

LEGAL
15-00-00

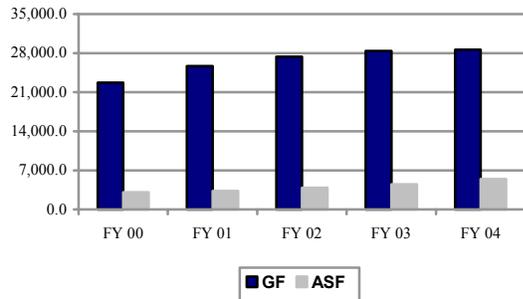
Legal

Office of Attorney General

Public Defender

Board of Parole

Five-Year Appropriation History



FUNDING

| | FY 2003 ACTUAL | FY 2004 BUDGET | FY 2005 GOV. REC. |
|--------------|-------------------|-------------------|----------------------|
| GF | 29,764.8 | 28,605.1 | 30,553.6 |
| ASF | 2,755.8 | 5,480.5 | 5,431.3 |
| TOTAL | 32,520.6 | 34,085.6 | 35,984.9 |

POSITIONS

| | FY 2003 ACTUAL | FY 2004 BUDGET | FY 2005 GOV. REC. |
|--------------|-------------------|-------------------|----------------------|
| GF | 401.8 | 395.6 | 395.6 |
| ASF | 48.9 | 53.9 | 52.9 |
| NSF | 45.4 | 43.4 | 43.4 |
| TOTAL | 496.1 | 492.9 | 491.9 |

FY 2005 BUDGET HIGHLIGHTS

OPERATING BUDGET:

Attorney General

- ◆ Recommend one-time funding through the Budget Office's Development Fund for information technology projects.

Public Defender

- ◆ Recommend one-time funding through the Budget Office's Development Fund for information technology projects.

Board of Parole

- ◆ Recommend base funding to maintain Fiscal Year 2004 level of service.

LEGAL

15-00-00

OFFICE OF ATTORNEY GENERAL

15-01-00

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

- Improve the quality of the department's litigation in serious felony criminal cases by reducing the caseloads of prosecutors assigned to the Superior Court.
- Improve the ratio of support and paraprofessional staff to attorneys in the Criminal Division to reduce criminal case prosecution and processing time.
- Provide all appropriate counseling, information and referral services to victims of crime.
- Provide prompt and effective legal services by managing the ever-increasing caseloads with prompt and efficient responses to departments and instrumentalities of state government.
- Complete final prosecutorial determinations in Consumer Fraud and Deceptive Trade cases within six months from the date of initial assignment.
- Improve consumer and investor awareness through educational programs, increased use of technological resources (e.g., website) and a responsive approach to complaints.

BACKGROUND AND ACCOMPLISHMENTS

The Office of Attorney General 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 its responsibilities under the Victims' Bill of Rights through the Victim Assistance Program, which provides

information, counseling and referral services to victims and witnesses of crime.

The Civil Division provides legal services to the Governor, the General Assembly and officers, departments, boards, agencies, commissions and instrumentalities of state government.

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

The Appeals Division represents the state's interest 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.

The Administrative Division provides operational and administrative support to the department through personnel, information systems and financial management.

During Fiscal Year 2003, the Office of the Attorney General continued to provide quality legal services to state government in the most efficient and cost-effective manner. Resources were used economically and effectively; personnel assets continued to produce quality work products.

CRIMINAL DIVISION

MISSION

To protect all citizens of Delaware by prosecuting violations of criminal and motor vehicle laws 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, reduced case processing time, improved victim and witness contact and enhanced filing and record keeping.

LEGAL 15-00-00

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

The division is dedicated to providing quality and expert prosecution services to the public. To this end, the division continued to improve efficiencies and effectiveness through use of technology, appropriate allocation and reallocation of resources, effective use of paraprofessionals and aggressive strategic planning.

CIVIL DIVISION

MISSION

To provide quality, cost-effective legal services to state government.

