

DELAWARE
DEPARTMENT *of* JUSTICE



ATTORNEY GENERAL
KATHY JENNINGS

TENURE REPORT

2019 - 2021







CONTENTS

3	A Letter from the Attorney General
5	Mission Statement
6	Senior Leadership
10	Diversity, Equity & Inclusion
14	Major Accomplishments
21	Initiatives & Programs
33	Divisions
34	Civil Division
43	Criminal Division
54	Division of Civil Rights and Public Trust
59	Family Division
65	Fraud and Consumer Protection Division
74	Administrative Division
79	Contact Us



A LETTER FROM THE ATTORNEY GENERAL



When I was sworn in as Attorney General in January 2019, it was crystal clear that Delaware's criminal justice system needed reform. Our incarceration rate was among the highest in the nation, and yet our recidivism rate was above 70%. Outdated drug laws meant that people of color were significantly more likely to be arrested for drug offenses and far more likely to be charged with felony offenses than their white peers. A substantial part of our prison population were nonviolent offenders who didn't need to be incarcerated in the first place, including hundreds who were in the

grips of addiction and, if anything, needed treatment.

Yet, the criminal justice system was only the tip of the iceberg. We were in the grips of an addiction epidemic. Our state had the second-highest overdose fatality rate in America. We faced a legacy of environmental injustice, with industrial pollution compounding our distinction as the lowest-lying state in America when the threat of climate change is very real. Our lives were increasingly reliant upon – and ripe for abuse by – corporate monopolies. We lived under a federal administration that seemed more determined by the day to undermine our constitution and our rights.

And that was just 2019. The following year brought a global pandemic, the explosion of a new civil rights movement, a nationwide surge in gun violence, and an election that put an exclamation point on just how fragile our democracy can be if we take it for granted.

From Day One, we implemented prosecution reforms that have helped us reduce Delaware's sentenced inmate population by nearly 30% while maintaining an 80% conviction rate for gun offenses and other violent felonies. In the first year, prosecution of juveniles as adults fell by nearly 70% and habitual offender petitions – so-called “three strikes” automatic sentence enhancements – were down 90%. We've focused on diversion and treatment for low-level offenses so that the system can focus on serious crimes that put our communities at risk. Now, the most common leading conviction for a sentenced inmate in Delaware is a weapon offense; the least common is low-level drug possession. That's how it ought to be.

Together with the legislature and the governor, we successfully fought for historic reforms, including right-sizing our drug laws, and for the first time in our history, made expungements available to tens of thousands of reformed offenders. Other key police reforms we have accomplished together include putting a body-worn camera on every police officer in our state, updating our outdated use of force law, and establishing a Division of Civil Rights & Public Trust that has taken a hard line against public corruption.

We took on big legal fights on behalf of the people of this state. We reached a record settlement — worth more than \$100 million — with four of the biggest companies responsible for the opioid crisis and were instrumental in adding billions to that deal so that more funds would go towards treatment. We took on Big Oil for the damage they have done, and continue to do, to our state. We reached the largest environmental settlement in Delaware history with our state's biggest chemical companies. We've taken on Big Tech and the 21st century's most harmful monopolies. I personally argued against and won an appalling partisan lawsuit that would have thrown out 80,000 lawful ballots cast by Delaware voters. And when the federal government stepped over the line, we stepped in and won dozens of legal battles — from safeguarding the Census to protecting the Postal Service from sabotage to upholding the rights of women, immigrants, workers, and LGBTQ Delawareans.

There's still work to do. We still need to pass more criminal justice reforms, including sentencing reform and cutting recidivism by ending the debtor's prison of fines and fees levied against those who are clearly unable to pay. We have made badly-needed reforms to ensure that our bail system takes violent offenses seriously. But we need to move permanently to a pretrial system based on risk rather than wealth. We need to permanently protect Delawareans' right to vote early and vote by mail. And as gun violence plagues our communities, it is long past time for our state to pass serious gun safety laws, including a permit to purchase bill supported by 70% of the state.

These have not been easy years for America, but I know that our best days still lie ahead. I am grateful each day for the opportunity to serve the people of this state. The Attorney General is the people's lawyer. It's our job to take on tough fights. As this report will show, that's what we've done. And it's what we'll continue to do. Onward.

With gratitude,





Photo: Joseph Rago

One Team. One Vision. One Mission.

As Attorney General, Kathy Jennings is Delaware's chief prosecutor and legal officer and oversees one of the largest workforces managed by a Delaware elected official — nearly 600 employees across six divisions. The DOJ's mission is to help the people that we serve to improve their lives, to always do the right thing, and to fight for a criminal justice system that is fair and equal for everyone - regardless of the color of their skin, the size of their wallet, or the ZIP code where they live. The DOJ works each day to enforce our laws and advance justice, to protect our communities' health and safety, and to hold accountable anyone - no matter how powerful - who endangers our communities or abridges their rights.

AG Jennings is supported by a leadership team that includes her Chief Deputy Attorney General, Chief of Staff, State Prosecutor, State Solicitor, the Directors of the Family Division, the Fraud & Consumer Protection Division, and the Division of Civil Rights & Public Trust, and her Senior Advisor.

The DOJ's staff handles civil and criminal cases in all state and federal courts, including the nation's Supreme Court. We provide quality legal service to the State, and file our own suits to enforce Delaware's criminal, environmental, consumer protection, civil rights, and countless other laws. Each of the DOJ's employees are committed to the AG's goal of serving all Delawareans with integrity, efficacy, dedication, and transparency.

**“WE NEED TO FIGHT FOR A FAIR AND EQUAL JUSTICE SYSTEM.
NOBODY SHOULD BE ABOVE THE LAW OR BENEATH JUSTICE.**

AG JENNINGS

SENIOR LEADERSHIP



Alexander Mackler
**Chief Deputy
Attorney General**

Alexander S. Mackler is the DOJ's Chief Deputy Attorney General, responsible for managing Delaware's oldest, largest, and best law firm. Alex's daily duties involve supporting the DOJ's talented, hard-working employees and finding ways to help them help Delawareans every day.

Before joining the Delaware DOJ, Alex was a federal prosecutor, handling a wide variety of cases. Before that, Alex worked in the White House as then-Vice President Joe Biden's Deputy Counsel.

Alex is also a Captain in the U.S. Army/Delaware Army National Guard, where he serves as a Judge Advocate currently assigned to the 261st Theater Tactical Signal Brigade. He is a graduate of the University of Pennsylvania and graduated first in his class from William & Mary Law School.



Robert Coupe
Chief of Staff

Rob Coupe has served as Chief of Staff for Attorney General Kathleen Jennings since March 2020. As Chief of Staff, he directs communications, policy, legislation, budget, personnel, and other administrative issues for the 566 employees of the Delaware Department of Justice, which includes criminal, civil, family, fraud, and civil rights responsibilities and jurisdictions.

Rob has spent thirty-six years serving the citizens of the State of Delaware, most recently serving as the Secretary of the Delaware Department of Safety and Homeland Security (DSHS) for three years before joining Attorney General Jennings' office. Before serving as the Secretary of DSHS, Rob served as the Commissioner of the Delaware Department of Correction from 2013 to 2017.

Rob began his career in law enforcement serving with the Delaware State Police (DSP), retiring in 2012, after 28 years of service to the Division. He served as the Superintendent at the rank of Colonel during his last 3 ½ years of service with the DSP. Rob attended the FBI National Academy 211th Session and the FBI Leadership in Counterterrorism Pacific Program. He earned a bachelor's degree in Criminal Justice from Wilmington University and an associate degree in Mechanical Engineering from Delaware Technical and Community College.



Aaron Goldstein
State Solicitor

Aaron Goldstein is Delaware's State Solicitor. Aaron has dedicated his professional career to public service and is a veteran of the State of Delaware Department of Justice. Before his second appointment as State Solicitor for Attorney General Jennings, Aaron served as State Solicitor and Chief Deputy Attorney General under former Attorney General Matt Denn.

Prior to his role as a Departmental leader, Aaron was a Deputy Attorney General. In that capacity, Aaron served as Unit Head for the Civil Division's Health Law Unit, as Assistant Unit Head with the Civil Division's Government Services Unit, as lead counsel to the Office of Management and Budget, as lead counsel to the Department of Correction, and as a litigator in the Civil Division's Defensive Litigation Unit.

Prior to serving as a Deputy Attorney General, Aaron was an Assistant County Attorney with the New Castle County Department of Law, an Assistant City Solicitor with the City of Wilmington Law Department, and an Assistant Public Defender with the Office of Defense Services. Aaron is a graduate of the University of Delaware and Widener University School of Law. He lives with his family in Wilmington, Delaware.



AJ Roop
State Prosecutor

Attorney General Jennings appointed AJ Roop as State Prosecutor on January 2, 2019. AJ oversees 118 deputies responsible for prosecuting all adult crimes in the State of Delaware. Before his time as State Prosecutor, AJ led the DOJ's Crime Strategies Unit, which focused on community engagement, nuisance abatement, and criminal intelligence. AJ began his legal career clerking for the Hon. Jan R. Jurden, the now-President Judge of the Superior Court of Delaware.

Following his clerkship, AJ entered private practice where he devoted a large portion of his practice to criminal defense work. Most of AJ's work focused on representing indigent capital murder and post-conviction defendants through Delaware's Office of Conflicts Counsel. AJ joined the DOJ in December 2015. He is a graduate of the University of Delaware and a *cum laude* graduate of Widener University School of Law.



Owen Lefkon
**Director, Fraud &
Consumer Protection
Division**

Owen Lefkon is the Director of the DOJ's Fraud and Consumer Protection Division. Owen began his legal career practicing international capital markets law in New York and Boston. In 2008, Owen entered public service as an Assistant Attorney General in the Massachusetts Attorney General's office. In 2011, Owen joined the Delaware Department of Justice, serving first as a Deputy Attorney General in the Consumer Protection Unit and then as the Investor Protection Director.

Owen worked with then-Attorney General Biden to create the statewide Mortgage Mediation Program and served in a leadership role on behalf of Delaware in the multistate litigation that led to the National Mortgage Settlement. Owen left Delaware for Arizona in 2015 and returned in 2019 as the Director of the Fraud & Consumer Protection Division. Owen has overseen the creation of the White Collar Crime Unit, the Consumer Mediation Unit, and the Office of Impact Litigation. He has also served as the State's lead negotiator in national opioid settlement negotiations. Owen is a graduate of New York University School of Law and Harvard University. He currently lives in Wilmington with his wife, Beth, and their daughter.



Abigail Rodgers
**Director, Family
Division**

Abigail Rodgers serves as the Director of the DOJ's Family Division. Before this role, she served as the Commander of the Child Predator Task Force, a statewide Task Force designed to combat technologically facilitated crimes against children. Abby has served as an Adjunct Professor at Widener University Delaware Law School in the area of Child Exploitation, and has served on the editorial board of The Advocate, a publication of the Delaware Trial Lawyers Association.

Abby has been honored with the DOJ's Distinguished Service Award, the Linnean Award for Outstanding Leadership, and the Alfred J. Hamme Award for Leadership. Abby was also named a Woman of Distinction by Gettysburg College. Most recently, she was awarded the Kids Count Leadership in Government Award recognizing demonstrated leadership, creativity, and courage in the child welfare arena and advocating and developing public policies that positively impact the lives of children. She has served as the President of the Board of Directors for Prevent Child Abuse Delaware, as a member of the Board of Directors of Delaware Guidance Services, and as a member of the Richard K. Herrmann Technology Inn of Court. She has also served as the chair of the Human Trafficking Coordinating Council. Abby is a graduate of Gettysburg College and Villanova University School of Law.



Mark Denney
**Director, Division
of Civil Rights &
Public Trust**

Mark Denney is the Director of the DOJ's Division of Civil Rights and Public Trust (DCRPT). Mark also directs the investigation and prosecution of all public corruption cases and hate crimes in Delaware. Before his current role, Mark served in the Homicide Unit and successfully prosecuted complex cases involving murder-for-hire, domestic violence, cold cases, and gang cases. He is also a Special Assistant United States Attorney (SAUSA) for the District of Delaware, where he collaborates on large-scale, joint federal matters.

Mark previously served as a supervising prosecutor in both the Wilmington and New Castle County Felony Trial Units, where he successfully tried Delaware's first RICO trial in 20 years, managed hundreds of firearms dockets, and led prosecutions against Delaware's highest-risk offenders. Mr. Denney has taught constitutional law to various police agencies and the Delaware Board of Constables and has instructed on trial practice at numerous forums including the Delaware Judiciary Retreat. Mark is a graduate of The Catholic University of America Columbus School of Law and St. Joseph's University.



Charles M. Oberly III
Senior Advisor

Charles Oberley serves as the Senior Advisor to AG Jennings. In that role, he reviews commutation, pardon, and parole requests and performs other special assignments. Charlie began his legal career as a clerk for U.S. District Court Judge James L. Latchum and later became an associate with the law firm of Morris, James, Hitchens, & Williams. He first joined the DOJ in 1975, going on to become State Prosecutor in 1976 and the 41st Attorney General from 1983 to 1995.

In 1995, Charlie started the private practice law firm of Oberly & Jennings (later Oberly, Jennings & Rhodunda). In 2008, he became Of Counsel at Wolf Block and Drinker Biddle & Reath, LLP until 2010 when he was appointed the U.S. Attorney for the District of Delaware, serving until 2017. Charlie taught at the Widener School of Law from 2017 until he returned to the Delaware DOJ in 2019. He was also an adjunct professor teaching criminal justice at the University of Delaware from 1980 to 2011.

Charlie is a graduate of The University of Virginia Law School, Pennsylvania State University (*magna cum laude*, Phi Beta Kappa), Wesley Junior College, and Brandywine High School. He lives with his wife, Lynne Parker, and has five children: Kimberly, Michael, Kristi-lyn, Sam, and Tia.

DIVERSITY & INCLUSION

AG Jennings established the Diversity and Inclusion Committee in 2019 to foster within the DOJ an inclusive and supportive environment that reflects the greater community.

Mission Statement

The Department of Justice is committed to providing and promoting a diverse and inclusive environment for all, within which each person can succeed professionally regardless of race, ethnicity, culture, nationality, sex, gender identity and expression, religious beliefs, sexual orientation, age, disability, and beyond.

The Diversity and Inclusion Committee serves as a representation of the diverse and inclusive spirit of the Department of Justice. Our function is to cultivate leaders, build a culture where difference is valued, and embrace a refreshed environment where everyone can do their best work. We welcome all remarks, concerns, and suggestions about how to best serve the DOJ and Delaware communities.

Serving in an advisory capacity, our committee meets quarterly to discuss diversity and inclusion activities and events, provide input on recruiting and retention programs, incorporate diversity initiatives into our strategic plan, and communicate diversity and inclusion developments, both internally and externally.



Not all committee members pictured.



MAJOR ACCOMPLISHMENTS



CRIMINAL JUSTICE REFORM

The United States incarcerates more people than any other country in the world. Time and time again, these incarcerations have been shown to disproportionately impact people of color and the poor. Since taking office, AG Jennings has sought to make Delaware's justice system fairer and more equitable for all Delawareans.

