

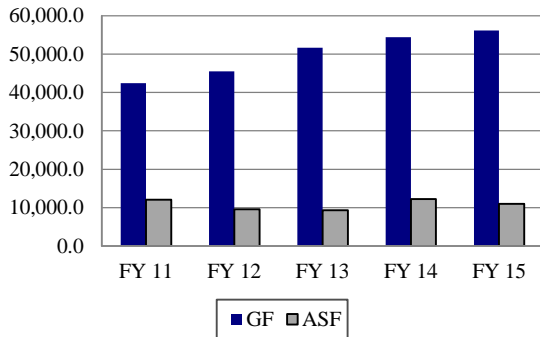
**LEGAL  
15-00-00**

**Legal**

**Office of the Attorney General**

**Public Defender**

**Five-Year Appropriation History**



**FUNDING**

	FY 2014 ACTUAL	FY 2015 BUDGET	FY 2016 GOV. REC.
GF	55,570.9	56,124.7	56,589.7
ASF	5,716.1	10,956.3	10,810.8
<b>TOTAL</b>	<b>61,287.0</b>	<b>67,081.0</b>	<b>67,400.5</b>

**POSITIONS**

	FY 2014 ACTUAL	FY 2015 BUDGET	FY 2016 GOV. REC.
GF	444.8	450.8	454.8
ASF	69.2	70.2	70.2
NSF	43.0	44.0	43.0
<b>TOTAL</b>	<b>557.0</b>	<b>565.0</b>	<b>568.0</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 prosecuted in a manner that increases public safety, safeguards the rights of victims and protects the constitutional rights of the defendants.
- Implement an intelligence-driven prosecution model that focuses the Criminal Division's resources on crime reduction, through effective law enforcement, government, and community partnerships.
- Remove violent gangs, illegal guns and drug trafficking from neighborhoods.
- Defend convictions and sentences against post-conviction challenges, whether by way of appeal or collateral challenge.
- Prosecute health care providers who have defrauded or attempted to defraud Medicaid and recover damages.
- Enhance the availability of government documents to the public under the Freedom of Information Act (FOIA).
- Investigate possible violations of consumer protection, securities and antitrust laws.
- Extradite fugitives charged with serious criminal offenses to Delaware for trial.

# LEGAL

## 15-00-00

### 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.

#### 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, crime strategies, 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, enabling 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;
- Enforcing professional licensing laws to protect the public through administrative prosecutions;
- Enforcing FOIA;
- Counseling state agencies and entities to ensure compliance with the law;
- Recovering false claims paid by state agencies to vendors;

- Enforcing labor laws regarding discrimination, disabilities, wage payment, prevailing wage 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 investor protection, 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.

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.

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**FUNDING**

	FY 2014 ACTUAL	FY 2015 BUDGET	FY 2016 GOV. REC.
GF	34,293.4	34,382.6	34,685.6
ASF	5,716.1	10,956.3	10,810.8
<b>TOTAL</b>	<b>40,009.5</b>	<b>45,338.9</b>	<b>45,496.4</b>

**POSITIONS**

	FY 2014 ACTUAL	FY 2015 BUDGET	FY 2016 GOV. REC.
GF	301.8	306.8	310.8
ASF	69.2	70.2	70.2
NSF	43.0	44.0	43.0
<b>TOTAL</b>	<b>414.0</b>	<b>421.0</b>	<b>424.0</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 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 2014 Actual	FY 2015 Budget	FY 2016 Gov. Rec.
# of average Superior Court filings per prosecutor	171	175	175
# of average Court of Common Pleas filings per prosecutor	3,925	4,000	4,000
# of average Family Division filings per prosecutor	820	825	825
% of Delaware Supreme Court appeals with State's brief filed within 60 days	100	100	100

**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 courts 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 to open client files;
- 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 appeal 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. Public Defender attorneys provided legal representation involving approximately 47,000 cases during Fiscal Year 2014.

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**Office of Conflict Counsel**

Effective November 1, 2011, the administration of the Conflict Attorneys program was transferred from the Judicial Branch 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 (OCC).

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 OCC.

**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.

**FUNDING**

	FY 2014 ACTUAL	FY 2015 BUDGET	FY 2016 GOV. REC.
GF	21,277.5	21,742.1	21,904.1
ASF	--	--	--
<b>TOTAL</b>	<b>21,277.5</b>	<b>21,742.1</b>	<b>21,904.1</b>

**POSITIONS**

	FY 2014 ACTUAL	FY 2015 BUDGET	FY 2016 GOV. REC.
GF	143.0	144.0	144.0
ASF	--	--	--
NSF	--	--	--
<b>TOTAL</b>	<b>143.0</b>	<b>144.0</b>	<b>144.0</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;
- Identify and declare conflicts of interest, then refer clients to OCC when appropriate;
- 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 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, appeals and post-conviction motions;
- 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 PDO, 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 OCC.

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**PERFORMANCE MEASURES**

	<b>FY 2014 Actual</b>	<b>FY 2015 Budget</b>	<b>FY 2016 Gov. Rec.</b>
# of appeals closed statewide	85	85	85
Average cases closed per attorney per year:			
Superior Court	180	180	180
Court of Common Pleas	731	693	659
Family Court	303	303	242
# of plans produced per PFE	111	111	111
# of days from imprisonment to intake interview for incarcerated clients	3	3	3
# of days from interview to date client file is opened	1	1	1