

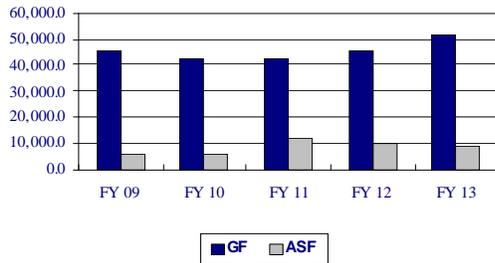
**LEGAL  
15-00-00**

**Legal**

**Office of the Attorney General**

**Public Defender**

**Five-Year Appropriation History**



**FUNDING**

	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 GOV. REC.
GF	49,613.1	51,687.2	54,285.3
ASF	7,698.4	9,314.8	12,071.8
<b>TOTAL</b>	<b>57,311.5</b>	<b>61,002.0</b>	<b>66,357.1</b>

**POSITIONS**

	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 GOV. REC.
GF	440.1	438.3	438.3
ASF	75.3	68.7	68.7
NSF	44.2	45.0	45.0
<b>TOTAL</b>	<b>559.6</b>	<b>552.0</b>	<b>552.0</b>

**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 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.
- 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: Fraud and Consumer Protection, Criminal, Civil, Family 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 is made up of various units including, but not limited to, appeals, homicide, child predator, victim witness services, felony screening, misdemeanor trial, sex crimes, traffic safety resources and Wilmington units. Criminal prosecutors also have administrative duties including extraditions, forfeiture hearings, Safe Street violations of probations, discretionary expungements, homicide cases and other legal services provided to law enforcement.

#### **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, officers, departments, boards, agencies, commissions and other 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 Civil Division is responsible for the following:

- Enforcing environmental laws to protect Delaware's natural resources;
- Providing legal counsel to state agencies and entities including advising on complex contract and procurement issues, banking and financial services regulation, revenue and tax matters;
- Prosecuting administrative complaints investigated by the Division of Professional Regulation;
- Enforcing FOIA;
- Counseling state agencies and entities to ensure compliance with the law;
- Enforcing Delaware tobacco laws and monitoring the Master Settlement Agreement;
- Protecting the Delaware elderly and infirm population;
- Enforcing labor laws regarding discrimination, disabilities, wage payment and workplace fraud; and
- Representing state entities and employees in legal matters filed in state and federal courts.

#### **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 Protection Division is made up of the securities, consumer protection and Medicaid fraud control units. The division protects residents from fraud and 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, mistreatment and the financial exploitation of seniors. The division also prosecutes violations of the Delaware Securities Act and prosecutes cases involving public corruption.

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The 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 operational support to employees of the Office of the Attorney General. 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.

VCAP helps innocent victims of violent crimes recover losses as a result of the crime. In Fiscal Year 2012, VCAP received 1,240 applications and awarded \$3,414,133 to victims and their families.

### FUNDING

	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 GOV. REC.
GF	31,218.5	32,227.1	33,634.8
ASF	7,698.4	9,314.8	12,071.8
<b>TOTAL</b>	<b>38,916.9</b>	<b>41,541.9</b>	<b>45,706.6</b>

### POSITIONS

	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 GOV. REC.
GF	298.1	295.3	295.3
ASF	75.3	68.7	68.7
NSF	43.2	45.0	45.0
<b>TOTAL</b>	<b>416.6</b>	<b>409.0</b>	<b>409.0</b>

### 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 2012 Actual	FY 2013 Budget	FY 2014 Gov Rec.
# of average Superior Court filings per prosecutor	170	166	170
# of average Court of Common Pleas filings per prosecutor	3,693	3,833	4,000
# of average Family Division filings per prosecutor	790	825	825
% of Delaware Supreme Court appeals with State's brief filed within 60 days	97	100	100

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#### PUBLIC DEFENDER

##### 15-02-01

#### MISSION

29 Del. C. c. 46 established the Public Defender's Office (PDO) to preserve the constitutional rights of indigent defendants through the assistance of counsel in all critical stages of the criminal justice process. In addition, the Public Defender has the professional duty to assist the court in every reasonable way to improve the quality of justice.