KEY OBJECTIVES

- 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 and sensitivity to the 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 applicability to the Freedom of Information Act.

- Provide responses to requests for opinions of the Attorney General within 25 days.
- Improve ability to prepare for administrative hearings by increased use of paraprofessionals.
- Enhance contract review and drafting capabilities.
- Improve document identification and retrieval systems through exploration of document imaging initiatives.
- Acknowledge all business mail and prepare appropriate responses in a prompt manner.
- Return client telephone calls within 24 hours.

BACKGROUND AND ACCOMPLISHMENTS

The Civil Division provides some degree of legal representation for virtually all state officials, agencies and instrumentalities in addition to its obligation to provide legal representation to state officers and agencies who are parties to civil lawsuits. On a daily basis, deputies advise their clients regarding civil legal issues involving such diverse areas as environmental, contract, tort, civil rights, labor, finance, employment and administrative law. The division provides its services through four working groups: Government Services, Departments and Agencies, Major Litigation and Family Services.

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 elders 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 prompt and efficient manner and follow up with information, assistance, mediation, investigation and/or enforcement, as needed, in a prompt manner.

LEGAL

15-00-00

- Complete all preliminary investigations with the Intake Unit within two to three months from the date of the initial contact.
- Complete determinations in formal investigations by Special Investigations within six months from the date of initial assignment.
- Service and protect all Delaware investors from violation of the Securities Act and fraudulent sales practices.
- Increase investor awareness through conducting educational programs within the community.
- Prosecute those who violate laws in administering the Medicaid Program.
- Prosecute those who criminally infringe upon the rights and safety of long-term-care residents of Delaware nursing homes.
- Recover damages and overpayments to the Delaware Medicaid Program.
- Improve the flow of fraud and abuse referrals through education and training outreach efforts and use of Memoranda 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.
- Recover damages and restitution due to citizens and the state from antitrust and anti-competitive conduct and practices.
- Join with other state and multi-state prosecutions of antitrust violations.

BACKGROUND AND ACCOMPLISHMENTS

The Fraud Division continues to provide invaluable services to the public through enforcement of laws, comprehensive investigatory practices, aggressive prosecution (when necessary) and a strong emphasis on community education to ensure that citizens are aware of their rights and understand protections under the relevant laws. With increased emphasis on participation in multi-state cases (particularly consumer protection and antitrust), rapid technology growth and heightened consumer awareness, personnel resources are at a

premium. The Fraud Division is divided into five distinct units: Consumer Protection, Securities, Medicaid Fraud, Antitrust and Special Investigations.

ADMINISTRATIVE DIVISION

MISSION

To provide responsive, customer-oriented direct operational support to employees assigned to the Office of Attorney General and 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 Office of Attorney General through a fully-staffed division, opportunities for growth, 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.
- 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.
- Execute the Attorney General's priorities through comprehensive planning, programming and budgeting.
- Provide safe and secure facilities, ensuring that employees work in an environment conducive to optimal productivity.
- Extradite dangerous fugitives charged with serious criminal offenses to Delaware to stand trial.
- Provide counseling, guidance and assistance to Delaware citizens regarding United States Immigration and Naturalization laws and procedures.

LEGAL

15-00-00

BACKGROUND AND ACCOMPLISHMENTS

The Administrative Division continued to make significant strides during this 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.

The Information Technology Branch will make every effort to successfully migrate the department from the Banyan operating system to the Microsoft 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 department's employee database. Also, third party applications such as On-Time Calendar will be replaced with Outlook and existing Banyan e-mails will need to be modified to be functional under the Exchange 2000 e-mail communication system. In order to make the transition successfully, the department is working closely with the Department of Technology and Information to migrate to Windows 2000 in Fiscal Year 2004.

The Administrative Division is divided into six units: Human Resource Management, Information Technology, Supply and Purchasing, Finance, Extradition and Services for the Foreign Born.