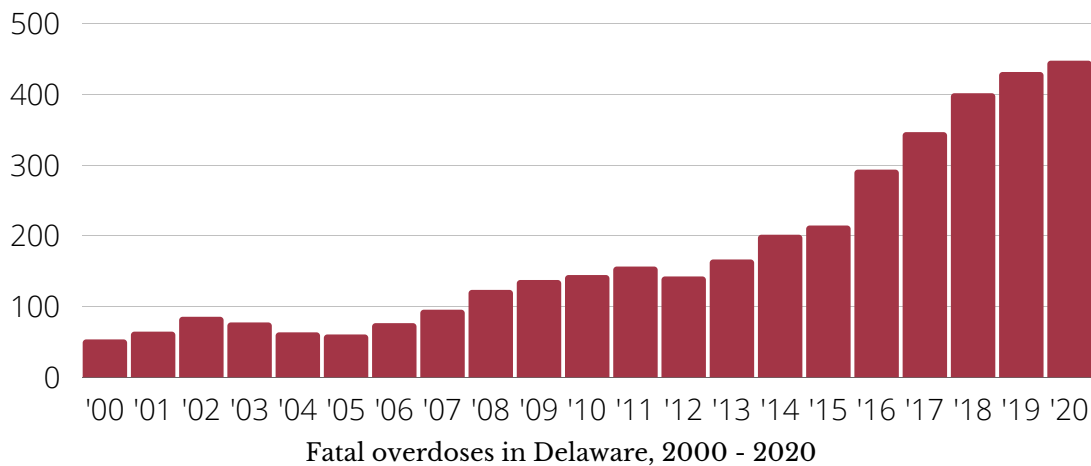
- The DOJ continues to overwhelmingly convict violent felons, including an 85% conviction rate on firearm offenders. At the same time, Delaware is reversing mass incarceration by diverting low-risk offenders into treatment and away from the system entirely: since the beginning of AG Jennings' term, Delaware's prison population has fallen by nearly 30%.
- Together with the legislature, AG Jennings announced a package of 19 criminal justice reform bills in March 2019. One of the most ambitious criminal justice reform efforts in decades, the package touched on everything from overhauling Delaware's drug codes to giving thousands of former offenders access to expungement of their criminal records.
- In June 2020, AG Jennings announced 15 police reform priorities, including the reform of Delaware's use of force statute, the statewide use of body cameras, mandatory participation in a do-not-hire list, LEOBOR reform, civilian review boards, and more robust civil rights protections.



Photo: Chris Both

HOLDING BIG PHARMA ACCOUNTABLE

Delaware's addiction epidemic has deep roots, many of lead straight to Big Pharma's unmitigated pursuit of profit: from 2006 to 2012 alone, more than 276 million highly addictive, potent prescription opioids were shipped into Delaware — well beyond any possible legitimate medical need. In the years that followed, the crisis reached dizzying heights in Delaware.



For the last two years, our state's fatal overdose rate has been the second-highest in America, and is only growing worse. Former AG Matt Denn took the first major step toward holding Big Pharma accountable for the devastation it's wrought on our state. Continuing his work has been one of AG Jennings' top priorities.

- AG Jennings was instrumental in negotiating — and adding \$4 billion to — a \$26 billion nationwide settlement with Johnson & Johnson and the nation's three major opioid distributors in 2021. Delaware is poised to receive more than \$100 million, a historic sum for a State settlement.
- Prior to that, AG Jennings reached a \$573 million multistate settlement with one of the world's largest consulting firms, McKinsey & Company, over its role in helping opioid companies promote their drugs and profit from the opioid epidemic.
- AG Jennings sued seven members of the Sackler family and Purdue Pharma for their roles in the opioid crisis, including the Sacklers' direction of a decades-long pattern of false claims and aggressive sales tactics meant to downplay the dangers of their products.
- Delaware reached a settlement with pharmaceutical distributor Reckitt Benckiser Group to settle allegations that the company improperly marketed and promoted the drug Suboxone
- AG Jennings led the charge for Delaware to establish an independent, multilateral commission to ensure that opioid settlement funds are handled responsibly, kept safe from political turf wars, and only used for their intended purpose.

PROTECTING OUR ENVIRONMENT

Protecting Delawareans means protecting our coasts, our 56,000 acres of public land, and our communities hardest-hit by climate change and industrial pollution. Under AG Jennings' leadership, the DOJ has taken unprecedented action on environmental justice:

- Sued Big Oil for the damage their products have done in Delaware, and for their decades-long campaign of deception to discredit the science of climate change and conceal the dangers posed by their fossil fuel products.
- Reached a record environmental settlement with DuPont, Chemours, and Corteva, delivering up to \$75 million to Delaware to rehabilitate natural resources and communities harmed by so-called "forever chemicals."
- Sued the Trump administration for rolling back the Clean Car Standards and the EPA for rescinding the methane emissions standards in the gas and oil industry.
- Negotiated settlements with Fiat Chrysler that resulted in hundreds of thousands of dollars in compensation for Delaware consumers who purchased or leased vehicles allegedly containing illegal emissions defeat devices. An additional settlement was reached with auto parts company Bosch, which allegedly supplied and helped program the illegal software used by both Fiat Chrysler and Volkswagen in their diesel vehicles.
- Participated in more than 50 multistate amicus briefs, joinders, letters, and comments on environmental issues ranging from oil and gas drilling to renewable energy.
- Successfully co-led a bipartisan coalition of 21 states in objecting to a polychlorinated biphenyl (PCB) contamination class action settlement that sought to interfere with state AG authority to protect the state's natural resources.
- Retained counsel to represent the State in potential litigation against Monsanto in connection with contamination of Delaware's natural resources by PCBs.

**25% OF DELAWARE IS COMPOSED OF
WETLANDS, IN ADDITION TO MORE
THAN 350,000 ACRES OF FOREST.**

CHECKS & BALANCES

Created in September 2019, the Office of Impact Litigation is responsible for overseeing the office's high-priority affirmative litigation utilizing outside counsel, overseeing high-priority multistate impact litigation, reviewing, recommending, and coordinating all Attorney General sign-ons to comment letters and amicus curiae briefs, and managing multistate litigation joinders, which typically involve federal litigation over policy matters important to the Attorney General.

Much of 2020 was spent pushing back on the excesses of the previous presidential administration. Whether it was attacks on our elections, Dreamers, women's rights, the environment, the Postal Service, or the Census, the Office of Impact Litigation intervened — and time after time, it won.

The Trump Administration was far from the only target of the Office's work, though. Together with the Consumer Protection Unit, Impact Litigation led a 37-state amicus brief in federal court opposing CenturyLink's attempt to weaponize a class action settlement against a parallel law enforcement action by the Minnesota AG. The Office successfully co-led a bipartisan coalition of 21 states in objecting to a PCB-contamination class action settlement that sought to interfere with state AGs' *parens patriae* authority to protect their states' natural resources.

In total, Impact Litigation signed 25 multistate joinders, 111 amicus curiae briefs, and 242 formal letters/comments from its inception through June 30, 2021.

Impact Litigation's work at the national level has been coupled with major work — and major wins — here in Delaware, including two of the largest settlements the State has ever secured and environmental actions that represent a new frontier for the DOJ.



Impact Litigation and DOJ leadership have been the primary leads on the DOJ's efforts to hold Big Pharma accountable, including through legal action against Purdue Pharma, the Sackler family, and many of the nation's top pharmaceutical manufacturers, distributors, and retailers. In February 2021, after a years-long legal fight, the DOJ entered Delaware's first major opioid settlement: a multistate agreement with the national consulting giant McKinsey & Co., resolving investigations into its role in helping opioid companies promote their drugs and profiting from the opioid epidemic. The McKinsey settlement will deliver just over \$2.58 million to Delaware.

SETTLEMENTS SECURED BY IMPACT LITIGATION IN 2021 ALONE COULD DELIVER MORE THAN \$185 MILLION TO DELAWARE.

Five months later, AG Jennings announced a historic \$26 billion settlement with Johnson & Johnson and the nation's three major pharmaceutical distributors, which resolves litigation over the role that the companies played in creating and accelerating the opioid crisis. AG Jennings, the Fraud Division, and the Office of Impact Litigation were instrumental in securing an additional \$4 billion in the settlement, ensuring that more money will go to abatement instead of attorneys. Delaware stands to receive more than \$110 million from the settlement.

Impact Litigation has also been at the forefront of the DOJ's burgeoning environmental portfolio. While the DOJ has not historically played a major role in environmental justice, that is changing under AG Jennings — and the Office of Impact litigation, together with the Civil Division's Environmental Unit, has hit the ground running. In September 2020, the Office sued more than 30 Big Oil defendants and the American Petroleum Institute to hold them accountable for the damage their products have done to Delaware and their decades-long campaign of deception to discredit the science of climate change and conceal the dangers posed by their fossil fuel products. The Office retained counsel in potential litigation against Monsanto regarding contamination and pollution of Delaware's natural resources by PCBs. And in July 2021, the DOJ reached a historic settlement with DuPont, Chemours and Corteva for \$50 million, with the potential for another \$25 million, to resolve the companies' responsibility for damages caused by releases of historical compounds within or impacting the State, including PFAS (so-called "forever chemicals"). Further investigations into PFAS contamination and other environmental matters are ongoing.

VOTER PROTECTION & CIVIL RIGHTS

Our civil rights are vital to our democracy, and they are under daily threat across our nation. When people are denied their civil rights, they are denied the opportunity to fully participate in society. Under AG Jennings, the DOJ has aggressively defended our civil rights — both in and out of the courtroom.

- AG Jennings personally and successfully argued against a lawsuit attempting to invalidate 80,000 lawfully-cast ballots in our state.
- Under AG Jennings' leadership, the DOJ established a permanent Division of Civil Rights & Public Trust that will outlast her administration.
- The DOJ coordinated extensive voter protection efforts in the 2020 election, both in Delaware and in response to national lawsuits seeking to overturn fair elections.
- Following the murder of George Floyd, AG Jennings proposed 15 reforms, including requiring every officer in the state to be outfitted with a body-worn camera. This became a reality in 2021.
- The AG has defended the First Amendment rights of lawful protesters, including a record of declining criminal charges against nonviolent acts of civil disobedience.
- AG Jennings successfully advocated for the creation of a consistent, objective use of force standard to replace Delaware law's previous subjective standard.

STANDING UP FOR SENIORS

Crimes against seniors are drastically under-reported: only 1 in 24 cases of elder abuse is reported. Raising awareness is critically important to create a community where victims feel safe coming forward, which helps lead to successful prosecutions of these crimes. The Delaware DOJ protects Delaware's senior population in many ways:

- In 2019, the Senior Protection Initiative (SPI) handled over 100 calls from consumers, law enforcement officers, and stakeholders to assist with ensuring that elder abuse allegations were investigated, and victims received needed resources.
- The Investor Protection Unit opened more than 70 new investigations into the financial exploitation of senior citizens in 2019, and another 100 in 2020.
- In 2020, the Medicaid Fraud Control Unit opened 20% more cases involving resident/patient abuse/neglect than in 2019.
- In 2020, the Fraud Division teamed up with the Delaware Community Reinvestment Action Council's Money School and AARP of Delaware on a series of educational Facebook Live events raising awareness about fraud and abuse.
- The DOJ recognizes World Elder Abuse Awareness Day (June 15) annually and provides resources to help elders and their families recognize and prevent identity theft and other scams aimed at seniors. The DOJ also provides family and caregivers with information and resources to better identify the signs of financial, physical, and other abuse.

RESPONDING TO THE PANDEMIC

2020 brought unprecedented challenges for all Delawareans. The COVID-19 pandemic infected millions, killed hundreds of thousands, and changed life as we knew it.

By the time Delaware entered a State of Emergency, the DOJ's leadership and Civil Division were already hard at work alongside the Office of the Governor, the Courts, and major state agencies like the Department of Health & Social Services and the Delaware Emergency Management Agency, moving as many government functions as possible into the digital age, doing the intense legal work of creating a framework of emergency law, and moving swiftly to keep State government — and the DOJ — running smoothly and safely.

The Fraud Division also leapt into action, forming a Rapid Response Team to quickly intake, process, and respond to price gouging complaints as hoarding and exploitation took hold in the early anxiety and confusion of the pandemic's onset. The Rapid Response Team reviewed more than 100 formal complaints in a matter of months, and its members and resources continue to focus on protecting consumers and interrupting scams.

Thousands of Delawareans were impacted by COVID-19 through job loss and are still facing economic uncertainty. As the situation improves and normalcy slowly returns, the DOJ will continue to be a resource for Delawareans suffering from the lingering effects of the pandemic— medical, economic, and otherwise.



**OVER ONE MILLION DOSES OF COVID-19 VACCINE HAVE
BEEN ADMINISTERED IN DELAWARE.**

RETURNING MONEY TO DELAWAREANS

FOR EVERY

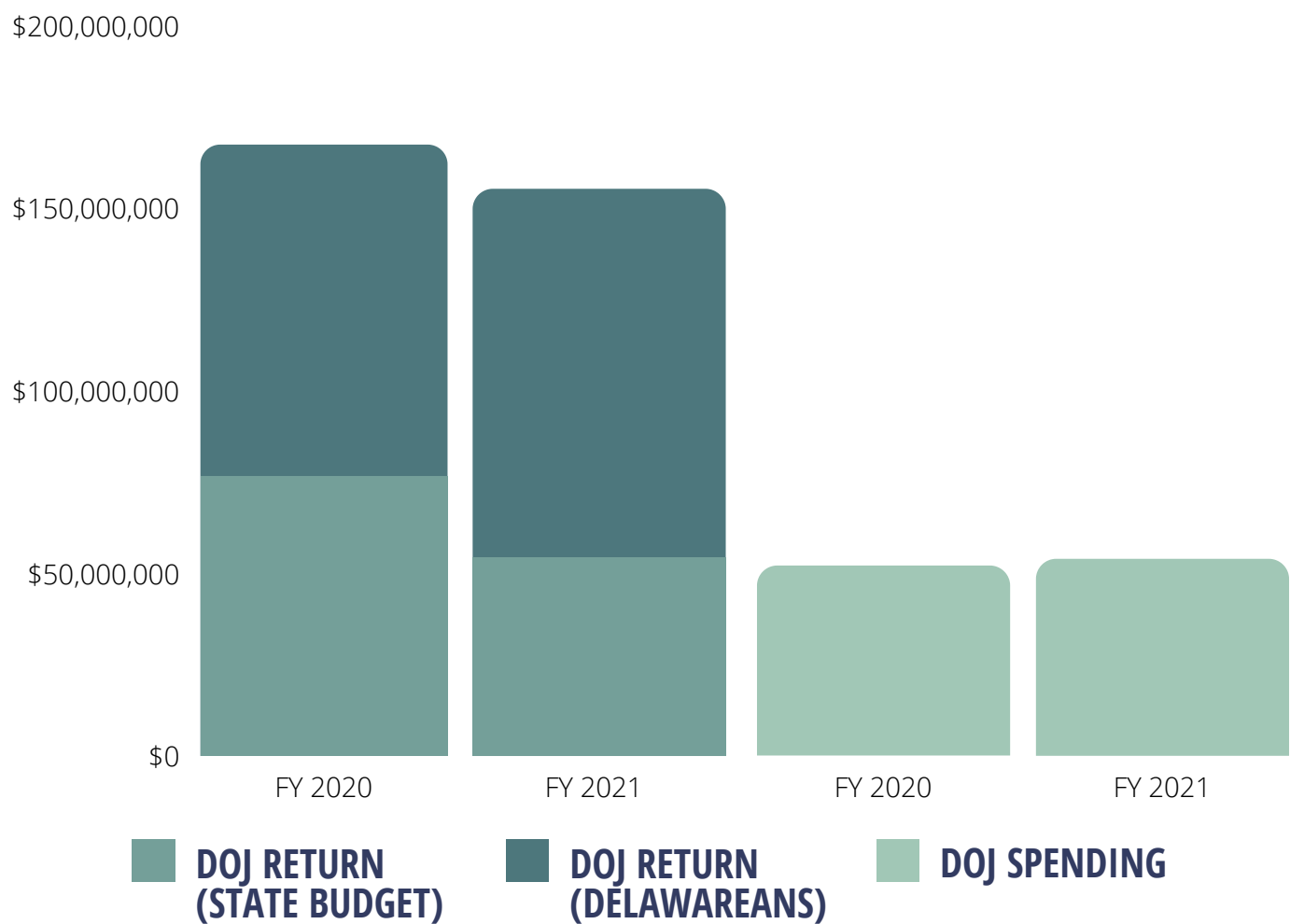
\$1

SPENT ON THE DOJ,

DELAWARE GETS

\$3

BACK.