#### KEY OBJECTIVES

The primary goal of the 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, the PDO has identified the following key objectives:

- 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;
- Reduce attorney caseloads to align them better with national standards established by the American Bar Association;
- Require attorneys to contact incarcerated clients in person or by videophone to prepare their defense; and
- Require psycho-forensic evaluators (PFEs) to produce a minimum of 60 court plans each year.

#### BACKGROUND AND ACCOMPLISHMENTS

The PDO is a criminal defense law firm directed by the Chief Public Defender. The PDO's practice is organized into four sections: Legal Services, Office of Conflict Counsel, Administrative Services and Technology Services.

##### Legal Services

The Legal Services section provides representation to indigents accused of crime through all stages of criminal proceedings, including the pre-trial, trial and post-conviction stages of court proceedings. The PDO provides competent defense counsel for clients statewide in the Supreme Court, Superior Court, Court of Common

Pleas and Family Court. Attorneys from the PDO also represent clients in Newark Alderman's Court and before the Board of Parole. Public Defender attorneys provided legal representation involving approximately 47,000 matters during Fiscal Year 2012.

The PDO currently has 74 attorneys, including the members of the management team. PDO attorneys defend indigent people accused of crimes in all Delaware courts. Experience and adequate support staff enable the PDO to meet the constitutional obligation to provide competent counsel to every indigent person accused of a crime.

Intake investigators conduct initial interviews with potential clients to determine eligibility for services and research potential conflicts of interest. Field investigators interview witnesses, serve subpoenas, collect and evaluate evidence and conduct surveillance.

PFEs aid staff attorneys in their representation of clients by conducting psychological assessments of defendants upon referrals. PFEs provide written reports, including information obtained from client interviews and tests. These reports help attorneys identify clients' mental health issues and make recommendations for bail, pre-trial intervention and sentencing alternatives. PFEs assist attorneys in the selection 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 assign client files to attorneys and make necessary entries in Judicial's Information Technology system, DELJIS and the Public Defender's database systems.

The Public Defender chairs the videophone sub-committee of the Criminal Justice Council. The PDO provides oversight and maintenance at all sites. The Public Defender assigns attorneys to 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 the PDO. A Chief Conflict Counsel and a Paralegal are directly responsible for administering the statewide Conflict Attorneys program within the Office of Conflict Counsel.

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The Conflict Attorneys program is a network of 26 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 includes 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 and processes financial and personnel transactions, maintains office inventory 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.

The 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 2012 ACTUAL	FY 2013 BUDGET	FY 2014 GOV. REC.
GF	18,394.6	19,460.1	20,650.5
ASF	--	--	--
<b>TOTAL</b>	<b>18,394.6</b>	<b>19,460.1</b>	<b>20,650.5</b>

### POSITIONS

	FY 2012 ACTUAL	FY 2013 BUDGET	FY 2014 GOV. REC.
GF	142.0	143.0	143.0
ASF	--	--	--
NSF	1.0	--	--
<b>TOTAL</b>	<b>143.0</b>	<b>143.0</b>	<b>143.0</b>

### ACTIVITIES

The PDO is responsible for representing each indigent person accused of a crime in Delaware from the inception of a case to 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 criminal justice databases 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;
- 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 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 the 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;
- 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.

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**PERFORMANCE MEASURES**

	<b>FY 2012 Actual</b>	<b>FY 2013 Budget</b>	<b>FY 2014 Gov. Rec.</b>
# of appeals closed statewide	88	88	88
Average caseload per attorney per year*:			
Superior Court	203	203	203
Court of Common Pleas	821	821	821
Family Court	378	378	378
# of plans produced per PFE	93	93	93
# of days from imprisonment to intake interview for incarcerated clients	3.3	3.3	3.3
# of days from interview to date client file is opened	1.1	1.1	1.1

\*Closed cases only.