

# LEGAL 15-00-00

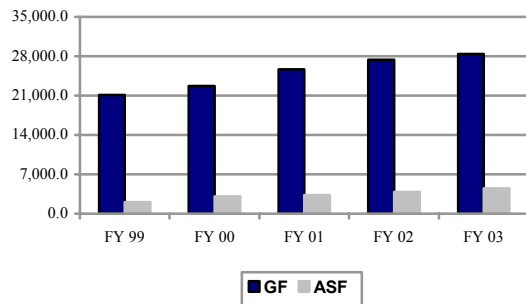
## Legal

### Office of Attorney General

### Public Defender

### Board of Parole

#### Five-Year Appropriation History



#### FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	28,713.1	28,405.6	28,635.2
ASF	2,787.1	4,498.6	5,480.5
<b>TOTAL</b>	<b>31,500.2</b>	<b>32,904.2</b>	<b>34,115.7</b>

#### POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	400.4	401.8	403.8
ASF	47.9	48.9	49.9
NSF	38.8	45.4	43.4
<b>TOTAL</b>	<b>487.1</b>	<b>496.1</b>	<b>497.1</b>

### FY 2004 BUDGET HIGHLIGHTS

#### OPERATING BUDGET:

##### Attorney General

- ◆ Base adjustment includes \$24.8 in Personnel Costs to annualize 4.0 FTEs Deputy Attorneys General from an expiring Gun Violence Grant.
- ◆ Recommend enhancement of \$35.0 ASF in Personnel Costs and 1.0 ASF FTE Paralegal for the Fraud Division's Consumer Protection Unit to assist with antitrust cases.

##### Public Defender

- ◆ Recommend enhancement of \$35.0 in Personnel Costs and 2.0 FTEs (1.0 Assistant Public Defender V and 1.0 Paralegal II) from an expiring DNA Grant.

##### Board of Parole

- ◆ Recommend base level of funding to maintain Fiscal Year 2003 level of service.

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**OFFICE OF ATTORNEY GENERAL**  
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**MISSION**

To provide successful prosecution of violations of criminal law; to provide legal services to state agencies, officials and instrumentalities; and to protect the public against fraud and deceptive trade practices.

**KEY OBJECTIVES**

- Enhance criminal case prosecution and processing through improved case screening and reduction of case processing time; improve victim, witness and police officer trial attendance; and improve the case tracking process to provide a sound foundation for statistical analysis.
- Provide expert litigation services to the State of Delaware, thereby protecting the state from significant financial losses from lawsuits filed against it.
- Aggressively enforce the State of Delaware laws pertaining to youth access to tobacco and enforce the Master Settlement Agreement in an effort to prevent the loss of settlement dollars.
- Aggressively enforce the laws pertaining to child abuse and neglect through custody adjudications, termination of parental rights and maintenance of the protection registry.
- Provide safe and reliable vehicles in support of law enforcement and the investigative objectives of the department.
- Respond to consumer complaints promptly and accurately.
- Improve investor awareness through educational programs, increased utilization of technological resources (e.g., website) and a responsive approach to complaints.

**BACKGROUND AND ACCOMPLISHMENTS**

The Department of Justice 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 and is assisted by the Chief Deputy Attorney General.

The Criminal Division is responsible for prosecuting violations of criminal law throughout the state, providing assistance to law enforcement agencies and managing 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 Fiscal Year 2002, the Department of Justice continued to provide quality legal services to the State of Delaware in the most efficient and cost-effective manner. Resources were used economically and effectively; personnel assets continued to produce quality products; organizational charting properly reflected the department mission and the execution of that mission; the paraprofessional staff was much more involved in daily operations and proactive activities, which helped to maximize attorney staff time; and the administrative staff continued to provide quality support functions to 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

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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, reduced 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 may be 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 Fiscal Year 2002. The Superior Court Fast Track Program, which consolidates offenses committed by probationers with associated probation violation, continued to prove to be successful. An increase in the number of cases that are resolved at First Case Review benefits the overall caseload in Superior Court.

Victim/Witness Services professionals continued sending notification letters to victims of crime; over 40,000 such letters were sent during Fiscal Year 2002. Emphasis was placed on providing community education regarding domestic violence, sexual assault and other victimization, providing training to rape crisis counselors and police agencies, and disseminating information about the Victims Bill of Rights. The Senior Victim Advocate Program, a program in which senior adult volunteers contact and support senior victims, experienced continued success.