IN FISCAL YEARS 2020 AND 2021, THE DOJ RETURNED ABOUT \$130 MILLION TO THE STATE BUDGET, AND ABOUT \$200 MILLION DIRECTLY TO DELAWAREANS.



INITIATIVES & PROGRAMS

2021 LEGISLATIVE PRIORITIES PASSED



At the beginning of 2021, AG Jennings laid out ten legislative priorities to protect Delawareans' safety and rights. While work remains, many of these priorities have been accomplished at the legislative session's midpoint.

OUTLAW UNFAIR BUSINESS PRACTICES

Many assumed it was illegal already, but Delaware was one of only six states that hadn't explicitly outlawed unfair business practices like coercive sales tactics or charging for services you didn't request. That's not company we want to keep.

Legislation outlawing unfair or deceptive merchandising practices in the conduct of any trade or commerce passed on 6/15/21.

FIX THE BAIL SYSTEM: PART 1

Delaware's bail system just wasn't working. Nobody should be in jail just because of their poverty; and violent criminals should never walk free just because of their wealth.

A cashless pretrial system protects nonviolent offenders from needless detention due to their poverty — which was simulated by HB 204 (149th) — and prevents violent offenders from re-offending simply because they have money. This requires a constitutional amendment; in the interim, legislation passed on 6/24/2021 temporarily simulates a cashless system for 38 severe felony offenses through a secured bail presumption. The bill will be nullified upon passage of the constitutional amendment.

REGULATE HOMEMADE GUN KITS

Ghost guns — unserialized, untraceable, often 3D-printed guns with schematics downloadable from the internet — play an increasing role in Delaware's shootings.

Legislation banning most firearms without serial numbers passed on 6/25/21.

EQUIP EVERY POLICE OFFICER WITH A BODY CAMERA

AG Jennings proposed 15 reforms in the wake of last summer's protests, starting with a call to put a body camera on every police officer in our state.

Legislation requiring relevant agencies to implement a statewide body-worn camera program passed on 6/24/21.

CREATE AN OBJECTIVE USE OF FORCE STANDARD

Delaware law's previous, outdated standard was subjective, vague, and confusing. It was hard for the public to understand, hard for police to use, and hard for the DOJ to enforce.

A "reasonable person" standard for both lethal and non-lethal force was passed on 6/29/21. Another bill, expanding DCRPT's police use of force review responsibility to include non-lethal cases involving serious physical injury, also passed on 6/29/21.

2021 LEGISLATIVE PRIORITIES

PENDING



REQUIRE A PERMIT & TRAINING TO PURCHASE FIREARMS

There are too many guns on our streets, and it's too easy for criminals to get them. Owning a gun is a right and a responsibility. That's why it's time to join red and blue states alike in requiring a permit and training to purchase a gun. Permit to purchase laws have been shown to reduce gun homicides by 40% and gun suicides by 15%. You need a license to drive a car; you ought to have one to buy a gun.

Permit to purchase legislation passed the Senate on 4/1/21 and is pending in the House of Representatives.

BAN ASSAULT WEAPONS & HIGH-CAPACITY MAGAZINES

These are killing machines that have no place in our communities. Period.

The Senate passed a high-capacity magazine ban on 4/1/21. On 6/24/21, the House of Representatives passed an amended bill, which is pending in the Senate.

FIX THE BAIL SYSTEM: PART 2

Secured bail is a temporary solution. A sustainable, sensible pretrial system — one that can protect the public from violent offenders regardless of wealth and which does not punish the nonviolent poor for their poverty — requires a constitutional amendment.

The first leg of a constitutional amendment is pending in the Senate. Constitutional amendments need to be passed by two consecutive General Assemblies.

END EXCESSIVE FINES & FEES

This is a modern-day debtor's prison. Reducing recidivism requires an end to the vicious cycle of court fines and fees that rack up on people who are clearly unable to pay.

AG Jennings endorsed House Bill 244, which is currently pending in the House Appropriations Committee.

SECURE THE RIGHT TO VOTE

The DOJ spent much of 2020 fighting unprecedented attacks on our elections. AG Jennings personally argued in court against a lawsuit to throw out nearly 80,000 ballots in Delaware. Delaware needs to make every effort to protect our elections and make it easier to vote. That includes expanding and making permanent the right to vote early and to vote by mail, which the legislature and Gov. Carney temporarily accomplished during the pandemic.

GET GUNS OUT OF POLLING PLACES

A secure vote means voting free of intimidation. We must ban firearms at polling places, plain and simple.

POLICE REFORM



In June 2020, AG Jennings released a 15-point police reform platform that would ensure greater accountability and more robust protection of our civil rights while keeping our communities safe and standardizing the good practices that some of Delaware's best police officers already use across the state.

COMPLETE: STRONGER USE OF FORCE STANDARD

Change the police use of force statute to require belief in the necessity of force to be "objectively reasonable". The previous statute was unclear and entirely subjective, and did not require a police officer to establish that the use of force was actually necessary.

COMPLETE: BODY CAMERAS STATEWIDE

Invest and deploy the daily use of body cameras for all police officers throughout the state of Delaware. The usage of body worn cameras should be mandatory and universal.

COMPLETE: EXPAND THE ROLE OF THE DIVISION OF CIVIL RIGHTS AND PUBLIC TRUST (DCRPT)

Expand DCRPT's authority to review use of force incidents beyond fatal police shootings.

COMPLETE: DISCLOSE VIDEOS OF POLICE SHOOTINGS

Publicly release videos of police shootings within the State's ethical bounds (e.g., after introduction into evidence if release would jeopardize a fair trial)

DOJ now posts video, along with any other pertinent evidence, from police-involved shootings at de.gov/useofforce. The current disclosure model is among the most transparent of any prosecutor's office.

COMPLETE: BAN THE USE OF KNEE HOLDS, CHOKE HOLDS

Ban acts of applying force or pressure against the trachea, windpipe, carotid artery or jugular vein unless deadly force is necessary.

REFORM LEOBOR

Review and reform the disciplinary process for law enforcement officers to allow for greater accountability for misconduct, including amending the Law Enforcement Bill of Rights. Focused attention should be placed on improving transparency, ensuring investigations are unimpeded, and requiring drug and alcohol testing following a use of force incident.

STATEWIDE CIVILIAN REVIEW BOARD

Establish a statewide civilian review board with subpoena power.

POLICE REFORM



DEVELOP A STATEWIDE USE OF FORCE STANDARD FOR EVERY POLICE AGENCY

Create a minimum, statewide standard requiring officers to exhaust all reasonable alternatives before using deadly force, to intervene to stop another officer from using excessive force, and to report any use of force policy violations.

EXPAND COMMUNITY POLICING

Encourage all police agencies to adopt community-oriented policing policies consistent with the report on 21st Century Policing.

REFORM PROBATIONER SEARCH PROGRAMS

Review and reform programs between probation and parole and law enforcement that currently provide expanded search and seizure opportunities for those on probation to analyze racial impact and effectiveness.

COMMITMENT TO CRIMINAL JUSTICE REFORM.

Continue efforts for passage of the remaining criminal justice reform legislation that was proposed in 2019

BAN VIOLATIONS OF CIVIL RIGHTS

Establish a law that criminalizes the knowing or reckless deprivation of someone's constitutional rights, enforced by the Division of Civil Rights and Public Trust. This would be modeled after federal law, 18 U.S.C. 242.

“DO NOT HIRE” LIST

Establish a statewide searchable database of police misconduct findings and a “Do Not Hire List” of officers who have been fired or resigned due to abuse of force or misconduct.

LIMIT CIVIL FORFEITURE

Ban the forfeiture of property, if not accompanied by an arrest for a felony crime.

DATA COLLECTION

Collect and report publicly racial data in all felony cases on charging, plea offers, sentencing recommendations, and positions on expungements and pardons.

CRIMINAL JUSTICE REFORM PACKAGE



In March 2019, AG Jennings stood with legislators, defense attorneys, and advocates to propose Delaware's most comprehensive criminal justice reform effort in decades. As of September 2021, 14 of the 19 bills have passed.

COMPLETE: SECOND CHANCES FOR EX-OFFENDERS

Senate Bill 37 (150th General Assembly) opened expungement opportunities to tens of thousands of adult ex-offenders. Expungements drastically reduce the odds of recidivism and drastically improve the odds of finding a job with a decent wage.

**IN A UNIVERSITY OF MICHIGAN LAW SCHOOL STUDY OF
30,000 EX-OFFENDERS WHO RECEIVED EXPUNGEMENTS,
ONLY 1% WERE CONVICTED OF A VIOLENT FELONY, AND
ONLY 4% WERE CONVICTED OF ANY CRIME.
THEIR ODDS OF EMPLOYMENT IMPROVED, AND THEIR
WAGES INCREASED BY MORE THAN 20%.**

COMPLETE: OVERHAUL DELAWARE'S DRUG CODE

Senate Bill 47 (150th) simplified Delaware's drug code and eliminated aggravators that drove racial disparities in drug charges — for example, by upgrading charges for drug arrests within 300 feet of a park, school, or place of worship, effectively making the same offense a more severe crime in Wilmington or Dover than in Middletown or Hockessin.

**DESPITE EQUAL RATES OF DRUG USE AND SALE BY BLACK
AND WHITE PEOPLE, BLACK DEFENDANTS COMPRISED ABOUT
TWO-THIRDS OF EACH COUNTY'S AGGRAVATED FELONY DRUG
ARRESTS FROM 2016-2018, AND WERE THREE TIMES LIKELIER
TO FACE FELONY DRUG CHARGES
THAN WHITE DEFENDANTS.**

COMPLETE: AGE OF ARREST REFORM

Senate Bill 41 (150th) established that an offender's age at the time of their offense, rather than their age at the time of their arrest, determines jurisdiction for criminal charges.

CRIMINAL JUSTICE REFORM PACKAGE



COMPLETE: SIMPLIFY BURGLARY AND ROBBERY CODES

House Bill 77 (150th) simplified the burglary code by combining the burglary and home invasion sections and aligning minimum sentences. The bill made the crime of burglarizing an occupied home during the day as serious as if done at night. House Bill 78 simplified the robbery code by eliminating duplication in the robbery and carjacking sections, while preserving enhancements recognizing the gravity of carjacking.

COMPLETE: REFORM CONSECUTIVE SENTENCING

House Bill 5 (150th) helped restore the authority and discretion that sentencing judges are meant to have by giving judges the discretion in many cases to impose sentences concurrently rather than consecutively, while also recognizing that consecutive sentencing is appropriate in the most severe crimes.

COMPLETE: DECRIMINALIZING UNDERAGE POSSESSION

Senate Bills 44 and 45 (150th) made underage possession or consumption of alcohol, or personal use quantities of marijuana, civil, rather than criminal, offenses.

COMPLETE: BANNING JUVENILE MUGSHOT RELEASE

House Bill 243 (150th) bans the release of mugshots for offenders aged 17 or younger and accused of minor crimes (i.e., not violent felonies).

COMPLETE: JUVENILE CORRECTION REFORM

House Bill 26 (151st) requires the Department of Services for Children, Youth and Their Families to have exclusive jurisdiction over all aspects of a child's care, custody and control when a child is convicted of a Superior Court offense, ending the practice of incarcerating juvenile offenders in adult correction facilities.

COMPLETE: JUVENILE PROSECUTION REFORM

House Bill 115 (151st) prohibits the prosecution of children under the age of 12, and the transfer of juvenile prosecution to the Superior Court unless the child is aged 16 or older, except when the child has committed incredibly severe offenses, such as murder or rape.

CRIMINAL JUSTICE REFORM PACKAGE



COMPLETE: OCCUPATIONAL LICENSING REFORM

House Bill 6, House Bill 7, and Senate Bill 43 (all 150th) opened job opportunities for former offenders — improving the likelihood of rebuilding a sustainable, law-abiding life, reducing the likelihood of recidivism, and helping ensure that Delaware can meet workforce demand — by reducing the impact of criminal history on an applicant's eligibility for licensure by three occupational licensing boards dealing with plumbing, HVAC, electrical examiners, and massage work.

SENTENCING REFORM

House Bill 4 (150th), known as the James Johnson Sentencing Reform Act, would have overhauled several major elements of Delaware criminal code, including removal of all Title 16 drug offenses from the Delaware Code's list of violent felonies; expansion of sentence modification opportunities based on rehabilitation, serious illness, or overcrowding; and establish a Sentencing Accountability and Guidelines Commission to comprehensively reform and right-size criminal sentencing guidelines.

FINES AND FEES REFORM

Multiple bills (including Senate Bill 39, 150th, and House Bill 244, 151st) would end the practice of levying excessive fines and fees against those unable to pay, and would prohibit a court from suspending a driver's license for nonpayment of a fine or fee, which can trap defendants in a cycle of being unable to go to work and thus to pay the original fine as potential late fees accumulate.

UNDER-21 PROBATION REFORM

House Bill 75 (150th) would give DSCYF, rather than DOC, jurisdiction over people aged 18-21 who were adjudicated in Superior Court as juveniles and are serving a sentence below Level V (incarceration).

POLICE RESILIENCY TRAINING

House Bill 9 (150th) would have mandated two annual hours of wellness and resiliency training for police officers to mitigate the effects of trauma on law enforcement.

TAX CREDIT FOR EMPLOYERS

House Bill 8 (150th) would have established an Ex-Offender Employment Opportunity Tax Credit that offers a tax credit to employers for hiring qualified ex-offenders in an amount equal to 10% of the individual's wages, up to a maximum credit of \$1,500.



JUSTICE PROGRAMS

ACTUAL INNOCENCE PROGRAM

The DOJ's Actual Innocence Program is designed to ensure that the DOJ is aware of, and takes corrective action concerning, persons who are incarcerated where empirical evidence establishes their innocence. These claims may be based upon newly discovered evidence or a further review of evidence that existed at the time of the conviction. The program, overseen by the Division of Civil Rights and Public Trust, is part of the DOJ's commitment to doing justice by ensuring that people who are not guilty of crimes do not suffer criminal sanctions.

EXPUNGEMENTS

As part of Attorney General Jennings' push for a more proportionate criminal justice system, the DOJ is placing greater focus on the expungement of criminal records of former offenders. The Community Engagement Unit (CEU) has been tasked with responding to all adult discretionary expungement petitions filed in New Castle County. When an individual files a Petition for Expungement with Superior Court or Family Court the CEU has the opportunity to respond either in support of or in opposition to the Petition. The CEU forms its position on the Petition based on several different factors: length of time that has elapsed since the conviction(s), nature of the crime(s) charged, victim input, number of convictions and charges, and any other information that demonstrates a very low risk of reoffending.