APPEALS DIVISION

MISSION

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

KEY OBJECTIVES

- File briefs and other responses (e.g., federal habeas answers and briefs in opposition to certiorari petitions) in a prompt fashion.
- Plan and initiate strategies for post-conviction and federal habeas litigation.

BACKGROUND AND ACCOMPLISHMENTS

The division represents the state in criminal appeals in the Delaware Supreme Court and the United States Supreme Court and in all federal habeas corpus litigation. The division also conducts all post-trial litigation (appeals, state post-conviction, federal habeas, commutation proceedings) in death penalty cases.

Because of their expertise in criminal law and procedure, division prosecutors provide guidance and assistance to prosecutors in the Criminal Division. The division director also supervises extraditions performed by State Detectives.

The division continued to be extremely successful in representing the state in state appellate and federal habeas litigation. As calculated by the state Supreme Court in the yearly "Statistical Report of the Delaware Judiciary," a result favorable to the state was obtained in over 90 percent of the criminal appeals decided by the court; a similar result was obtained in federal habeas corpus cases decided by the United States District Court or the Court of Appeals.

FUNDING

| | FY 2003 ACTUAL | FY 2004 BUDGET | FY 2005 GOV. REC. |
|--------------|-------------------|-------------------|----------------------|
| GF | 19,736.4 | 18,220.1 | 19,721.4 |
| ASF | 2,737.7 | 5,431.3 | 5,431.3 |
| TOTAL | 22,474.1 | 23,651.4 | 25,152.7 |

POSITIONS

| | FY 2003 ACTUAL | FY 2004 BUDGET | FY 2005 GOV. REC. |
|--------------|-------------------|-------------------|----------------------|
| GF | 267.8 | 261.6 | 261.6 |
| ASF | 47.9 | 52.9 | 52.9 |
| NSF | 39.4 | 39.4 | 39.4 |
| TOTAL | 355.1 | 353.9 | 353.9 |

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.

**LEGAL
15-00-00**

- Intake, screen and refer consumer complaints.
- Provide training to staff, outside agencies and the public.
- Counsel and advise clients regarding immigration and naturalization matters.

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

PERFORMANCE MEASURES

| | FY 2003 Actual | FY 2004 Budget | FY 2005 Gov. Rec. |
|---|---------------------------|---------------------------|------------------------------|
| Average # of Superior Court filings per prosecutor | 225 | 250 | 180 |
| Average Court of Common Pleas filings per prosecutor | 7,490 | 7,600 | 5,600 |
| Average # of felony cases assigned to each social worker | 235 | 250 | 200 |
| Average time from arrest to indictment (days) | 40 | 40 | 40 |
| Time from AG opinion request to issuance (days) | 45 | 45 | 45 |
| Time in which vacant positions are filled (days) | 45 | 45 | 45 |
| % Delaware Supreme Court appeals with state's brief filed within 60 days | 98 | 98 | 98 |
| % 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 into three

LEGAL

15-00-00

sections: Administrative, Technology and Legal Services.

Administrative Services Section

The Administrative Services Section has executive and administrative support staff. The executive staff establishes and enforces the policies and goals and is responsible for daily administration, assigning cases, supervising personnel and drafting programs. The administrative support staff maintains office inventory 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 the 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 Delaware Uniform Case (DUC) numbers in New Castle County among the police, courts, prosecution, defense and corrections is a first step. The office will continue to work closely and share relevant computer information with the other components of the criminal justice system. The development of an integrated statewide case tracking system will effectively enable all criminal justice components to track cases through the system from issuance and execution of the warrant to release from supervision by the Department of Correction. 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 Baylor Correctional Institution, Delaware Correctional Center, Multi-Purpose Criminal Justice Facility, Sussex Correctional Institution and New Castle County Detention Center.

The office currently receives the following grants:

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 and has been picked up by General Funds.

