

LEGAL 15-00-00

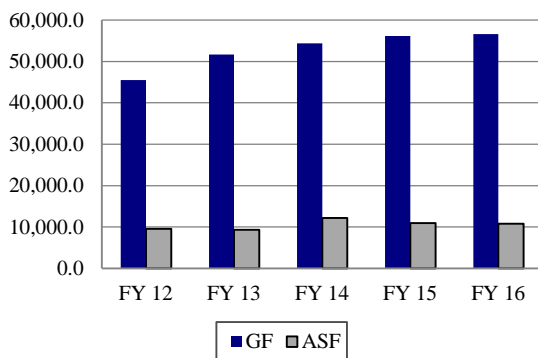
Legal

Office of Attorney General

Office of Defense Services

- Central Administration
- Public Defender
- Office of Conflicts Counsel

Five-Year Appropriation History



FUNDING

	FY 2015 ACTUAL	FY 2016 BUDGET	FY 2017 GOV. REC.
GF	55,484.6	56,594.7	58,858.5
ASF	7,700.4	10,810.8	10,790.7
TOTAL	63,185.0	67,405.5	69,649.2

POSITIONS

	FY 2015 ACTUAL	FY 2016 BUDGET	FY 2017 GOV. REC.
GF	450.8	457.8	460.8
ASF	70.2	70.2	70.2
NSF	44.0	43.0	44.0
TOTAL	565.0	571.0	575.0

OFFICE OF 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; 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; and protect individual rights and liberties of Delawareans and enforce laws designed to ensure citizen trust in government.

KEY OBJECTIVES

- Ensure all criminal matters are prosecuted in a fair 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).

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- Investigate possible violations of consumer protection, securities and antitrust laws.
- Investigate complaints of violations of civil rights and potential abuse of public positions or resources.
- Extradite fugitives charged with serious criminal offenses to Delaware for trial.

BACKGROUND AND ACCOMPLISHMENTS

The Office of Attorney General is organized into six divisions: Criminal, Civil, Fraud and Consumer Protection, Family, Office of Civil Rights and Public Trust 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. 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.

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.

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.

Office of Civil Rights and Public Trust

This office, created in January 2015, is charged with the enforcement of Delaware laws protecting the individual rights and liberties of Delawareans to ensure citizen trust in government. The office also handles investigations where the Office of Attorney General's other responsibilities might present the appearance of a conflict, such as investigations of use of force by law enforcement officers and investigations of deaths or near-deaths of children under state supervision.

Executive Offices

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

FUNDING

	FY 2015 ACTUAL	FY 2016 BUDGET	FY 2017 GOV. REC.
GF	33,789.5	34,652.7	35,813.2
ASF	7,700.4	10,810.8	10,790.7
TOTAL	41,489.9	45,463.5	46,603.9

POSITIONS

	FY 2015 ACTUAL	FY 2016 BUDGET	FY 2017 GOV. REC.
GF	306.8	312.8	313.8
ASF	70.2	70.2	70.2
NSF	44.0	43.0	44.0
TOTAL	421.0	426.0	428.0

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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.
- Protect constitutional rights and liberties of citizens.

PERFORMANCE MEASURES

	FY 2015 Actual	FY 2016 Budget	FY 2017 Gov. Rec.
# of average Superior Court filings per prosecutor	225	175	175
# of average Court of Common Pleas filings per prosecutor	4,089	4,000	4,000
# of average Family Court filings per prosecutor	892	825	825
% of Delaware Supreme Court appeals with State's brief filed within 60 days	92	100	100

OFFICE OF DEFENSE SERVICES 15-02-00

MISSION

Provide every indigent person accused of a crime with effective and conflict-free counsel, while responsibly using the agency's resources.

KEY OBJECTIVES

- Provide the Public Defender's Office (PDO) and Office of Conflicts Counsel (OCC) attorneys with resources to defend their clients.
- Conduct intake interviews with incarcerated individuals within 24 hours of incarceration and make attorney assignments within one day thereafter.
- Make full use of the Judicial Information Center and Delaware Criminal Justice Information System to open client files.
- Require attorneys to contact incarcerated clients in person or by videophone to prepare their defense.

BACKGROUND AND ACCOMPLISHMENTS

Office of Defense Services (ODS) is organized into three distinct branches: Central Administration, PDO and OCC.

Central Administration

Central Administration handles all the non-case related functions of both PDO and OCC. Specifically, ODS personnel handle the executive, intake, information technology, fiscal, human resources, training and development functions for both PDO and OCC.

Public Defender

PDO is a publicly funded criminal defense law firm, employing 80 lawyers and 85 non-lawyers, providing representation to indigents accused of crime in all Delaware courts. PDO attorneys, with the assistance of substantial support staff and in-house ancillary service providers, represent clients through all stages of criminal proceedings, including pre-trial, trial, sentencing and appeal.

Office of Conflicts Counsel

OCC manages the Conflict Attorneys program, which is a network of 30 independent criminal defense attorneys. These attorneys are contracted to represent indigent criminal defendants ineligible for PDO representation due to conflicts of interest.

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FUNDING

	FY 2015 ACTUAL	FY 2016 BUDGET	FY 2017 GOV. REC.
GF	21,695.1	21,942.0	23,045.3
ASF	--	--	--
TOTAL	21,695.1	21,942.0	23,045.3

POSITIONS

	FY 2015 ACTUAL	FY 2016 BUDGET	FY 2017 GOV. REC.
GF	144.0	145.0	147.0
ASF	--	--	--
NSF	--	--	--
TOTAL	144.0	145.0	147.0

CENTRAL ADMINISTRATION 15-02-01

ACTIVITIES

- Conduct eligibility screening and preliminary factual investigation interviews for incarcerated and non-incarcerated individuals and make appropriate referrals to psycho-forensic evaluators (PFE).
- Identify and declare conflicts of interest and refer clients to OCC when appropriate.
- Provide fiscal management of resources including budgeting, recordkeeping, financial reporting, financial transactions, auditing and payroll.

PUBLIC DEFENDER 15-02-02

ACTIVITIES

- 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 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 PDO.
- Manage and maintain the statewide videophone system.
- Provide supervision of staff, assign cases, coordinate caseloads with court schedules and maintain personnel records.

PERFORMANCE MEASURES

	FY 2015 Actual	FY 2016 Budget	FY 2017 Gov. Rec.
# of appeals closed statewide	32	21	21
# of cases closed on average per attorney per year:			
Superior Court	175	175	175
Court of Common Pleas	682	682	682
Family Court	292	292	292
# 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

OFFICE OF CONFLICTS COUNSEL 15-02-03

ACTIVITY

Manage and maintain the statewide Conflict Attorneys program.

PERFORMANCE MEASURES

	FY 2015 Actual	FY 2016 Budget	FY 2017 Gov. Rec.
# of conflict cases received:			
Family Court	1,272	1,272	1,272
Court of Common Pleas	2,066	2,066	2,066
Superior Court	1,780	1,780	1,780
# of Rule 61 post-conviction cases	77	50	50
# of capital and non-capital cases	13	25	25