Funds	6.3	3.3	3.3	3.3				3.3
Appropriated S/F								
Non-Appropriated S/F								
	<u>6.3</u>	<u>3.3</u>	<u>3.3</u>	<u>3.3</u>				<u>3.3</u>
One-Time								
General Funds	4.3							
Appropriated S/F								
Non-Appropriated S/F								
	<u>4.3</u>							
TOTAL								
General Funds	284.3	367.2	371.5	371.5				371.5
Appropriated S/F								
Non-Appropriated S/F								
	<u>284.3</u>	<u>367.2</u>	<u>371.5</u>	<u>371.5</u>				<u>371.5</u>
IPU REVENUES								
General Funds								
Appropriated S/F								
Non-Appropriated S/F								
POSITIONS								
General Funds	7.0	7.0	7.0	7.0				7.0
Appropriated S/F								
Non-Appropriated S/F								
	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>	<u>7.0</u>				<u>7.0</u>

BASE, INFLATION, STRUCTURAL CHANGES, ENHANCEMENTS AND ONE-TIME ITEMS

* Recommend base funding to maintain Fiscal Year 2002 level of service.