

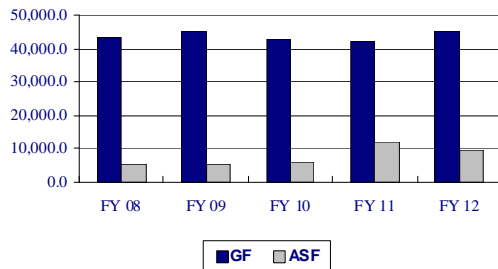
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Office of the Attorney General

Public Defender

Five-Year Appropriation History



FUNDING

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	44,051.0	45,502.1	50,449.5
ASF	8,942.7	9,551.9	9,818.8
TOTAL	52,993.7	55,054.0	60,268.3

POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	433.1	440.1	437.3
ASF	76.3	75.3	68.7
NSF	53.2	44.2	46.0
TOTAL	562.6	559.6	552.0

FY 2013 BUDGET HIGHLIGHTS

OPERATING BUDGET:

Office of the Attorney General

- ◆ Recommend \$31.7 and 0.2 FTE and 0.8 NSF FTE Deputy Attorney General for the Medicaid Fraud Control unit.
- ◆ Recommend \$100.0 in Contractual Services for DNA forensic analysis.

Public Defender

- ◆ Recommend \$2,916.0 in Conflict Attorneys to reflect the reallocation of the Conflict Attorneys program from Judicial, Administrative Office of the Courts, Office of the State Court Administrator (02-17-01).

OFFICE OF THE ATTORNEY GENERAL
15-01-01

MISSION

To protect all individuals in Delaware by prosecuting violations of criminal and motor vehicle laws; serve the public interest by providing cost-effective legal services to state agencies; protect Delaware residents from fraudulent, unfair and deceptive trade practices; and protect Delaware's families by prosecuting violations of criminal and civil laws pertaining to child support obligations, delinquency, truancy, domestic violence, child abuse and neglect and crimes against the elderly and vulnerable citizens.

KEY OBJECTIVES

- Ensure all criminal matters are handled fairly and efficiently resolved in a manner that safeguards the constitutional rights of the defendants and human rights of victims.
- Provide timely and accurate information to victims and witnesses about criminal cases that involve them.
- Defend convictions and sentences against post-conviction challenges, whether by way of appeal or collateral challenge.
- Enforce laws pertaining to youth access to tobacco products and monitor the Master Settlement Agreement to maximize revenues.
- Enhance the availability of government documents to the public under the Delaware Freedom of Information Act (FOIA).
- Protect the interest of abused, neglected and dependent children through prosecution of criminal cases, child protection registry cases and civil proceedings to achieve permanency and rehabilitation of children involved in the system as foster children or as children charged as delinquents.

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- Prosecute health care providers that have defrauded or attempted to defraud the Delaware Medicaid program and recover damages for the program.
- Investigate possible violations of consumer protection laws.
- Extradite fugitives charged with serious criminal offenses to Delaware for trial.

BACKGROUND AND ACCOMPLISHMENTS

The Office of the Attorney General is organized into five divisions: Criminal, Civil, Family, Fraud and Consumer Protection and Executive Offices. 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 a Chief Deputy Attorney General and Chief of Staff.

Criminal Division

The Criminal Division works to protect all Delaware residents by prosecuting violations of criminal and motor vehicle laws and providing counseling, support referral, notification and information services to victims and witnesses of crime.

The division continues to participate in efforts to reduce caseload burden through the Police Prosecution project and the New Castle County Preliminary Hearing Plea project. During Fiscal Year 2011, the Police Prosecution project resulted in approximately 9,628 less Court of Common Pleas cases. The decrease in filings is a direct result of this project as traffic cases are resolved in the Justice of the Peace Courts. As a result, the Criminal Division can concentrate its limited resources on Title 11 and 16 crimes, which are generally more serious and more complicated.