Final work was completed on an automated case tracking system in New Castle County—a computerized system which keeps all pertinent data on cases reviewed regardless of whether or not initiated. 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 in that it can track the progress of a case during trial. Training of personnel was completed, and data entry of historical information will be completed in Fiscal Year 2003. The division

anticipates expanding the automated case tracking system to Kent and Sussex counties.

The Felony Screening Unit improved the manner in which it creates cases to ensure police intakes are performed in a timely fashion. The unit now bases its case creation on a Daily Felony Arrest report developed by DELJIS. The report notifies the department on a daily basis of every felony arrest in New Castle County. This ensures that the department is aware of all new cases immediately rather than through preliminary hearings or through motions to dismiss. During Fiscal Year 2002, the felony screening paralegals took in, on average, 100 felony cases per month, up from 67 per month in Fiscal Year 2001.

The department continued assisting the Family Court with the implementation of new computer system; this combined effort was highly successful. Another achievement was the creation of files for juvenile misdemeanor cases. This led to a significant improvement in the prosecution of such cases. The department 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. The paralegal in this unit is responsible for coordinating diversions statewide and ensures that there is uniformity and continuity in the department's juvenile diversion program.

White-collar crime prosecutions present deputies with very complex financial issues. Because of the specialized skill required to prosecute these cases, it is not feasible to assign them to the various Deputy Attorneys General on an ad hoc basis. Deputies who handle these cases assist other law enforcement agencies with white-collar crime investigations as well. In concert with the Fraud Division, a tentative protocol for the investigation and referral of white-collar crime cases was established.

Misdemeanor trial prosecutions continued to serve as the principal training grounds for newly-employed deputies in the Criminal Division. In New Castle County, implementation of a new Bryne Grant pilot project within Justice of the Peace Court 20 was 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 for 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. A control group of statistics was established to help measure the success of this project.

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### 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 the Division of Family Services, particularly with respect to cases involving the Child Protection Registry and termination of parental rights.
- Enforce state tobacco laws pertaining to youth access and enforce the Master Settlement Agreement in an effort to prevent the loss of settlement dollars.
- Improve communication with, and sensitivity toward, IV-D clients of the Bureau 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 department's ability to prepare for administrative hearings through the increased use of paraprofessionals.
- Enhance contract review and drafting capabilities in order to serve clients more efficiently.
- Improve document identification and retrieval systems through exploration of document imaging initiatives in order to save on workload and improve "point-and-click" accessibility to vital documents.
- Acknowledge all business mail and prepare appropriate responses in a timely manner; return client telephone calls within 24 hours.
- Continue to utilize the Client Satisfaction Survey in order to better ascertain client needs and attorney performance and productivity issues.

### BACKGROUND AND ACCOMPLISHMENTS

The Civil Division continued to provide quality legal services to government agencies. 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 provided specialty legal services to a large number of government agencies, thereby allowing those Deputy Attorneys General who represent the agencies to concentrate on the needs of the agency without unnecessarily duplicating services that could be provided by the specialists.

### FRAUD AND CONSUMER PROTECTION DIVISION

#### MISSION

To protect the citizens of Delaware against consumer fraud, deceptive trade practices and securities fraud; to educate consumers and investors regarding consumer protection and securities investments; to prevent and investigate fraud in government welfare and Medicaid programs; to protect the elderly from abuse and exploitation; to protect citizens against antitrust violations; and to conduct special investigations of crimes against the state and local governments.

#### 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.
- Provide good, friendly "customer service" to each consumer or business who contacts the unit seeking information or who files a complaint.
- Complete all preliminary investigations with the Intake Unit within three months of the initial contact date.
- Identify multiple-victim consumer fraud or deceptive trade abuses quickly and efficiently at the intake level and through proactive investigations.
- Complete determinations in formal investigations by Special Investigators within six months of the initial assignment date.
- Identify and develop complex civil litigation skills in unit Deputy Attorneys General.

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- Decrease incidents of unfair or deceptive trade practices in the marketplace.
- Increase public awareness of unit resources and laws.
- Serve and protect all Delaware investors from violations of the Securities Act and fraudulent practices.
- Increase investor awareness by conducting educational programs.
- 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.
- 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 communication with the Delaware law enforcement community.

### BACKGROUND AND ACCOMPLISHMENTS

The Fraud and Consumer Protection Division continued to play a vital role in the protection of Delaware residents against all kinds of fraud and deceptive business practices. During Fiscal Year 2002, the Intake Unit averaged approximately 1,750 telephone calls, letters and walk-in inquiries from the public per month. Each of the special investigators assigned averaged 10-20 open cases on any given day. 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.