The Forensic Nurse Program employs one contractual nurse. The Office of the Public Defender has identified two specific issues pertaining to emerging technology and use of evidentiary aids such as DNA technology and forensic evidence. The first issue is case identification by staff and the second issue is a lack of adequate expertise in these areas by staff.

Lack of expertise increases the inability to identify issues, thereby adding to the amount of time necessary to dispose of cases. Cases, which may have been pled out sooner, are postponed due to insufficient knowledge in the forensic areas. These cases are subsequently scheduled for trial, where continuances are likely, so that experts may be retained.

With the addition of a Forensic Nurse trained in forensic areas, such issues are identified and researched sooner. Outside experts are consulted earlier. Staff attorneys have access to an attorney and a nurse who have additional training in DNA and forensic issues. As a result, cases are resolved more quickly and effectively.

LEGAL 15-00-00

The Office of the Public Defender Violation of Probation Representation Grant employs three contractual attorneys and one paralegal.

There is a deficiency in coordinated legal representation in Violation of Probation cases. There presently exists an underdeveloped system of transition of juveniles onto probation and coordination of treatment planning and implementation of services once a juvenile is sentenced and/or re-sentenced onto probation. Through early intervention and identification of clients who are at risk to violate probation, this project purposes to increase the probability that a juvenile will be successful on probation by providing a system for the development of more beneficial conditions of probation to be offered to the court prior to adjudication. Provision of coordinated case management services and assessment of juveniles pending probation violations will result in the structuring of more realistic plans for supervision that are based on comprehensive information gathered from multiple disciplines that will be provided to the court at the time of the Violation of Probation hearing. Attorneys and Psycho-Forensic Evaluators will work closely with all Department of Children, Youth and Their Families (DSCYF) divisions as well as other agencies to assist in ensuring a continuous transition to the implementation of an individual service plan, thereby reducing the potential for unforeseen problems and service gaps that can lead to Violations of Probation.

An additional grant is expected to be added in Fiscal Year 2004. This grant is a Re-Entry Project that will allow for one contractual attorney. This attorney will provide legal services to offenders, handling pre-existing legal issues that might otherwise complicate the re-entry process. The grant is for three years at \$50,000 per year.

FUNDING

| | FY 2003 ACTUAL | FY 2004 BUDGET | FY 2005 GOV. REC. |
|--------------|-------------------|-------------------|----------------------|
| GF | 9,733.8 | 9,993.0 | 10,432.4 |
| ASF | 19.3 | 49.2 | -- |
| TOTAL | 9,753.1 | 10,042.2 | 10,432.4 |

POSITIONS

| | FY 2003 ACTUAL | FY 2004 BUDGET | FY 2005 GOV. REC. |
|--------------|-------------------|-------------------|----------------------|
| GF | 127.0 | 127.0 | 127.0 |
| ASF | 1.0 | 1.0 | -- |
| NSF | 6.0 | 4.0 | 4.0 |
| TOTAL | 134.0 | 132.0 | 131.0 |

ACTIVITIES

The Office of the Public Defender is responsible for representing each indigent person accused of a crime in

Delaware from the inception of a case through its conclusion. To meet this responsibility, attorneys and support staff perform the following activities:

- Intake Services conducts eligibility screening and preliminary factual investigation interviews for incarcerated and non-incarcerated individuals and makes appropriate referrals to 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 and for interpreters or other experts as needed.
- The Forensic Services Education Coordinator provides in-house expert consulting services for cases involving forensic issues, autopsy reports, sexual assault reports, medical records and other scientific studies.
- Attorneys prepare felony cases for trial, post-conviction motions and appeals. Trial or appellate attorneys conduct at least two attorney/client interviews per client.
- Investigators conduct internal polygraph examinations to verify information 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 that 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.