In Fiscal Year 2011, the New Castle County Preliminary Hearing project resulted in the resolution of 1,429 Superior Court cases 10 days after charges were filed. In 553, or nearly 40 percent of those cases, the defendant was sentenced to time served.

Civil Division

The Civil Division provides legal services to state agencies and departments to enable them to serve the public interest.

The division is responsible for providing legal services to the Governor and General Assembly, as well as to officers, departments, boards, agencies, commissions and instrumentalities of state government. The division also provides formal and informal opinions of the Attorney

General, represents the State's interest in civil litigation, conducts administrative prosecutions, acts as counsel to administrative bodies, provides representation to the public in certain labor matters and provides legislative drafting and review services for members of the General Assembly and state agencies.

The division prosecutes administrative complaints investigated by the Department of State, Division of Professional Regulation (DPR). These cases involve complaints made by the public against professionals licensed by DPR. The purpose of the administrative prosecution is to protect the public health, safety and welfare by suspending or revoking the professional licenses of doctors, pharmacists, nurses, real estate agents/brokers or other professionals licensed by the State. In Fiscal Year 2011 the Civil division filed 287 complaints, executed 97 consents and filed 286 dismissals in actions regulated by DPR. The division took immediate action on 50 complaints, which resulted in the filing of 21 emergency petitions.

The division also enforces civil recoveries against vendors of goods and services submitting false claims under the Delaware False Claims Act. The law gives authority to prosecute false claim cases, streamlines the procedures to collect recoveries and enables the division to recover monetary damages.

Family Division

The Family Division protects families by enforcing child support obligations; protecting the interest of children in child abuse, neglect and dependency cases; prosecuting delinquency, truancy, domestic violence and child abuse crimes; ensuring compliance with federal and state adoption and safe family laws; reviewing and implementing federal and state child support laws; and prosecuting those who have committed crimes against seniors.

The division consists of four units: Juvenile Delinquency and Truancy, Domestic Violence and Child Abuse, Child Protection and Child Support. Since its inception, the division has responded to changes in the protection from abuse statute that extends protection past the traditional nuclear family and the most recent change that allows for the entry of a permanent no contact order.

Fraud and Consumer Protection Division

The Fraud and Consumer Division protects residents from fraud in its various forms. The division protects consumers from fraudulent, unfair and deceptive trade practices. It enforces laws against Medicaid fraud by healthcare providers and nursing homes, including enforcement of the laws prohibiting abuse, neglect,

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mistreatment and the financial exploitation of senior citizens. The division also prosecutes violations of the Delaware Securities Act and prosecutes cases involving public corruption.

The Fraud and Consumer Protection Division provides invaluable services to the public through law enforcement, comprehensive investigatory practices, aggressive prosecution and a strong emphasis on community education to ensure residents are aware of their rights and understand protections under the relevant laws.

Executive Offices

Executive Offices provide customer-oriented operational support to employees. The division manages fiscal, human resources, information systems, purchasing and supply, facilities, extraditions, public information, legislative and external affairs, Victims' Compensation Assistance Program (VCAP) and oversees the immigration and naturalization-related services provided to Delaware residents.

Executive Offices provides Internet Safety presentations to youth. As of October 2011, more than 30,000 youth have learned about online safety, the dangers of cyber-bullying and proper use of text messages through these presentations.

VCAP was created to help innocent victims of violent crimes recover issues as a result on the crime. In Fiscal Year 2011, total revenue received was \$3,183,253, and the program received 1,271 applications for assistance and awarded \$3,279,446 to victims and their families.