The Securities Division conducted three investor town meetings, one in each of Delaware's three counties; a total of 261 people attended them in Fiscal Year 2002. Revenues and fees collected by the Securities Unit totaled \$8,057,539. Restitution in the amount of \$16,450

was ordered to victims for violations of the Delaware Securities Act.

The Medicaid Fraud Control Unit continued diligently protecting the public from Medicaid fraud and the elderly and/or infirm who reside in Medicaid nursing homes. The Medicaid Fraud Unit successfully prosecuted 32 patient abuse cases during Fiscal Year 2002. These cases produced \$161,787 in fines, penalties and recovered overpayments and \$235,250 in restitution.

### ADMINISTRATIVE DIVISION

#### MISSION

To provide responsive, customer-oriented, direct operational support to employees assigned to the Department of Justice, and to facilitate indirect administrative support to the public within the State of Delaware.

#### KEY OBJECTIVES

- Achieve the highest level 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 in improving departmental support. In the area of Human Resources, more efficient and effective measures were implemented for recruitment, testing of candidates, automation of vacation/sick leave balances, staffing and

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position classification. New recruitment methods, including use of print and electronic media, websites, professional affiliations (e.g., Paralegal Association) and visits to universities and trade schools have led to significantly-improved results. Testing candidates for clerical positions (keyboarding and secretarial examinations) is now streamlined using testing sites in all three counties.

The Information Technology Branch made progress towards implementing technology that will enhance the management and operation of the office and improve the efficiency, productivity and delivery of services. That progress continues as the department replaces its overall computer network infrastructure. The Banyan Network Operating System is being phased out statewide. It is being replaced with the Windows 2000 Operating System and Office Productivity Suite. This change will require conversion of many existing legacy systems such as the Consumer Protection Complaint database, the Sex Crimes Unit database and the employee database. Third party applications such as On-Time Calendar will be replaced with Outlook and existing Banyan e-mails will need to be modified to ensure their readability under the Exchange 2000 e-mail communication system.

The Fiscal Year 2001 Budget Act granted the Department of Justice approval to lease office space in order to consolidate Kent County office functions. The department successfully moved into its new building during Fiscal Year 2002. The consolidation of the various Kent County department's offices 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, the United States Supreme Court and in federal habeas corpus litigation.

#### KEY OBJECTIVES

- File briefs and other responses (e.g., federal habeas answers and 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 experienced continued success in representing the state in state appellate and federal habeas proceedings. During Fiscal Year 2002, a result favorable to the state was obtained in over 90 percent of criminal appeals decided by the Delaware Supreme Court.

#### FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	18,931.2	18,376.3	18,220.1
ASF	2,769.9	4,449.4	5,431.3
<b>TOTAL</b>	<b>21,701.1</b>	<b>22,825.7</b>	<b>23,651.4</b>

#### POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	266.4	267.8	267.8
ASF	47.9	47.9	48.9
NSF	33.8	39.4	39.4
<b>TOTAL</b>	<b>348.1</b>	<b>355.1</b>	<b>356.1</b>

### 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 and provide service to victims of crime.
- Counsel and advise victims of domestic violence and sexual assault.
- Undertake asset forfeitures.
- Extradite prisoners and process gun permits.
- Investigate allegations of police and other official misconduct.
- Develop legislative initiatives pertaining to criminal and civil justice matters.
- Administer 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.

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- Draft legal opinions and reports, including advice concerning compliance with the Delaware Freedom of Information Act.

**PERFORMANCE MEASURES**

	<b>FY 2002 Actual</b>	<b>FY 2003 Budget</b>	<b>FY 2004 Gov. Rec.</b>
Average # of Superior Court filings per prosecutor	501	550	600
Average time from arrest to indictment (days)	30	30	30
# of consumer complaints intaked/referred	19,000	20,000	20,500
# of victims notified	40,000	41,500	42,000
# of domestic violence victims contacted prior to trial	1,400	1,500	1,600
% of satisfied clients as measured by Client Satisfaction Survey of Civil Division Deputies	90	90	90
% Fraud Division complaints where prosecutorial decision made within six months	85	85	85

**PUBLIC DEFENDER**  
**15-02-01**

**MISSION**

29 Del. C. c. 46 creates the Office of the Public Defender to preserve the constitutional rights of indigent defendants through the assistance of counsel in criminal cases at every stage of the adjudication process. In addition, case law has established that the Public Defender, as an officer of the court, has the professional duty to assist the court in every reasonable way in the improvement of justice.