VICTIMS' COMPENSATION ASSISTANCE PROGRAM

We know that protecting and serving victims of crime is about more than investigation and prosecution. It's also about helping victims and their families along the road to recovery. The Victims' Compensation Assistance Program (VCAP) serves as an important lifeline for victims in all three counties. VCAP grants financial compensation that can help alleviate the financial burden in the aftermath of a violent crime by awarding financial compensation. The program offers financial assistance to help cover the costs of a variety of services to help victims and their families rebuild their lives, including funeral expenses, payment for mental health counseling, medical expenses, and lost wages. In 2020, VCAP operations were adapted to a virtual/remote model to include supporting the VCAP Board with no lapse in service. The number of claim applications and claim payments in 2020 totaled over \$2 million, in line with previous years.

HOUSING PROGRAMS



COMMON INTEREST COMMUNITY OMBUDSPERSON

The Common Interest Community Ombudsperson (CICO) helps members of common interest communities (HOAs) understand their rights and responsibilities and resolve conflicts according to the law, regulations, and documents governing their respective communities. In 2020, the CICO developed and implemented procedures for virtual HOA meditations, and even worked with the Department of Elections to conduct two HOA elections using machine-readable ballots despite COVID complication. The CICO resolved 62% of the complaints received in its first year of operation.

FORECLOSURE PREVENTION

The Office of Foreclosure Prevention and Financial Education (OPFE) exists to help Delaware homeowners in financial distress or facing foreclosure on their homes. Since January 1, 2019, the OPFE has assisted 867 Delawareans facing foreclosure. (The number of cases in 2020 was nearly double that of 2019.). Sadly, due to the pandemic, it is expected that the number of Delawareans in need of the OPFE's services will remain high for the foreseeable future.

MORTGAGE MEDIATION

Former AG Beau Biden was instrumental in launching a mandatory mortgage foreclosure mediation program in 2012 to give homeowners a voice in the foreclosure process. Mediation provides homeowners with the opportunity to meet face-to-face with their lenders and work towards a mutual agreement to avoid foreclosure. The DOJ runs the program on behalf of Superior Court. After the pandemic stopped in-person meetings from occurring, procedures to run mediation conferences remotely were developed and successfully implemented; the participation rate in remote mediations is now higher than it was for pre-pandemic live mediations. Nearly 12,500 cases have been handled by the program since AG Jennings took office.

MANUFACTURED HOUSING

Launched in October 2019, the Office of the Manufactured Housing Ombudsperson's mandate is to provide homeowners and community owners with information about relevant laws and their rights and responsibilities; to attempt to resolve disputes between homeowners and community owners; and ensure that parties abide by Delaware law by investigating complaints and, where appropriate, referring matters for potential enforcement actions or legal services. Since its inception, the Office has addressed over 100 homeowner complaints and over 300 other requests for information and assistance. Funding comes from the Manufactured Home Owner Attorney Fund.

FAMILY & NEIGHBORHOOD PROGRAMS



ANTI-BULLYING CAMPAIGN

Preventing school bullying has always been a priority for AG Jennings. The problem evolved as the pandemic forced schools to shutter and classes went online, leading to soaring instances of cyberbullying. Times have changed, and we have to adapt and change with them. The DOJ continues to take an active role in preventing bullying and school violence through the daily work of the School Ombudsperson, who works with parents, students, and schools to help resolve conflict and protect children. If you, your child, or someone you know is experiencing bullying, please contact the Delaware Bullying Hotline at (800) 220-5414.

SENIOR PROTECTION INITIATIVE

The Senior Protection Initiative (SPI) is run by the Fraud and Consumer Protection Division and consists of a three-part approach: Public Education, Law Enforcement Education, and a Multi-Disciplinary Team comprised of prosecutors, police, and social services representatives to promote awareness regarding elder abuse, neglect, and financial exploitation. During AG Jennings' tenure, the SPI handled over 150 calls from consumers, law enforcement officers, and stakeholders to assist with ensuring that elder abuse allegations were investigated and victims received needed resources; presented at over 20 outreach events to educate consumers on fraud and scams that target seniors; and was still able to conduct quarterly outreach events, including a successful World Elder Abuse Awareness Day, despite the challenges presented by the pandemic.

NUISANCE ABATEMENT

Criminal nuisance refers to a broad range of activities such as the presence of illegal drugs or firearms, violent felonies, gang activity, or prostitution occurring on a property that necessitates repeated calls to law enforcement. These activities impact the safety and security of the people on and around the property, and that negatively affects the surrounding community. Residential nuisance properties are handled by the Criminal Division, while commercial nuisance properties, such as Illicit Massage Establishments (IMEs) are handled by the Civil Division. At last count, there were over 70 operational suspected IMEs throughout the State. Deputies are currently working on strategies to address the issue and are coordinating efforts with law enforcement to determine which locations are appropriate for criminal investigation and which are appropriate for civil or administrative enforcement. In 2021, the DOJ addressed 6 residential nuisance properties and 23 commercial nuisance properties, 17 of which were IMEs.



GEORGETOWN TRAIN STATION



DIVISIONS

CIVIL DIVISION



The Civil Division provides legal advice, counsel, and both affirmative and defensive litigation services to every aspect of the State of Delaware's enterprise, including all three branches of state government. State Solicitor Aaron Goldstein is responsible for the oversight and management of the Civil Division.

Consisting of 8 units, 67 Deputy Attorneys General (DAGs), 9 paralegals, and 7 administrative support staff, the division represents thousands of clients, each generating multiple legal service requests.

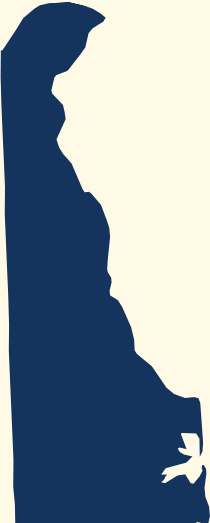
Absent the pandemic, the work of the Civil Division is high-volume and complicated. However, during the pandemic, the caseload only intensified, with civil division attorneys taking on numerous additional responsibilities. The Division provided wrap-around legal support for each of the Governor's emergency orders and maintained primary responsibility for ensuring that the State of Delaware, and each of its agencies, complied with the eligibility requirements of the Coronavirus Relief Funds provided to Delaware through the CARES Act.

UNITS OF THE CIVIL DIVISION

ADMINISTRATIVE LAW & EDUCATION

The Administrative Law and Education Unit (ALEU) provides legal counsel to the Department of Education, the Delaware Interscholastic Athletic Association, the Professional Standards Board, the State Board of Education, the Public Service Commission, the Division of Public Utility Control, the Delaware Public Advocate, the Division of Professional Regulation, and 40 professional licensing boards. The unit also answers Freedom of Information Act (FOIA) requests as a State agency, and it is uniquely situated as the agency empowered to issue AG Opinions on FOIA.

HIGHLIGHTS: ADMINISTRATIVE LAW & EDUCATION UNIT

- 
- In 2019, ALEU, representing the Department of Education (DOE), worked to discipline three teachers for egregious conduct.
 - ALEU reviewed guidance and legal advice to schools during the pandemic to ensure equitable provision of public education. ALEU DAGs offered guidance on completing the 2019-2020 school year and worked with DOE and the Governor's office to modify Delaware's State of Emergency, waiving several statutory requirements that rely upon in-person schooling.
 - ALEU responded to the concerns of many healthcare stakeholders that the pandemic's worst-case scenario would leave Delaware without enough healthcare providers available to provide care by working with stakeholders, the Division of Professional Regulation (DPR), professional licensing board members, and the Health Law Unit to ensure that healthcare facilities would be equipped with a sufficient workforce.

DURING AG JENNINGS' TENURE, THE ADMINISTRATIVE LAW & EDUCATION UNIT

ANSWERED
>300

FOIA REQUESTS


ISSUED
133

AG OPINIONS

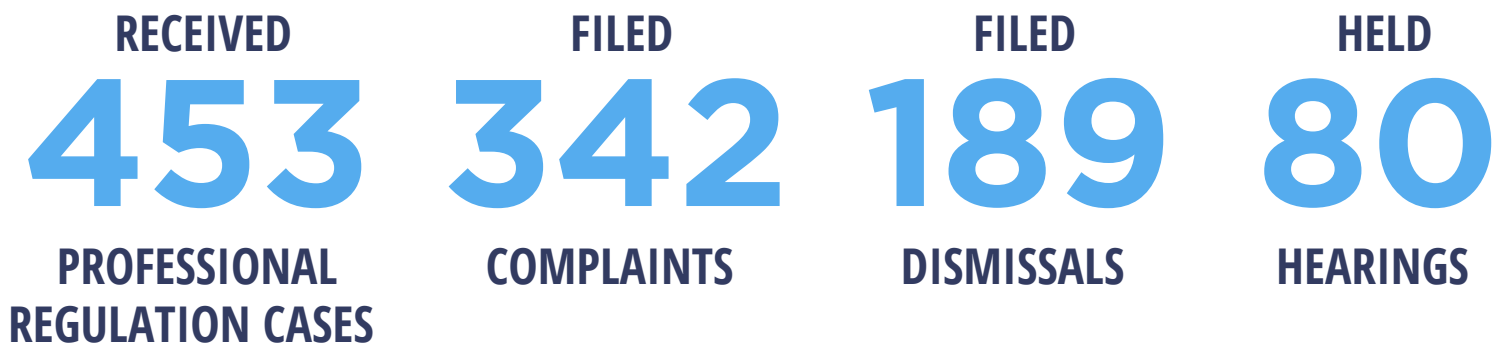
AFFIRMATIVE LITIGATION

The Affirmative Litigation Unit (ALU) prosecutes professional licensing cases against individuals accused of violating state professional standards. It represents the Department of Labor as general counsel with a primary focus on enforcing Delaware's labor laws through prevailing wage lawsuits, wage payment & collection actions, and other matters. It represents State agencies in personnel matters brought before the Merit Employee Relations Board, and before the courts on appeals. It advises the Human Relations Commission and brings lawsuits on behalf of the State involving false claims and significant collections matters.

HIGHLIGHTS: AFFIRMATIVE LITIGATION UNIT

- 
- In May 2019, in the continuing fight against opioid over-prescription, ALU DAGs conducted a hard-fought multi-day hearing marked by extraordinary obstruction. A doctor with an extensive disciplinary history was shown to have violated several of the Board of Medical Licensure and Discipline's laws and regulations, resulting in revocation of his license.
 - The ALU brought a civil RICO case against an individual who profited from human trafficking by owning and operating a series of "massage establishments" that functioned as brothels in Middletown, Smyrna, Dover, and Rehoboth. The defendant was found liable at trial and was subject to civil penalties of \$100,000 for each of three RICO violations.
 - In 2020, the ALU successfully argued a case that overturned an earlier decision which would have required State Boards to use additional expert testimony — on top of Board members' expertise — to support a finding that a licensee violated a Board's regulations. Had ALU not intervened, the earlier decision would have made it exceedingly difficult, and exceedingly expensive for taxpayers, to prove professional disciplinary matters.


DURING AG JENNINGS' TENURE, THE AFFIRMATIVE LITIGATION UNIT



DEFENSIVE LITIGATION

DAGs in the Defensive Litigation Unit (DLU) primarily defend Delaware State agencies, and their officials and employees acting in their official capacity, against lawsuits in state and federal court, including personal injury, alleged violations of employment law, and other legal claims. Since the onset of the COVID-19 pandemic, DLU has been instrumental to defending life-saving emergency measures implemented by State agencies.

HIGHLIGHTS: DEFENSIVE LITIGATION UNIT

- 
- The DLU defended pandemic-generated litigation related to the Governor's executive order limiting attendance at houses of worship and prescribing certain measures for in-person worship. DLU worked with the Governor's office to issue revised guidance and updated executive orders to cure the issues raised by the lawsuit.
 - In 2020, DLU responded to litigation involving temporary restraining orders issued by the Governor.
 - In 2020, DLU was successful in all motions to dismiss and motions for summary judgment in employment cases and was 100% successful at the Third Circuit.

DURING AG JENNINGS' TENURE, THE DEFENSIVE LITIGATION UNIT

REPRESENTED
726
CASES

FOUGHT
17
TRIALS


WON
13
VERDICTS

HANDLED
72
SUBPOENAS

DEPARTMENTS & AGENCIES

DAGs in the Departments & Agencies Unit (DAU) give legal advice and representation to the Department of Finance, Division of Revenue, Department of Safety and Homeland Security, Division of Gaming Enforcement, Department of Transportation, and the Department of Labor's Division of Unemployment Insurance.

HIGHLIGHTS: DEPARTMENTS & AGENCIES UNIT

- 
- DAU provided legal support that dramatically scaled up the State's remote working capabilities, enabling tens of thousands of employees to work from home and making State operations possible during the pandemic.
 - In 2020, DAU secured consent judgments to revoke several Delaware corporate entities used by Trump associates Paul Manafort, Rick Gates, and Michael Cohen to violate federal election, banking, and tax law, including by thwarting the publication of reports of extramarital affairs linked to then-candidate Trump.
 - DAU advised the Division of Small Business on a portfolio of 3,000 loans and grants to Delaware businesses to reduce the pandemic's devastating effect, and drafted from scratch the contracts, procedures, and appeals process for the HELP Program for immediate relief to small businesses, intermediate COVID Relief Grants, tourism grants, and non-profits grants.
 - In 2019, the DAU negotiated a payment agreement for an outstanding personal tax liability after an initial agreement was terminated for default. The DAU secured a \$23,000 good-faith payment followed by monthly payments of \$11,500 until the more than \$300,000 balance is paid in full.

**DURING THE PANDEMIC,
THE DAU HELPED PROCESS**

170,000
UNEMPLOYMENT CLAIMS

19,000
IN ONE WEEK ALONE.



**THAT'S A
3,700%
INCREASE.**

ENVIRONMENTAL UNIT

The Environmental Unit (EU) works closely with the Department of Natural Resources and Environmental Control's (DNREC) engineers and scientists to enforce laws fighting air and water pollution, hazardous waste, and other environmental threats.

HIGHLIGHTS: ENVIRONMENTAL UNIT

- In 2019, DNREC assumed the role of lead administrative trustee in a multi-year natural resource damage case involving releases of PCB 209 from the former Edgemoor Plant into the Delaware River and Estuary. EU helped secure a \$1.07 million settlement for natural resource damages and loss of services.
- The EU finalized an agreement to address unresolved violations at Mountaire's Selbyville facility, including unauthorized discharges of pollutants from multiple facilities, an unauthorized release of partially treated wastewater, and temporary sludge storage lagoon issues. The agreement was executed on December 13, 2019.
- The EU has been closely involved in AG Jennings' lawsuit against Big Oil and the American Petroleum Institute.
- The same month, DNREC executed an agreement to resolve spray irrigation and land application permit violations that led to catastrophic failure of Mountaire's wastewater treatment facility in Millsboro. A previous consent decree had been opposed by third parties who were pursuing separate litigation against Mountaire.
- In 2019, the EU argued before the D.C. Circuit Court of Appeals that the EPA failed to tie reductions in upwind pollution — which accounts for a substantial amount of air pollution in Delaware — to deadlines for downwind states like Delaware to attain national air quality standards.