FUNDING

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	29,149.3	29,682.7	31,439.4
ASF	8,942.7	9,551.9	9,818.8
TOTAL	38,092.0	39,234.6	41,258.2

POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	291.1	298.1	294.3
ASF	76.3	75.3	68.7
NSF	48.2	43.2	46.0
TOTAL	415.6	416.6	409.0

ACTIVITIES

- Prosecute violations of Delaware criminal law.
- Provide legal services to state agencies, officials and instrumentalities.
- Protect the public against consumer and government fraud.
- Counsel and advise victims of domestic violence and sexual assault.
- Enforce the Nuisance Abatement Act for drug and social vices.
- Undertake drug 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.
- Intake, screen and refer consumer complaints.
- Counsel clients regarding immigration and naturalization matters.
- Draft legal opinions and reports, including advice concerning compliance with FOIA.
- Expedite processing of VCAP claims and payment of approved claims.

PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov Rec.
# of average Superior Court filings per prosecutor	141	166	166
# of average Court of Common Pleas filings per prosecutor	3,693	3,833	3,833
# of average Family Division filings per prosecutor	775	825	825
% of Delaware Supreme Court appeals with State's brief filed within 60 days	98	100	100

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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 through the assistance of counsel in criminal cases at every stage of the adjudication process. In addition, case law has established 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

The primary goal of the Public Defender's Office (PDO) is to provide effective assistance of counsel to its clients while responsibly using the agency's resources. In an effort to achieve its primary goal, PDO identified the following key objectives:

- Reduce attorney caseloads to align them better with national standards established by the American Bar Association (ABA);
- Require psycho-forensic evaluators (PFE) to produce a minimum of 60 court plans each year;
- Conduct intake interviews with incarcerated individuals within 24 hours of incarceration and make attorney assignments within one day thereafter;
- Make full use of Judicial's Information Technology Division and Delaware Justice Information System (DELJIS) to open client files; and
- Require attorneys to contact incarcerated clients in person or by videophone to prepare their defense.

BACKGROUND AND ACCOMPLISHMENTS

The agency enjoys an outstanding national reputation as reflected by the Public Defender's receipt of the ABA 2006 Dorsey Award, the National Legal Aid and Defender Association's 2006 Reginald Heber Smith Award and the International Association of Forensic Nurses 2005 Vision Award.

The PDO is directed by the Public Defender. It is currently organized into four sections: Legal Services, Office of Conflict Counsel, Administrative Services and Technology Services.

Legal Services

The Legal Services section provides legal representation to indigents accused of crime through all stages of criminal proceedings, including representation at the pre-trial, trial and post-conviction stages of the adjudication process. Legal services are provided statewide in the Supreme Court, Superior Court, Court of Common Pleas and Family Court. The office also provides services to clients in Newark Alderman's Court and Board of Parole. Public Defender attorneys provided legal representation in approximately 45,000 matters in Fiscal Year 2011.

The PDO currently has 72 attorneys, including the members of the management team. PDO attorneys defend indigent people accused of crimes in all Delaware courts. Their experience and adequate support staff enable them to meet the constitutional obligations to provide competent counsel to every indigent person accused of a crime.

Investigators assist staff attorneys by conducting initial interviews with defendants to determine indigence based on financial resources and report clients' accounts of events leading to arrest. The investigators interview witnesses; serve subpoenas; collect, preserve and evaluate evidence; and conduct surveillance.

PFEs aid staff attorneys in their representation of clients and conduct psychological assessments of defendants upon referrals. PFEs provide written reports, including information obtained from client interviews and tests. These reports help attorneys assess a client's legal competence and make recommendations for bail, pre-trial intervention and sentencing alternatives. PFEs assist attorneys in the hiring, communication and presentation of expert witnesses.

Mitigation specialists perform all PFE functions in death penalty cases. They also assist attorneys in the development and presentation of mitigation evidence in death penalty cases.

Paralegals assist with case management, document preparation, client and court communication, legal research and attorney scheduling. Other support staff open and assign client files to attorneys and make necessary entries in Judicial Information Center, DELJIS and the Public Defender database systems.