**KEY OBJECTIVES**

To ensure that the Office of the Public Defender provides effective assistance of counsel to its clients while responsibly using the agency's personnel resources, the Public Defender has identified the following objectives:

- Reduce attorney caseloads to guarantee compliance with the following national standards 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
- Require Superior Court Psycho-Forensic Evaluators to produce 60 court plans and reports per year.
- Conduct intake interviews with incarcerated individuals within two days of their imprisonment and make attorney assignments within 24 hours thereafter.
- Make full use of Judicial Information Center (JIC) and Delaware Justice Information System (DELJIS) to open client files.
- 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.

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#### **Administrative Services Section**

The Public Defender's Administrative Services Section has executive and administrative support staff. The executive staff establishes and enforces the policies and goals and is responsible for daily administration, assigning cases, supervising personnel and drafting programs. The administrative support staff maintains office inventory and 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. This section also provides computer training and technical assistance to attorneys and support staff.

#### **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 statewide to the Supreme Court, Superior Court, Court of Common Pleas and Family Court. 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.

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 become 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 Office of the Public Defender has attorneys assigned to videophone locations at the Baylor Correctional Institution, Delaware Correctional Center, Multi-Purpose Criminal Justice Facility, Sussex Correctional Institution and New Castle County Detention Center.

The office currently has four federal grants to assist in carrying out new initiatives:

The 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 forensic issues. This grant will end in February 2004.

The Responsible Release Project employs one Psycho-Forensic Evaluator and one Paralegal. Under this grant, the office identifies Public Defender clients and, when appropriate, asks the court to set a bail the client can afford, or one that requires no security, and requests 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.

The JP Court 20 Project addresses two problems:

- 1) the high percentage of accused persons being held while awaiting trial, and
- 2) 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.

An additional grant was added in Fiscal Year 2003. This grant is a re-entry project that allows for one contractual attorney. This attorney provides legal services to offenders, handling pre-existing legal issues that may complicate the re-entry process. The grant is for three years at \$50,000 per year.



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In Fiscal Year 2002, one Paralegal II was established for 13 months through Substance Abuse Rehabilitation, Treatment, Education and Prevention funds. This position screens and prepares cases for fast track in both Kent and Sussex counties. This position was continued through Fiscal Year 2003.

### FUNDING

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	9,485.6	9,657.8	10,023.1
ASF	17.3	49.2	49.2
<b>TOTAL</b>	<b>9,502.9</b>	<b>9,707.0</b>	<b>10,072.3</b>

### POSITIONS

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	127.0	127.0	129.0
ASF	--	1.0	1.0
NSF	5.0	6.0	4.0
<b>TOTAL</b>	<b>132.0</b>	<b>134.0</b>	<b>134.0</b>

### ACTIVITIES

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

- Intake Services conducts timely eligibility screening and preliminary factual investigation interviews for incarcerated and non-incarcerated individuals and makes appropriate referrals to Psycho-Forensic Evaluators.
- All personnel use JIC, DELJIS and Public Defender databases to open and close client files and to make necessary entries in the systems to reflect pertinent information.
- Investigators conduct defense investigations of witnesses and/or crime scenes as requested by the assigned attorney.
- 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.
- The Forensic Services Education Coordinator will provide in-house expert consulting services for cases

involving forensic issues, autopsy reports, sexual assault reports, medical records and other scientific studies.

- Attorneys prepare felony cases for trial, post-conviction motions and 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 for use in negotiations with prosecutors.
- Attorneys in the Appellate Unit handle appeals for indigent clients represented by the Public Defender and for those formerly represented by a private attorney at trial who have become indigent as a result of incarceration. They also counsel with trial attorneys to apprise them of those appellate procedures which 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 a 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, on the other hand, he or she gets five warrants, the case would have five DUC numbers that could later either be combined or split depending on the courts in which it could be tried and/or the nature of 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 by the Public Defender at any given time.

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### PERFORMANCE MEASURES

	FY 2002 Actual	FY 2003 Budget	FY 2004 Gov. Rec.
Average days from imprisonment to intake interview for incarcerated clients	NCC 3.9 Kent 2.6 Sussex 3.9	3.9 2.6 3.9	3.9 2.6 3.9
Superior Court - average felony caseload per attorney per year	374	392	368
CCP - average misdemeanor caseload per attorney per year	1,370	1,328	1,133
Family Court - average juvenile caseload per attorney per year	450	472	496
Appeals closed statewide	99	104	109
Average days from interview to date client file is opened	NCC 1.9 Kent .4 Sussex 1.3	1.9 .4 1.3	1.9 .4 1.3
Psycho-Forensic Evaluator plans have an average acceptance rate of 65% nationally	794 plans 77 % accepted 20 % partially 3 % rejected	794	794

Attorney caseloads consist of closed cases, violations of probation (VOPs), amenability hearings, preliminary hearings and *capias* hearings. Closed cases include trials, pleas, *nolle prosequi*, dismissals, Attorney General's probation and diversions.