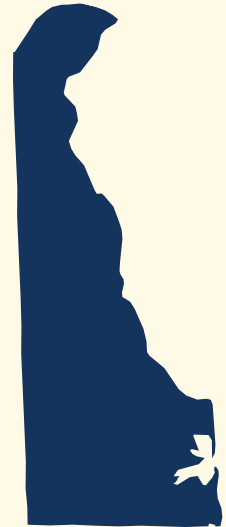


Photo: Josh Jackson

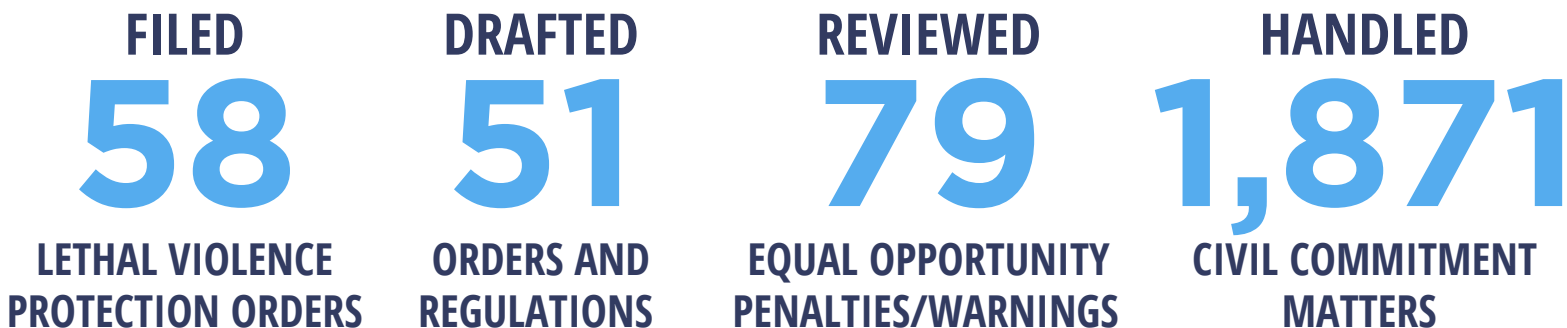
HEALTH & PUBLIC SAFETY

The Health and Public Safety Unit provides legal advice and representation to the Department of Health and Social Services (including all of its Divisions), the Department of Correction, the Delaware State Police, the Delaware Healthcare Commission, the Child Placement Review Board, and covers all Civil Commitment Hearings and Adult Abuse Registry matters statewide.

HIGHLIGHTS: HEALTH & PUBLIC SAFETY UNIT

- HLU enforced DHSS contract rights and prevented fraud by Chimes Delaware. The DOJ investigated Chimes after numerous incidents of improper billing, despite multiple trainings and corrective action plans. The investigation led to a \$4.5 million recovery of State Medicaid funds.
- HLU provided consistent and timely advice to clients on health privacy issues during the pandemic and assisted the Department of Health and Human Services (DHSS) in ensuring compliance from providers who were statutorily required to report COVID test results.
- The Beau Biden Gun Violence Prevention Act provides a mechanism to remove firearms or ammunition from individuals who are “dangerous to self or others.” The HLU files these Lethal Violence Protection Orders and trains Delaware's law enforcement agencies, judicial officers, and court staff. In 2019, the HLU filed 20 complaints to remove firearms from dangerous individuals, and successfully secured relinquishment in 19 of those cases.
- HLU drafted a DHSS order requiring providers to report vaccine administrations within 24 hours and helped DHSS enforce that order. HLU also reviewed the Federal PREP Act and Delaware's licensing and scope of practice laws to ensure that adequate providers would be authorized to administer the vaccine.

IN 2020 ALONE, THE HEALTH & PUBLIC SAFETY UNIT



NEW UNITS

PUBLIC SAFETY

The Public Safety Unit (PSU), created in July 2020, specializes in advising and counseling the State's public safety agencies, including the Department of Safety and Homeland Security, the Delaware State Police, the Division of Gaming Enforcement, the Department of Corrections, the Department of Transportation, and the Department of Services for Children, Youth, and Their Families.

HIGHLIGHTS: PUBLIC SAFETY UNIT

- The PSU drafted approximately 29 cease and desist letters for the Delaware Emergency Management Agency, some of which resulted in criminal summons.
- At the height of the pandemic, the PSU drafted and edited 393 drafts of State of Emergency modifications, and over 150 drafts of Phase 1 and 2 reopening plans.
- In April 2020, the covid.doj@delaware.gov email was created. Since then it has received and sent over 2,300 inquiries and responses.

FISCAL INTEGRITY AND PROTECTION

Established in 2020, the Fiscal Integrity and Protection Unit (FIPU) is tasked with protecting the integrity of Delaware's state and federal elections. Additionally, it provides legal advice and representation to numerous State agencies and their respective divisions, statewide elected officials, and State administrative boards.

HIGHLIGHTS: FISCAL INTEGRITY & PROTECTION UNIT

- The FIPU successfully defended against a Delaware Republican Party lawsuit in challenging the constitutionality of the vote-by-mail legislation
- The FIPU played a critical role in addressing the operational and legal challenges faced by the Department of Elections during the 2020 election cycle and ensured that elections were administered fairly, efficiently, and in accordance with the law.
- The FIPU worked closely with the Governor's Office to draft elections-related provisions in numerous Declaration of State of Emergency modifications to reschedule elections, including the June presidential primary; expand the qualifications for absentee primary voting to voters who wished to quarantine and maintain social distancing rather than vote in person; address COVID-19 requirements, such as mask-wearing and social distancing; and allow a vote-by-mail option for the presidential primary.



CRIMINAL DIVISION

The Criminal Division prosecutes every adult criminal case, ranging from murder to misdemeanors. Headed by the State Prosecutor, AJ Roop, the Criminal Division represents the State, and in doing so, safeguards the public, victims and their families, and the constitutional rights of defendants. Criminal Division DAGs argue cases before the Supreme Court, Superior Court, Court of Common Pleas, and Family Court. The Criminal Division also provides legal assistance to law enforcement agencies and administers the Victim/Witness Assistance Program.

The Division is the DOJ's largest, housing 118 DAGs statewide, 38 paralegals, and 105 other staff, including investigators, social workers, and administrative assistants. Deputies from the Criminal Division serve on approximately 17 Boards, Commissions, and Task Forces on behalf of the Attorney General, including the Commission on Forensic Science, the Sex Offender Management Board, the Child Protection Accountability Commission, Domestic Violence Coordinating Council, and others.




UNITS OF THE CRIMINAL DIVISION

DOMESTIC VIOLENCE UNIT

The Domestic Violence Unit (DVU) prosecutes all domestic-related cases in New Castle County. The Unit consists of eight prosecutors, five social workers, two paralegals, and three administrative assistants. The Unit works collaboratively with community partners to combat domestic violence and work to increase the safety of survivors and their children, while also holding offenders accountable and connecting them with services to reduce the risk of future violence.

HIGHLIGHTS: DOMESTIC VIOLENCE UNIT

- 
- As the pandemic took hold and stay-at-home orders were issued, there was widespread concern that many domestic violence victims would be forced to shelter at home with their abusers. In response, AG Jennings, the Delaware Coalition Against Domestic Violence (DCADV), and industry donors collaborated to distribute more than 100 cell phones with prepaid calls, texts, and data to Delaware domestic violence survivors. The phones offer a measure of privacy, protection, and independence to survivors who may feel economically trapped in an abusive situation because of reliance on an abuser's phone plan.
 - DVU conducted nine trainings over the course of four weeks, including "DV 101," which required deputies to attend multiple sessions over the course of four weeks and engaged in Elder Abuse Training; Strangulation Training presented by Christiana Care FNEs; Traumatic Brain Injury presented by Wilmington Police Department's Victim Services; Technology and Stalking, and Identifying and Charging Stalking Cases.

IN 2019 AND 2020, THE
DOMESTIC VIOLENCE UNIT PROCESSED

11,285

DOMESTIC VIOLENCE CASES.

FELONY TRIAL UNITS

The Felony Trial Units (FTU) are comprised of DAGs, paralegals, and administrative assistants in all three counties. Deputies in the FTUs prosecute felony cases resulting from arrests made by the Delaware State Police and other municipal police agencies. In New Castle County, the Wilmington Trial Unit prosecutes felony offenses specifically occurring in the City of Wilmington. Offenses prosecuted by the Felony Trial Units include felony DUI, theft, drug, assault, robbery, and gun cases. In 2019, the FTUs processed 2,714 cases.

FELONY PROSECUTORS CONSISTENTLY MAINTAIN AN
85%
OR HIGHER CONVICTION RATE IN GUN CASES.

MISDEMEANOR TRIAL UNITS

The Misdemeanor Trial Units (MTUs) in all three counties operate primarily in the Court of Common Pleas and handle nearly all misdemeanor prosecutions in Delaware. Deputies in these units prosecute cases from all of Delaware's various police agencies. Cases are tried before both judges and juries in the Court of Common Pleas. The Court is calendar-driven, meaning that deputies are tasked daily with a list of cases to resolve on any given day.

MTU DEPUTIES HANDLED UP TO
100
CASES WEEKLY VIA ZOOM IN 2020.

APPEALS UNIT

The Appeals Unit is responsible for the appellate litigation of criminal cases pending in both state and federal courts. Deputy Attorneys General of the Appeals Unit serve as the chief courtroom lawyers for the State before the Delaware Supreme Court, and provide legal guidance and aid to other DOJ trial attorneys who appear before the Delaware Supreme Court. The Appeals Unit guides the DOJ on numerous issues, including the impact of Supreme Court and Superior Court decisions on the law, assessing whether the State should participate as a “friend of the court” in litigation brought by other parties, and advising the Department's work on legislation. The Appeals Unit was a critical support for deputies and investigators alike, particularly as COVID-19 concerns raised challenges for the Extradition Unit

IN 2020, THE APPEALS UNIT

FILED	FILED	FILED	MADE
169	260	126	17
DE SUPREME COURT ANSWERING BRIEFS	DE SUPREME COURT MOTIONS TO AFFIRM	FEDERAL HABEAS ANSWERS	STATE & FEDERAL ORAL ARGUMENTS

VIOLENT CRIMINAL ENTERPRISES UNIT

The Violent Crime Enterprises Unit (VCE) specializes in prosecuting organized crime, wiretap cases, and gang-related cases in task force investigations and investigations conducted by the High-Intensity Drug Trafficking Area initiatives. The unit employs intelligence gathering and sharing, strategic and focused prosecutions, and collaborative law enforcement efforts. Additionally, centralized expertise for wiretaps and drug prosecutions, given issues particular to these types of cases, creates the necessary specialization needed for effective prosecutions.

HIGHLIGHTS: VIOLENT CRIMINAL ENTERPRISES UNIT

- VCE indicted over 35 defendants in two large indictments, including 6 murders
- Working with the Delaware State Police, more than 7.5 kilos of fentanyl, 537 grams of heroin, 1.1 kilos of crack cocaine, and \$264,276.00 were seized. Four firearms were also seized and taken off the streets.

HOMICIDE UNIT

The Homicide Unit (HU), comprised of some of the DOJ's most experienced DAGs, assists law enforcement in investigating and prosecuting all homicide cases in New Castle County. Due to case volume, a second DAG is assigned to each HU case. In Kent and Sussex Counties, senior DAGs are assigned to prosecute homicide cases. Two DAGs rotate as “on-call” deputies each week in all three counties to help law enforcement agencies investigate homicide cases 24/7.

HU deputies routinely provide legal guidance to law enforcement in investigations, teach at police academies and University of Delaware criminal justice classes, and assist in trainings for DOJ and the National Institute for Trial Advocacy.

FELONY SCREENING UNIT

DAGs in the Felony Screening Unit (FSU) conduct initial reviews of felony arrests to whether felony arrests should be downgraded to a misdemeanor, diverted to a problem-solving court, or assigned to a trial DAG. The Unit works to divert low-level, non-violent offenses so that trial prosecutors can focus on violent offenders.

The FSU also presents cases to grand juries for indictment, appears at preliminary hearings, and covers ancillary matters and court appearances. Case Processing operates within the FSU and is responsible for all case file management and case tracking within the Criminal Division.

THE FELONY SCREENING UNIT PROCESSED

18,099

CASES IN 2019 AND 2020.

INTERNET CRIMES AGAINST CHILDREN TASK FORCE

The Internet Crimes Against Children Task Force (ICAC) exists to proactively investigate and prevent the distribution of child pornography on the Internet and to investigate and prosecute sexual predators who solicit victims on Internet chat rooms, forums, and social media. The task force includes one DAG, several paralegals, and DOJ investigators, who work with DSP on a daily basis to protect children. In addition to investigating and prosecuting cases, ICAC actively provides educational materials and information to children and parents to help them avoid internet predators. .

THE PANDEMIC NEARLY DOUBLED ICAC'S CASELOAD.

341

INVESTIGATIONS
IN 2019

630

INVESTIGATIONS
IN 2020

SPECIAL VICTIMS UNIT

The Special Victims Unit (SVU) handles cases that involve some of Delaware's most vulnerable victims, including victims of sex crimes, child predators, and other crimes with child victims. SVU deputies are on call 24/7 to address these heinous crimes.

IN 2019, SVU HANDLED A TOTAL OF

2,172

CASES

TRAFFIC SAFETY RESOURCE PROSECUTOR PROGRAM

The Traffic Safety Resource Prosecutor (TSRP) Program, a partnership with the Delaware Office of Highway Safety, provides law enforcement training and community outreach for motor vehicle safety issues and oversees the prosecution of vehicular homicides and impaired driving. The TSRP also participates in highway safety public policy and education initiatives and serves as a liaison between the many highway safety stakeholders. The TSRP is involved in all stages of the prosecution of fatal motor vehicle collision cases and works with law enforcement investigators from the time of the crash through the conclusion of the investigation. Despite COVID, law enforcement trainings continued. Week-long DUI Training was presented at various academies, and training was presented at the DSP Advanced Collision Course, Advanced Roadside Impairment Detection Course, and the Drug Recognition Expert Course.

COMMUNITY ENGAGEMENT UNIT

AG Jennings created the Community Engagement Unit (CEU) to encourage collaboration with communities statewide to prevent and reduce crime, break down barriers, and build trust with the communities we serve. The CEU works with residents to collect neighborhood-specific data and information to tailor specific responses to ongoing crime and blight issues. CEU deputies attend community meetings and meet with concerned residents individually. Additionally, the CEU coordinates with law enforcement and municipalities to ensure effective enforcement measures are utilized to address neighborhood-specific concerns.

HIGHLIGHTS: COMMUNITY ENGAGEMENT UNIT

- CEU's re-entry and community fair programming — including the "What's Next?" re-entry series for families with loved ones returning from prison, back-to-school resource fairs, and an online job and resource fair — have reached hundreds of people and partnered with dozens of employers and service providers.
- The CEU's Community Empowerment Walks bring the DOJ into the community go door-to-door to hear from people and help connect them with resources
- CEU consulted with Delaware State Police and DHSS to design and implement a pre-arrest diversion program for DSP. The program is functioning at a DSP Troop in all three counties, with a goal to expand to every Troop.
- To support southern Delaware's underserved and undocumented Haitian and Hispanic populations, the DOJ solicited local businesses' support to create food pantries at local churches with the Food Bank of Delaware.
- CEU's work has earned national attention. CEU staff have guest lectured at Georgetown Law School and have presented to other prosecutors' offices to help them implement effective community engagement.