LEGAL 15-00-00

- Administrative personnel provide supervision of staff, assign cases, coordinate caseloads with court schedules and maintain personnel records.

percent increase in caseloads. In Superior Court and Court of Common Pleas, Fiscal Year 2005 averages are based on three additional attorneys in each court and a projected five percent increase in caseloads.

PERFORMANCE MEASURES

| | FY 2003 Actual | FY 2004 Budget | FY 2005 Gov. Rec. |
|---|---|-----------------------------|-----------------------------|
| Average days from imprisonment to intake interview for incarcerated clients | NCC 3.7 KC 2.2 SC 4.1 | NCC 3.7 KC 2.2 SC 4.1 | NCC 3.7 KC 2.2 SC 4.1 |
| Superior Court—average felony caseload per attorney per year | 410 | 431 | 404 |
| CCP—average misdemeanor caseload per attorney per year | 1,254 | 1,220 | 1,048 |
| Family Court—average juvenile caseload per attorney per year | 630 | 661 | 694 |
| JP Court 20—average juvenile caseload per attorney per year | 1,117 | 1,172 | 1,231 |
| Appeals closed statewide | 131 | 137 | 144 |
| Average days from interview to date client file is opened | NCC 1.8 KC 0.4 SC 1.2 | NCC 1.8 KC 0.4 SC 1.2 | NCC 1.8 KC 0.4 SC 1.2 |
| Psycho-Forensic Evaluator plans have an average acceptance rate of 65% nationally | 645 plans 69% accepted 27% partially 5% rejected | 645 | 645 |

The Office of 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, for example, a police officer chose to secure a single warrant for five burglaries, the office would open one client file. If, on the other hand, he or she secured 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. Since a DUC number is used to track a case through the system from issuance and execution of the warrant to release from supervision, 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.

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 2003 attorney averages are based on actual attorneys assigned per court and actual caseloads in each court. Fiscal Year 2004 averages are based on current attorney assignments per court and a projected five

LEGAL 15-00-00

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 a 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.

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 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, 2003, 618 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 2003, 28 parolees (0.5 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 July 2, 2003, the number of parole-eligible inmates remaining in prison was 333. 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 2003, the board heard 77 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. Thirty commutation cases were heard by the parole board during Fiscal Year 2003.

During Fiscal Year 2003, the board worked in partnership with the Department of Correction, the Attorney General's Office and the courts to address the issue of prison overcrowding. Should this partnership continue, the number of sentence modification cases heard should increase dramatically.

ACCOMPLISHMENTS

Public Safety. During Fiscal Year 2003, risk assessments were completed on 100 percent of cases considered for parole release; 15 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 his/her right 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

LEGAL 15-00-00

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 2003, 26 victims appeared before the board. A total of 172 pre-hearing notifications and 154 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, continued standardization of the processes, and system upgrades.

Training and Development. All board members and staff participated in professional training programs during Fiscal Year 2003.

Public Information. During Fiscal Year 2003, 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.

FUNDING

| | FY 2003 ACTUAL | FY 2004 BUDGET | FY 2005 GOV. REC. |
|--------------|-------------------|-------------------|----------------------|
| GF | 294.2 | 392.0 | 399.8 |
| ASF | -- | -- | -- |
| TOTAL | 294.2 | 392.0 | 399.8 |

POSITIONS

| | FY 2003 ACTUAL | FY 2004 BUDGET | FY 2005 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 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 2003 Actual | FY 2004 Budget | FY 2005 Gov. Rec. |
|--|-------------------|-------------------|----------------------|
| % warrants issued within 5 days of request | 100 | 100 | 100 |
| % parolees returned to prison during fiscal year | 1.6 | 2.1 | 2.1 |
| # victim notifications/decisions sent | 326 | 460 | 460 |
| % public notices submitted for publication at least 30 days prior to hearing and within 10 days of hearing | 100 | 100 | 100 |
| % public information requests answered within 5 working days | 100 | 100 | 100 |
| # actions processed | 990 | 1,000 | 1,000 |