The Public Defender chairs the videophone sub-committee of the CJC. The videophone sub-committee has authority over a statewide system of videophones located at 101 sites. The Public Defender and his employees provide oversight and maintenance at all of sites. The Public Defender assigns attorneys to

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videophone locations at Delores J. Baylor Correctional Institution, James T. Vaughn Correctional Center, Howard R. Young Correctional Institution, Sussex Correctional Institution and New Castle County Detention Center.

Office of Conflict Counsel

Effective November 1, 2011, the administration of the Conflict Attorneys program was transferred from Judicial to PDO. A Chief Conflict Counsel and a Paralegal are directly responsible for administering the statewide Conflict Attorneys program within the Office of Conflict Counsel.

The Conflict Attorneys program is a network of 25 criminal defense attorneys who are contracted independently to represent indigent criminal defendants ineligible for PDO representation due to conflicts of interest. Conflict attorneys retain needed ancillary service providers through the Office of Conflict Counsel.

Administrative Services

The Administrative Services section contains executive and administrative support staff. The executive staff establishes and enforces policies and goals and is responsible for daily administration, assigning cases, supervising personnel and drafting programs. The administrative support staff maintains office inventory, maintains and processes financial and personnel transactions and prepares federal and state reports.

Technology Services

Technology Services develops, implements and maintains all aspects of computer technology, which includes the statewide Criminal Justice Center's videophone system.

PDO will continue its ongoing efforts to develop an integrated statewide case tracking system. The office will continue to work closely and share relevant computer information with other components of the criminal justice system. The development of an integrated statewide case tracking system will 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.

FUNDING

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	14,531.3	15,819.4	19,010.1
ASF	--	--	--
TOTAL	14,531.3	15,819.4	19,010.1

POSITIONS

	FY 2011 ACTUAL	FY 2012 BUDGET	FY 2013 GOV. REC.
GF	136.0	142.0	143.0
ASF	--	--	--
NSF	5.0	1.0	--
TOTAL	141.0	143.0	143.0

ACTIVITIES

PDO 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:

- Conduct eligibility screening and preliminary factual investigation interviews for incarcerated and non-incarcerated individuals and make appropriate referrals to PFEs;
- Use Judicial's Information Technology Division, DELJIS and in-house databases to open and close client files and make necessary entries in the systems;
- Conduct defense investigations of witnesses and/or crime scenes as requested by the assigned attorney;
- 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;
- Develop capital case mitigation evidence for death penalty cases;
- Provide referrals for forensic, psychological, medical or psychiatric examinations and for interpreters or other experts as needed;
- Provide in-house expert consulting services for cases involving forensic issues, autopsy reports, sexual assault reports, medical records and other scientific studies;
- Prepare felony and misdemeanor cases for trial, sentencing, post-conviction motions and appeals;
- Handle appeals for indigent clients represented by PDO and those formerly represented by private counsel at trial who have become indigent as a result of incarceration;
- Manage and maintain the day-to-day information resources of the agency, which includes over 150 computers through network administration, hardware and software support, mainframe systems, video conferencing, programming and computer training;

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- Manage and maintain the statewide videophone system;
- Provide fiscal management of resources including budgeting, recordkeeping, financial reporting, financial transactions, auditing and payroll;
- Provide supervision of staff, assign cases, coordinate caseloads with court schedules and maintain personnel records; and
- Manage and maintain the statewide Conflict Attorneys program through the Office of Conflict Counsel.

PERFORMANCE MEASURES

	FY 2011 Actual	FY 2012 Budget	FY 2013 Gov. Rec.
# of appeals closed statewide	103	103	103
Average caseload per attorney per year:*			
- Superior Court	387	387	387
- Court of Common Pleas	1,232	1,232	1,232
- Family Court	441	441	441
# of plans produced per PFE	95	95	95
# of days from imprisonment to intake interview for incarcerated clients	3.2	1.0	1.0
# of days from interview to date client file is opened	1.1	1.0	1.0

**Attorney caseloads consist of cases closed during the fiscal year, violations of probation, amenability hearings, preliminary hearings and capias hearings.*