COMMUNITY ENGAGEMENT UNIT

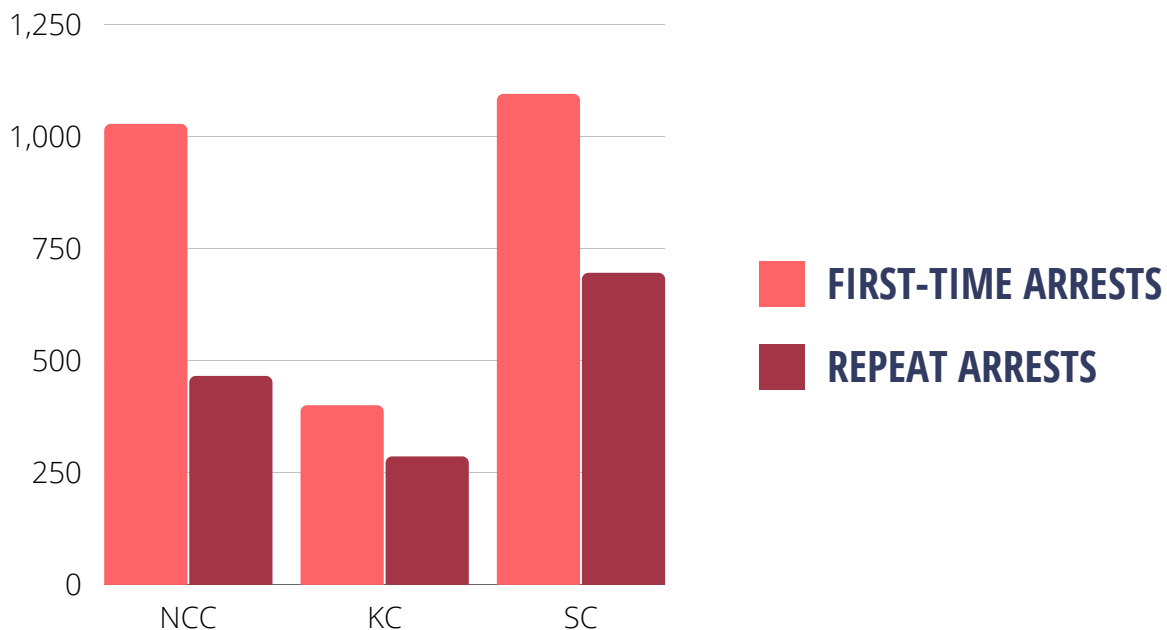


HIGHLIGHT: TAKING ON DUIs IN SUSSEX COUNTY

The Criminal Division and the TSRP were instrumental in the push for a now-operational DUI Program in the Sussex County Court of Common Pleas, which until recently lacked a specialized DUI Court, among other procedural differences with CCPs in the other counties — including a lack of case reviews to allow prosecutors, defense attorneys, and judges to work out issues before trial and a shorter deadline to resolve DUI cases than the other counties. These differences made it, statistically, significantly easier to get DUI charges dismissed in Sussex County than in the other counties.

DOJ's concern about DUIs in Sussex County was backed up by data. Despite a ten-year slide in DUI arrests statewide, arrests stayed virtually flat in Sussex. Worse, Sussex consistently had higher numbers of DUI arrests — both first-time and repeat arrests — than New Castle County, despite being less than half New Castle County's size in population.

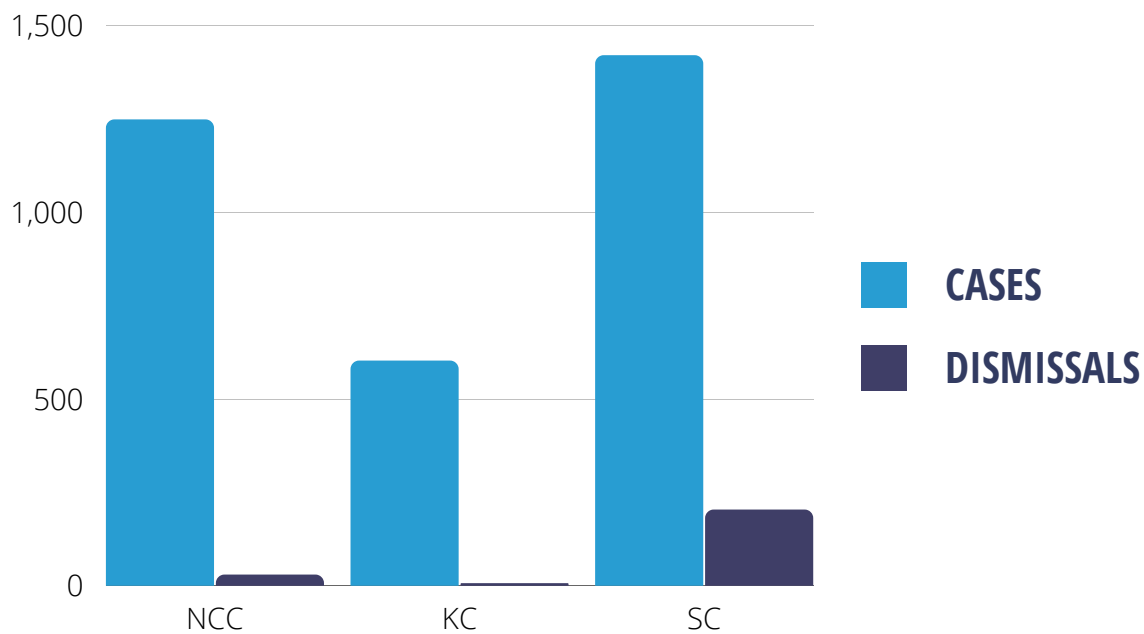
DUI ARRESTS, 2017



In 2017, more than 80% of dismissed DUI charges happened in Sussex County CCP; statewide, only 7.3% of DUI cases were dismissed in the same year.

In 2019, AG Jennings sent a letter to then-Chief Justice Leo Strine expressing serious concerns about the status quo in Sussex County and recommending procedural changes to DUI cases in Sussex County CCP.

DUI DISMISSALS, 2017



In late September 2019, the DOJ took the extraordinary step of indicting DUI cases in Sussex County Superior Court, which — unlike the Court of Common Pleas — employed case reviews, diversionary programming, and a right-sized timeline for DUI cases, consistent with the rest of the state's courts.

In October 2019, the Delaware Supreme Court issued an order aligning DUI case practices in Sussex County CCP with CCP practices in the other counties. AG Jennings continued to support the funding and establishment of a dedicated DUI Program in Sussex County. In August 2020, Sussex County's Court of Common Pleas began its DUI Program. The program for high-risk and high-need DUI offenders is now operational statewide.



DIVISION OF CIVIL RIGHTS & PUBLIC TRUST



AG Jennings successfully pushed to upgrade the former Office of Civil Rights and Public Trust, established by former AG Matt Denn, to a permanent division in April 2020. DCRPT hasn't skipped a beat since then.

Led by Director Mark Denney, and comprised of four deputies, one paralegal, four investigators, and two support staff, DCRPT is responsible for enforcing and protecting Delawareans' civil rights and liberties under the state and federal constitutions; upholding the public trust by enforcing laws pertaining to the use of public funds, the conduct of public officials, and election laws; and conducting investigations where the DOJ's other responsibilities might present the appearance of a conflict, such as investigations of the use of force by law enforcement officers.

DCRPT is the DOJ's youngest and smallest division, but don't let its size fool you. During AG Jennings' tenure, the Division has indicted more than a dozen public officials in both parties, overhauled the DOJ's hate crime enforcement processes, and expanded transparency in police use of force investigations.

UNITS OF THE DIVISION OF CIVIL RIGHTS & PUBLIC TRUST

PUBLIC CORRUPTION & PUBLIC TRUST UNIT

The Public Corruption and Public Trust Unit is devoted to protecting the integrity of Delaware's elections and to hold public officials, employees, and contractors accountable for official misconduct. Ensuring that authority is not abused, nor public resources misused, by those in seats of power is not just important to the fundamental principles of ethical and accountable government; corruption also directly affects the State's ability to fund critical services, undermines the public's trust in its government, and adversely affects quality of life. Moreover, corruption disproportionately harms the disadvantaged and the vulnerable, who are often more reliant on public services and have less ability to seek redress.

THE PUBLIC CORRUPTION & PUBLIC TRUST UNIT HAS

INDICTED OR CONVICTED

15

PUBLIC OFFICIALS
SINCE 2019

USE OF FORCE UNIT

Few investigations are so crucial as those that involve police using force against civilians. Police officers are permitted to use force in self-defense or defense of another individual or group. However, until this summer, Delaware's subject use of force standard was one of the most confusing, and least enforceable in America.

Due in part to DCRPT's work, Delaware now uses an objective use of force standard, and the Use of Force Unit's investigative mandate has been expanded to include police uses of force that results in serious injury, not just lethal violence. The Unit has conducted 10 use of force reviews since 2019, and has made reports more transparent than in any prior administration or in nearly any other jurisdiction.

HIGHLIGHT: PROTECTING CIVIL RIGHTS & COMBATING HATE CRIMES

DCRPT organized the Civil Rights and Hate Crime Unit to concentrate on enforcing laws prohibiting discrimination based on protected classes, prosecuting crimes committed because of these identities, and working with law enforcement to ensure that Delawarean's most sacred civil rights — including voting rights — are enforced.

The Unit has had to contend with the very real and disconcerting rise of hate in Delaware and across our nation. In Delaware alone, hate crimes nearly doubled from 16 incidents in 2018 to 29 in 2019. The Unit takes a three-pronged approach to combating hate crime: robust prosecution, public policy reform, and community engagement.

Since 2021, DCRPT has investigated and/or prosecuted another 13 hate crime cases, overwhelmingly involving bias towards race (11 out of 13), but also including sexual orientation and infringement upon the First Amendment, which is included in Delaware's hate crime statute.

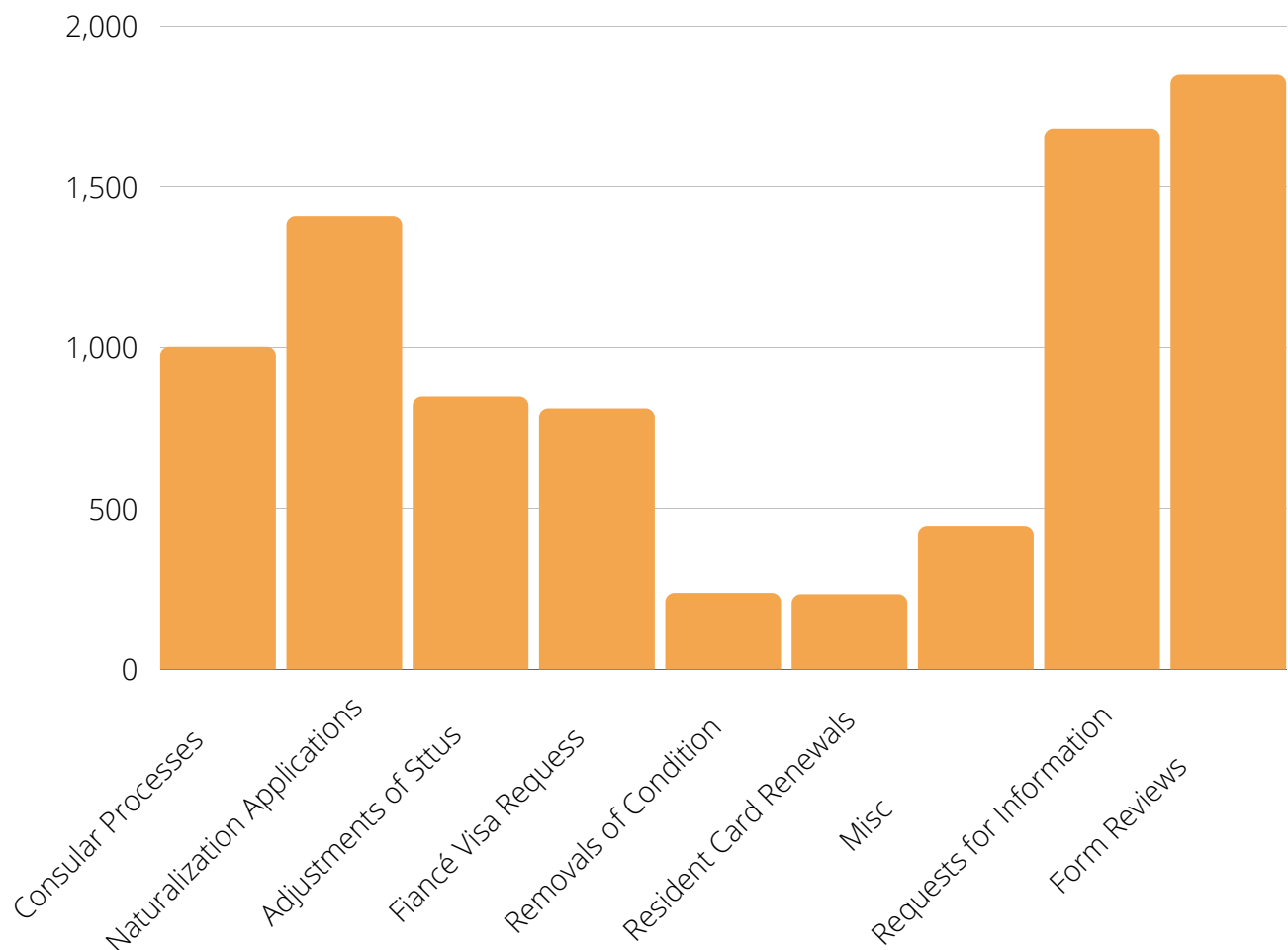
DAGs in the Unit are also working to educate the public and others on DCRPT's resources and mission, to encourage greater uniformity in hate crime protocols among law enforcement, and to build a better rapport with the community so that victims or witnesses of hate crimes — including those from marginalized communities — feel more comfortable reporting to DCRPT and/or to its law enforcement partners. In an effort to bolster partnerships on civil rights investigations and advocacy, the Unit has conducted outreach to several organizations and offices across the state — including, recently, leaders in Delaware's Asian American & Pacific Islander (AAPI) community in the wake of growing public attention to prejudice and violence targeted at the AAPI community. These discussions, and discussions with other advocacy groups, will continue to ensure open lines of communication from communities that are at risk of violence, intimidation, or other crimes committed because of protected characteristics.

Finally, the Unit is working to support law enforcement and other partners as part of a system-wide effort to improve the way that Delaware responds to hate. Unit deputies have organized an educational hate crime workshop designed to help law enforcement and the community better identify, classify, and respond to incidents of bias and hate. The workshop has been presented to Delaware State Police and will be rolled out to other law enforcement agencies and community partners.

THE OFFICE OF IMMIGRATION ASSISTANCE

The Office of Immigration Assistance (OIA), created on January 5, 2020, aids citizens and immigrants of any status with an array of legal issues, whether immigration-related or not. The OIA was created to replace and reinvigorate the former Office of Services for the Foreign Born (OSFB), a more than 100-year-old support office whose caseloads were becoming impossibly complex, due in significant part to a growing body of federal policy designed to hamper immigration from 2017 - 2021, much of which was challenged or overturned in federal court. The OSFB's transition to the OIA came with improved staffing and a restructuring under DCRPT. Today the OIA is a major resource for outreach, education, and for help with referrals, complaints, form reviews, and general information. Since its inception, the OIA has fielded more than 3,400 contacts for support, with clients hailing from 70 different countries.