Fiscal Year 2002 attorney averages are based on actual attorneys assigned per court and actual caseloads in each court. Fiscal Year 2003 averages are based on current attorney assignments per court and a five percent projected increase in caseloads. In Superior Court and Court of Common Pleas, Fiscal Year 2004 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.

### BOARD OF PAROLE

#### 15-03-01

#### MISSION

To protect the public by conducting informed hearings to make careful and equitable parole decisions and credible recommendations to the courts and the Board of Pardons.

#### KEY OBJECTIVES

- **Public Safety:** Select individuals for transition from prison who will succeed as law-abiding citizens.
- **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 but which will satisfy statutory requirements, utilizing information systems technology to improve the process.
- **Training and Development:** Ensure that all board members and staff are granted at least one training opportunity each fiscal year to improve skills needed to meet 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 within 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, and providing sentence commutation and modification recommendations to the Board of Pardons and the courts. The board also issues warrants and orders, prepares reports for the courts and the Board of Pardons, and decides supervision level changes and early discharges from supervision.

With the exceptions of those offenders serving less than one year and sentences specifically excluded from parole

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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, 2002, 594 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 2002, 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 on or after June 30, 1990. According to Department of Correction statistics, as of September 2, 2002, the number of parole-eligible inmates remaining in prison was 387. 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 2002, the board heard 84 cases for parole consideration and 26 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 2000	FY 2001	FY 2002
Meetings held	25	27	22
Parole	102	101	85
Sentence modification	34	32	26
Sentence commutation	29	36	21
Revocation	74	67	60
Rescission / discharge	6	7	8
Other	17	6	1
Total	262	249	201

**Board of Parole Prison/Community Population**

	FY 2000	FY 2001	FY 2002
# parole eligible in prison	412	418	387
# parolees in the community	541	575	594
% of parolees returned to prison	3.1	1.9	2.8
% of parolees successfully discharged	3.4	4.8	5.4

**Board of Parole  
Victim/Public Notification Activity**

	FY 2000	FY 2001	FY 2002
Victim notifications sent	450	360	294
Victim input hearings held	10	9	13
Public notices issued	23	23	25

### ACCOMPLISHMENTS

**Public Safety.** During Fiscal Year 2002, risk assessments were completed on 100 percent of cases considered for parole release; 26 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 (1) of the right of the victim to address the board in writing or in person and (2) of the decision of the board. Also, pursuant to 11 Del. C. § 4347, the board shall notify victims and issue public notices (1) of hearings at least 30 days prior to scheduled parole hearings for inmates convicted of a felony offense and (2) of decisions no more than ten days after a decision resulting in parole for the same offender. The board's Victims Input Coordinator arranges for victim input hearings before the board. In Fiscal Year 2002, 25 victims appeared before the board and ten were heard via videophone. A total of 163 pre-hearing notifications and 131 post-hearing notifications were sent to victims during this period.

**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 enhancement of the Internet site presence.

**Training and Development.** All board members and staff participated in professional training programs during Fiscal Year 2002.

**Public Information.** During Fiscal Year 2002, 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, Victims Information, and Factors Considered.

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**FUNDING**

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	296.0	371.5	392.0
ASF	--	--	--
<b>TOTAL</b>	<b>296.0</b>	<b>371.5</b>	<b>392.0</b>

**POSITIONS**

	FY 2002 ACTUAL	FY 2003 BUDGET	FY 2004 GOV. REC.
GF	7.0	7.0	7.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>7.0</b>	<b>7.0</b>	<b>7.0</b>

**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 into the community.
- Issue warrants for the arrest and detention of any paroled or mandatory-released offender who presents a risk to the public.
- Track information with respect to an offender's return and successful discharge.

**Victims/Public Input:**

- Provide newspapers and victims with written notification of an offender's hearing date and with the decision coming out of that hearing.

**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 Board of Parole functions and activities.

**PERFORMANCE MEASURES**

	FY 2002 Actual	FY 2003 Budget	FY 2004 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	2.8	3.1	3.1
# victim notifications/decisions sent	430	430	460
% 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	2	2
# actions processed	873	1,000	1,000