TYPE OF ASSISTANCE RENDERED





FAMILY DIVISION



Created by former Attorney General Beau Biden in 2007, the Family Division is dedicated to protecting children who are in imminent danger or at risk of abuse or neglect, enforcing child support orders, and representing the State in all juvenile delinquency and truancy matters. The Division is led by Abigail Rodgers and is comprised of 35 attorneys, 10 paralegals, 10 support staff, and an investigator.

Family Division deputies work in tandem with partners from the Division of Family Services and the Division of Child Support Services, as well as the Family Court system. Family deputies also play a major role in drafting legislation that affects juvenile delinquency, expungement, and diversionary programs.



UNITS OF THE FAMILY DIVISION

CHILD PROTECTION UNIT

DAGs in the Child Protection Unit are responsible for representing the Division of Family Services (DFS) in Family Court and Supreme Court cases. Deputies primarily work on cases where DFS has taken legal custody of children due to dependency, neglect, and/or abuse, in addition to cases involving termination of parental rights and the Child Protection Registry. The Unit also handles appeals of these cases to the Delaware Supreme Court.

HIGHLIGHTS: CHILD PROTECTION UNIT

- The Unit successfully defended every Supreme Court appeal against DFS in 2019.
- At the pandemic's onset, the Unit transitioned overnight from paper files to electronic files, to virtual hearings, and electronic court filings.
- In 2020, the Unit filed 99 Substantiation Petitions.
- The Unit partnered with Family Court to streamline the dependency/neglect petitioning process, and began revising the after-hours petition process.
- A Child Protection Unit DAG helped draft a Parent Attorney Handbook to be used by contract attorneys assigned to represent parents in dependency/neglect cases.
- The Unit's holiday gift drive has delivered presents to more than 150 foster kids
- The Unit provides an after-hours Deputy for DFS to call with any emergency issues that arise during non-business hours.

DURING AG JENNINGS' TENURE, THE CHILD PROTECTION UNIT HAS

CONDUCTED
4,443
CHILD PROTECTION HEARINGS

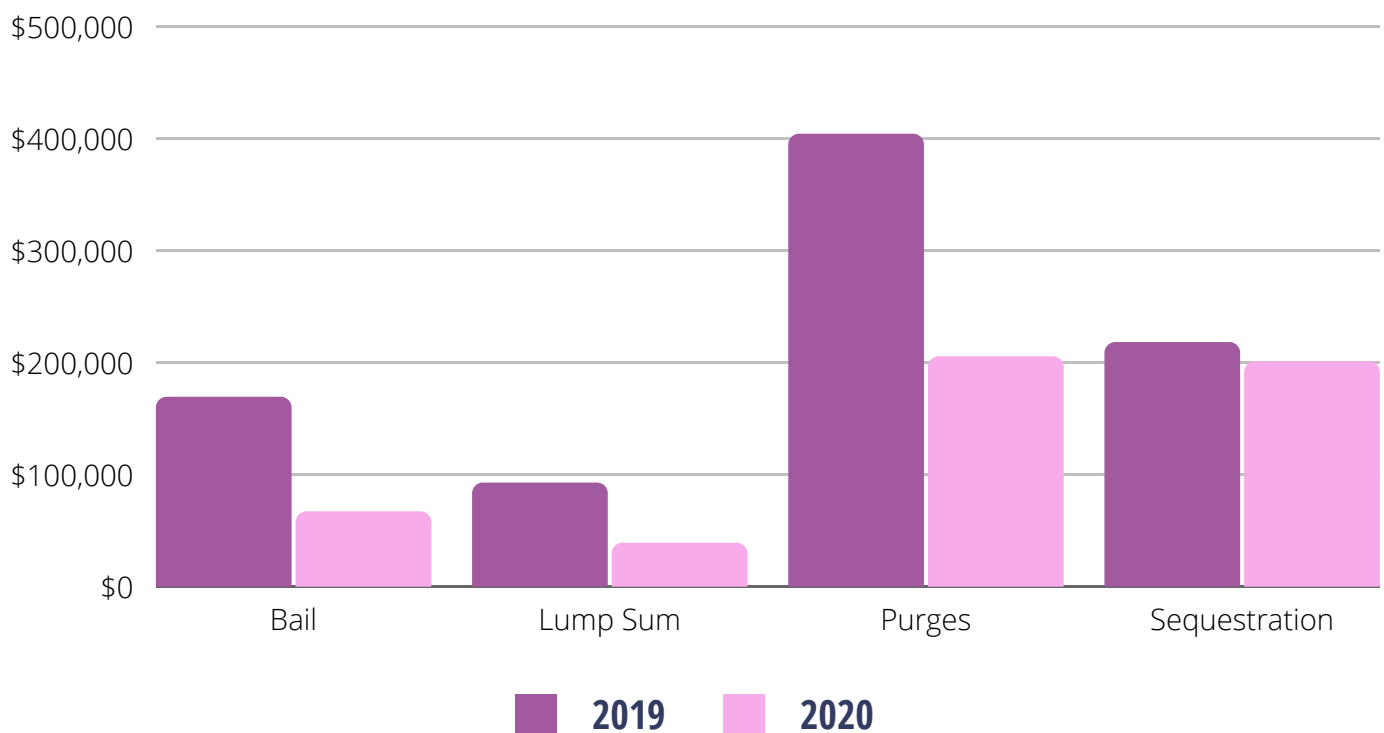
FINALIZED
140
ADOPTIONS

CHILD SUPPORT UNIT

The Child Support Unit works with the Division of Child Support Services (DCSS) to secure more than \$90 million for Delaware children each year. DOJ attorneys represent the DCSS in establishing, modifying, and enforcing child support orders. The Unit also enforces foreign orders from the other states and various international countries under the Uniform Interstate Family Support Act.

HIGHLIGHTS: CHILD SUPPORT UNIT

- The Capias Project, spearheaded by the Unit in 2019, is an outreach program aimed at convincing child support absconders to resume child support payments proactively and to voluntarily clear capiases.
- In 2019, the Child Support Unit was instrumental in drafting and passing legislation mandating disclosure of personal injury and workers' compensation claims, as well as legislation requiring large employers to transmit wages via electronic funds transfer.
- From 2019-2020, DCSS, with the involvement of Child Support Unit deputies, collected \$881,892.13 and \$511,439 in 2020 through bails, lump sums, purges, and sequestrations. The graph below shows the breakdown.



THE CHILD PROTECTION UNIT HELPED COLLECT NEARLY \$200 MILLION IN CHILD SUPPORT PAYMENTS FROM 2019 TO 2020.

HIGHLIGHT: FIGHTING HUMAN TRAFFICKING

HUMAN TRAFFICKING UNIT

Created in 2021, the Human Trafficking Unit is the newest addition to DOJ's Family Unit and a further advance in the DOJ's efforts to target resources toward the prevention, disruption, and prosecution of civil and criminal human trafficking matters. Previously, the DOJ's human trafficking portfolio was a growing but largely informal series of collaborations between existing Units, Divisions, and outside partners in law enforcement and the nonprofit sector. Now, working closely with law enforcement, advocacy groups, witnesses, civil agencies, and other partners, Deputies in the Unit will be devoted to:

- investigating human trafficking cases, evaluating cases for appropriate remedial actions, and using any and all available means to obtain civil relief for victims
- prosecuting human trafficking cases across the State of Delaware
- working to enjoin ongoing human trafficking activity and to hold traffickers accountable through punitive sanctions (including civil penalties), and civil asset forfeiture through the use of the Delaware RICO statute
- deploying the State's criminal nuisance abatement statute against the properties and ersatz businesses that facilitate and conceal human trafficking
- leading litigation in all Delaware Courts including Superior Court, Bankruptcy Court, and the federal District Court of Delaware — as well as through multi-state litigation where necessary or appropriate — to prevent human trafficking or secure penalties against human traffickers
- attending public events and manage public outreach, including engagement with the Human Trafficking Interagency Coordinating Council, to help prevent human trafficking and equip Delawareans to recognize and report human trafficking

Human trafficking is a complex issue that requires a multi-disciplinary approach on one hand, and increasing specialization on the other. While collaboration must continue to be the norm on this issue, the Human Trafficking Unit will help centralize the DOJ's enforcement actions, ensure more efficient caseload management, and enable the DOJ's staff to dedicate specialized training and experience to these deeply important, sensitive cases.



HUMAN TRAFFICKING'S VICTIMS NEED UNIQUE SUPPORT, AND HOLDING TRAFFICKERS ACCOUNTABLE OFTEN REQUIRES HIGHLY SOPHISTICATED INVESTIGATIONS AND LEGAL TOOLS. COMBATING THIS SILENT SCOURGE ALWAYS HAS BEEN, STILL IS, AND MUST REMAIN A GROUP EFFORT. ORGANIZING A DEDICATED HUMAN TRAFFICKING UNIT EQUIPS THE DOJ TO DO EVERYTHING IN OUR POWER TO SUPPORT THIS MULTI-DISCIPLINARY, URGENT WORK.

AG JENNINGS

JUVENILE DELINQUENCY & TRUANCY UNIT

The Juvenile Delinquency and Truancy Unit (JDTU) conducts all delinquency proceedings involving juveniles in Family Court and truancy issues in JP Court. These are some of the most challenging cases in the state: from trauma to gangs, kids deal with problems that are only becoming more serious and wide-ranging. JDTU prosecutors have to develop case resolutions that balance two (often competing) goals: addressing the harm done to victims and protecting public safety while also ensuring that juvenile offenders don't wind up on a path toward recidivism and more serious offenses later in life. The Unit is also committed to crime prevention efforts, including gang-related education, truancy reduction programs, and restorative justice initiatives.

HIGHLIGHTS: JUVENILE DELINQUENCY & TRUANCY UNIT

- Mediation, a restorative justice initiative already in place in Kent and Sussex Counties, was expanded to New Castle County in 2020. Where appropriate, prosecutors use mediation to seek constructive, non-punitive case resolutions through dialogue between juvenile offenders and victims that focus on addressing the harms done by crime.
- The JDTU has been instrumental in the creation and management of the Competency Acquisition Program, which provides programming to juveniles deemed incompetent to stand trial.
- In very serious cases, the JDTU evaluates whether juveniles should remain in Family Court or tried as adults in Superior Court, based on the facts of the case, the juvenile's history, and any risk to the community. In 2020, the Unit reviewed 42 such cases, ultimately transferring 19 to Superior Court.
- The JDTU has fielded 169 bullying complaints and conducted 45 miscellaneous school investigations since 2019. Four of those investigations led to an arrest.
- The JDTU has actively educated law enforcement on the Civil Citation Program, a pre-arrest diversion program designed to target low-risk, low-need youth. The program tasks juveniles with a variety of conditions such as a letter of apology, community service hours, etc. to emphasize how their actions have affected the community and deter such future behavior. There were 208 program referrals in 2020, with 183 successful closures without arrest.
- Despite the pandemic, the JDTU's caseload did not shrink in 2020; in fact, due to the pandemic, its caseload grew dramatically. Despite the increase in volume, the Unit continued to focus on restorative justice practices with a strong focus on early case resolutions and providing necessary mental health resources to at-risk juveniles. The Unit's primary goal is to ensure each case is resolved with the proper balance of restoration and accountability while also protecting the community.



FRAUD & CONSUMER PROTECTION DIVISION



The Fraud and Consumer Protection Division is responsible for protecting Delaware consumers, investors, patients, and others from fraud, deception, and unfair practices by businesses and others.

The Division enforces various consumer protection statutes and deceptive trade and antitrust laws through the filing of lawsuits on behalf of the State of Delaware and the general public. Consumer law enforcement and programs managed by the Division touch everything from housing to loans, credit products, price gouging, and unfair debt collection practices. The Division also regularly provides vital information to the public on consumer protection issues and legal actions, along with education on how to avoid consumer fraud altogether.

The Fraud Division is home to the DOJ's Office of Impact Litigation, created in 2019, which oversees major Fraud litigation (including multistate opioid litigation and PFAS investigations), along with a wide range of litigation, comment letters, and amicus briefs in cases that carry significant consequence for public policy.


Led by Owen Lefkon, the Division consists of 28 deputies, 9 paralegals, 16 investigators, and 24 support professionals. It is comprised of the Consumer Mediation Unit, the Consumer Protection Unit, the Investor Protection Unit, the Medicaid Fraud Control Unit, the Office of Impact Litigation, and the White Collar Crime Unit, a joint Fraud/Criminal unit formed in 2020.

UNITS OF THE FRAUD DIVISION

CONSUMER MEDIATION UNIT

The Consumer Mediation Unit (CMU), created in August 2020, engages directly with the public to receive and mediate consumer complaints from Delawareans. It houses the Office of Foreclosure Prevention and Financial Education, the Mandatory Residential Foreclosure Mediation Program, the Office of the Common Interest Community Ombudsperson, and the Office of the Manufactured Housing Ombudsperson. In addition, the CMU engages in consumer advocacy and educates the public through consumer outreach education events.

HIGHLIGHTS: CONSUMER MEDIATION UNIT

- 
- After the pandemic stopped in-person meetings from occurring, CMU developed and successfully implemented virtual mortgage mediation procedures. Remote mediation conferences — a first-of-their-kind innovation for the state — had a 61% success rate in the first year, and have been so popular that the DOJ is exploring ways to maintain them as a permanent option for homeowners.
 - CMU addressed a high volume of pandemic-related requests for assistance in landlord/tenant matters and associated emergency orders and relief programs.
 - CMU and the Consumer Protection Unit negotiated a contract with Community Legal Aid Society, Inc. to provide legal services to owners of manufactured homes.
 - The Common Interest Community Ombudsperson (CICO), working with the Department of Elections, In 2020, the CICO developed and implemented procedures for virtual HOA meditations, and even worked with the Department of Elections to conduct two HOA elections using machine-readable ballots despite COVID complication. The CICO resolved 62% of the complaints received in the first year of operation. With the addition of a financial investigator, the CICO is now positioned to conduct investigations into HOA misconduct allegations.

CONSUMER MEDIATION HAS

RECOVERED MORE THAN
\$81,000
FOR CONSUMERS THROUGH
INFORMAL MEDIATION

ADDRESSED MORE THAN
100
MANUFACTURED
HOMEOWNER COMPLAINTS

CONSUMER PROTECTION UNIT

The Consumer Protection Unit (CPU) is responsible for enforcing over 30 Delaware consumer protection statutes designed to ensure consumers, locally and nationally, have access to a fair marketplace and the businesses operate on a level playing field. In addition to pursuing enforcement action against those who violate our consumer protection laws, the CPU also participates in community outreach and consumer education events, engages in consumer advocacy, and actively contributes to coordinated state and federal consumer protection investigations and initiatives.

HIGHLIGHTS: CONSUMER PROTECTION UNIT

- CPU investigated the massive 2017 Equifax data breach, which impacted more than 147 million Americans. The multistate investigation was resolved by a massive \$575 million settlement with Delaware and other states, the Federal Trade Commission, and the Consumer Financial Protection Bureau.
- Delaware participated in an investigation that found Johnson & Johnson, and its subsidiary Ethicon, violated state consumer protection laws by misrepresenting the safety and effectiveness of their surgical mesh devices. The years-long investigation settled in October 2019, resulting in a \$116 million multistate settlement.
- CPU settled litigation against the owners and operators of two apartment complexes in Newark for failure to provide promised essential services and amenities, resulting in \$400,000 being put back into the hands of harmed tenants.
- After years of investigation, CPU sued the developer of Noble Pond, a Kent County 55+ community, for numerous violations of the Consumer Fraud Act, Deceptive Trade Practices Act, and other laws protecting consumers against unlawful and predatory behavior.
- At the height of the pandemic, CPU's COVID Rapid Response Team informally mediated disputes to successfully keep many Delawareans off the streets and with a roof over their heads. CPU's Price Gouging Rapid Response Team investigated and resolved over 146 reports of price gouging and resolved 60 formal consumer complaints, including one significant settlement with a local company offering cleaning services advertised to “eliminate COVID-19.”
- CPU joined multistate settlements with UBS, Citi, Barclays, and Deutsche Bank on behalf of the State due to their manipulation of the LIBOR interest rate. Delaware received \$206,394 under the terms of the 2020 settlements.
- In 2019 and 2020, CPU collected more than \$812,000 in restitution to Delawareans and more than \$5.7 million in penalties, cost, and other payments to the State.
- CPU was instrumental in drafting and passing House Bill 91, amending Delaware’s Consumer Fraud Act to explicitly prohibit unfair business practices.

HIGHLIGHT: HOUSING JUSTICE IN THE CONSUMER MEDIATION UNIT

Housing programs have existed within the DOJ for years, including mortgage mediation and foreclosure prevention programs born out of the 2007-2008 financial crisis, and the Common Interest Community Ombudsperson (CICO), who assists members of homeowners' associations, condo association, and other common interest communities. Spurred by an evolving housing landscape, repeated complaints about housing problems outside the DOJ's immediate purview, and stalwart advocacy by legislators, the Fraud Division began to dramatically expand and restructure its approach to housing justice in 2019. That began with hiring of Brian Eng as the Department's first Manufactured Housing Ombudsperson (MHO) — a job he still holds today, along with his role as Director of the Consumer Mediation Unit (CMU).

Brian arrived at the DOJ with a robust background in landlord/tenant law from his time as a staff attorney with the Delaware Community Legal Aid Society, Inc (CLASI), one of Delaware's legal aid non-profits and a longtime resource for qualifying tenants in need of legal support. He was given a big job: with more than 20,000 manufactured home owners, Delaware has one of the country's highest per capita rates of residents in manufactured home communities, and conflict between home owners and community owners are common. The relationship between a typical manufactured home owner and community owner is as prone to dispute as other landlord/tenant relationships, with the added complication that manufactured homes are semi-permanently placed on a rented lot and that many manufactured home owners live on fixed income or similarly difficult economic circumstances. Until the MHO's creation, there was not a dedicated, universal, public resource available to assist in these disputes (with the exception of the Consumer Protection Unit (CPU), which was built to specialize in consumer law enforcement and could not provide the kind of hands-on assistance needed in many disputes).

Brian's hire thus represented a dramatic leveling of the playing field for manufactured home owners, who for years had struggled to find help when they were mistreated by community owners. While the MHO does investigate complaints and refer them to the Consumer Protection Unit (CPU) when there are violations of Delaware, most of the MHO's efforts involve working with home owners and community owners to resolve their disputes and to educate them on their rights and responsibilities. Brian can act quickly and informally to help disputes reach amicable resolution, without the need to open formal investigations; often, that is precisely the service that these disputes need. In January 2021, the Fraud Division continued to build on its housing justice

work by securing a contract with CLASI, which the DOJ monitors and manages, to provide free legal representation to manufactured home owners in disputes with their community owners.

When the COVID-19 pandemic hit Delaware, Brian was tapped as part of a small team of DAGs who worked on Delaware's emergency orders in the spring of 2020. As the pandemic spread and its economic impact worsened, it became clear that the nation was staring down another "once-in-a-lifetime" housing crisis. That summer, the Fraud Division built on the MHO's creation by creating the Consumer Mediation Unit. Just as the MHO absorbed and dedicated staff to the non-enforcement pieces of the CPU's manufactured housing work, the CMU broadly absorbed the rest of the CPU's non-enforcement functions — including all of the DOJ's housing justice programs — and centralized them in a unit with the additional management support needed to provide the best possible assistance to consumers. Brian was selected as the CMU's Director and, in addition to carrying out his duties as MHO, supports programs including the CICO, the Office of Foreclosure Prevention, the Residential Mortgage Mediation Program, and the reception and intake teams for consumer complaints, including DOJ's informal consumer mediation program.

The pandemic housing crisis has impacted homeowners and tenants alike, but the housing assistance programs born out of the Great Recession virtually all focused on mortgages. The pandemic, the associated emergency orders, and a litany of state and federal eviction restrictions created a great deal of confusion among landlords and tenants. Throughout the initial confusion, the CMU fielded inquiries and helped direct landlords and tenants to the information and resources that they needed. Brian handled many of those calls personally.

Brian's housing and consumer work has extended to public policy reform. He's a critical part of a team that worked on successful legislation banning so-called "evergreen" contracts (i.e., those with hidden, automatic renewals that are difficult to cancel), along with pending legislation that would establish and fund a tenant right to counsel. He is also part of a working group, together with tenant advocates and the Justice of the Peace Courts, tasked with trying to implement a voluntary eviction diversion program and additional programs to help tenants access rental assistance and other resources. With many analysts and advocates warning of an eviction crisis in the wake of eviction moratoria expiring around the nation, these efforts are more critical than ever.

Delawareans seeking information from the Consumer Mediation Unit, or seeking help from the DOJ's housing justice programs, can reach the Unit at (302) 683-8839.

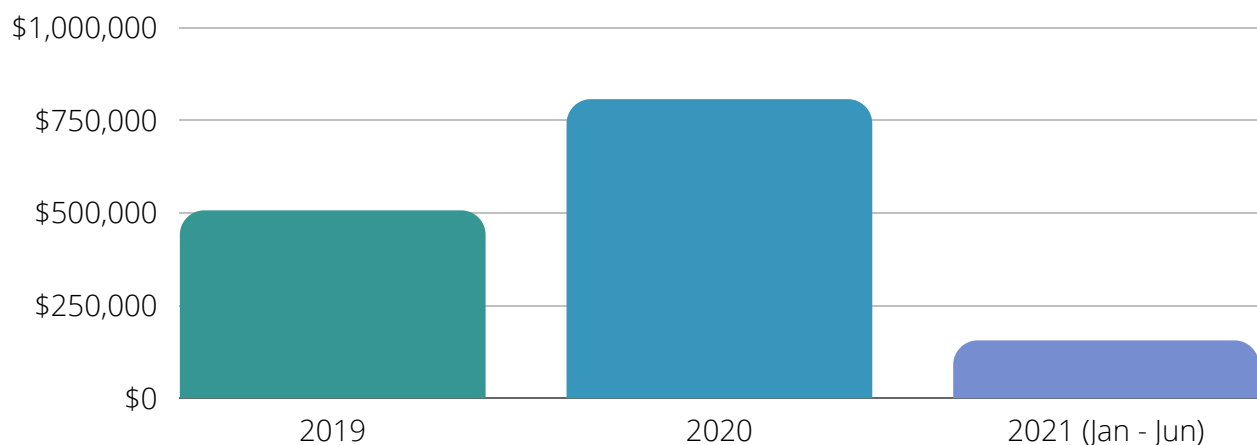
INVESTOR PROTECTION UNIT

The Medicaid Fraud Control Unit's (MFCU) mission is to protect Delaware's most vulnerable citizens and the taxpayers who fund the Medicaid program. MFCU has statewide criminal jurisdiction to investigate and prosecute Medicaid provider fraud, medication diversion, and abuse, neglect, mistreatment, theft, or financial exploitation of any patient or resident of any facility defined by Delaware law. MFCU also handles Medicaid provider fraud under the Delaware False Claims and Reporting Act and collaborates with federal and state partners to tackle statewide fraud, waste, and abuse. The Unit also performs health care fraud outreach and educational training at long-term nursing facilities, police departments, and police academies.

HIGHLIGHTS: INVESTOR PROTECTION UNIT

- Since 2019, IPU had opened more than 250 new investigations.
- In 2019, IPU filed complaints against an entity engaged in a "joint venture" scheme — an investment structure used to circumvent securities laws — involving real estate investments. In 2020, IPU also filed an over-70-count complaint against Swan Energy for selling speculative oil and gas investments as joint ventures. At least three Delawareans had collectively invested over \$1 million.
- In 2019, IPU investigated an entity that targeted retirees by pitching speculative oil and gas investments. IPU ultimately secured \$100,000 in restitution for victims.
- After an examination of a Delaware-based investment adviser, IPU filed a complaint for various violations of the Delaware Securities Act, including records violations, unlawful custody of client funds, and misrepresentation of advisory services or fees.
- Prompted by a whistleblower complaint, IPU investigated a number of issuers and broker-dealers for proxy solicitation fraud that impacted billions of dollars of shares.
- Delaware sued the SEC, seeking to vacate its Regulation Best Interest, which undermined critical protections for retail investors.
- In 2019 and 2020, IPU contributed \$45,734,363 to the State budget's General Fund through registration fees on securities, firms, and investment professionals

SINCE 2019, IPU HAS COLLECTED OVER **\$1.4 MILLION** IN RESTITUTION FOR DELAWAREANS.



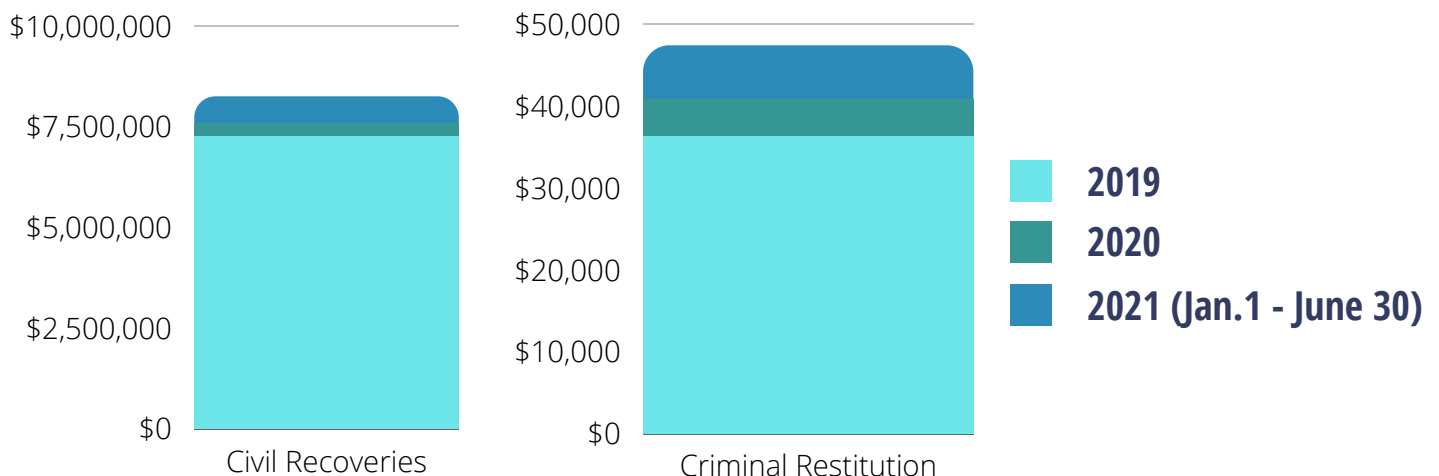
MEDICAID FRAUD CONTROL UNIT

The Medicaid Fraud Control Unit's (MFCU) mission is to protect Delaware's most vulnerable citizens and the taxpayers who fund the Medicaid program. MFCU has statewide criminal jurisdiction to investigate and prosecute Medicaid provider fraud, medication diversion, and abuse, neglect, mistreatment, theft, or financial exploitation of any patient or resident of any facility defined by Delaware law. MFCU also handles Medicaid provider fraud under the Delaware False Claims and Reporting Act and collaborates with federal and state partners to tackle statewide fraud, waste, and abuse. The Unit also performs health care fraud outreach and educational training at long-term nursing facilities, police departments, and police academies.

HIGHLIGHTS: MEDICAID FRAUD CONTROL UNIT

- In January 2019, MFCU settled allegations that Walgreen's fraudulently over-dispensed insulin pens, overbilled Medicaid for prescription drugs, and failed to disclose or charge lower drug prices offered through a discount program. The settlements returned \$586,000 to Delaware's Medicaid program (DMMA).
- In February 2019, MFCU helped secure justice against a former Chimes group home employee, who pled guilty to inappropriately filming a cognitively delayed resident.
- In November 2019, MFCU settled allegations that Newark Manor Nursing Home provided substandard, worthless services to its residents, inaccurately reported certain residents' clinical conditions, failed to provide adequate staffing for resident care, and failed to prevent harm to its residents. The settlement returned \$175,000 to DMMA and reinvested \$206,000 into the facility for improvements.
- MFCU opened three self-generated data mining fraud cases involving a pharmacy, a pediatric dentist, and a family practitioner in 2020.
- MFCU and the U.S. Attorney's Office conducted a joint *qui tam* investigation of a cardiologist with a history of maximizing the number of cardiac stress tests administered by inadequately reporting test results. The settlement returned \$100,000 to DMMA.

MFCU HAS RECOVERED MORE THAN \$8.2 MILLION SINCE 2019.



WHITE COLLAR CRIME UNIT

The White Collar Crime Unit (WCCU) enforces a variety of civil and criminal laws involving financial misconduct and fraud. The WCCU investigates and prosecutes primarily business-related crimes, including monetary theft, embezzlement, money laundering, tax fraud, and home improvement fraud matters. With a focus on complex financial and fraud-related crime, the Unit initiates investigations and also receives referrals from federal, state, and local investigative agencies. The Unit is also active in combating criminal fraud targeting seniors and vulnerable adult victims. In addition, the WCCU houses the DOJ's Tobacco Litigation and Enforcement efforts under provisions of the tobacco settlement with cigarette manufacturers.

HIGHLIGHTS: WHITE COLLAR CRIME UNIT

- The WCCU launched in October 2019, combining Fraud and Criminal Division resources to address a variety of complex financial crimes in a dedicated unit.
- DOJ's 2019 enforcement of the False Claims Act secured settlements that included more than \$500,000 dollars from claims against Overstock.com.
- In 2019, WCCU obtained felony convictions and a prison sentence against a serial offender who defrauded senior victims of more than \$600,000.
- Also in 2019, WCCU was involved in the seizure of \$500,000 cash on suspicion for Unlicensed Money Transmittal and Money Laundering, after federal investigators noted the suspicious nature of this and other financial dealings by the suspect. WCCU is coordinating with federal authorities to identify appropriate criminal enforcement.
- In 2020, WCCU coordinated the investigation leading to the conviction of a North Wilmington defendant using a cleaning service to steal from more than 50 victims, in a matter prominently featured by local media.
- WCCU secured restitution and a guilty plea to unlawfully providing access to a computer system for a Chinese national who committed theft through WeChat and illegally accessed the University of Delaware's computer system.
- WCCU successfully prosecuted the internal theft of more than \$73,000 from the offices of a psychiatrist in 2020.
- In 2020, Delaware participated in a multistate investigation into JUUL Labs, producer and distributor of vaping products.
- WCCU has played a central role in coordinating state and federal efforts to identify and combat the theft of pandemic relief funds.





ADMINISTRATIVE DIVISION

The Administrative Division, led by Chief of Staff Robert Coupe, is an integral part of the DOJ. They provide core administrative services essential to the Department's day-to-day operations and to the AG's mission.

The Administrative Division is responsible for drafting and promoting legislation for the AG, maintaining the Department's daily operations, overseeing human resources and employee affairs, implementing the AG's vision within the office, and communicating with the public and press.

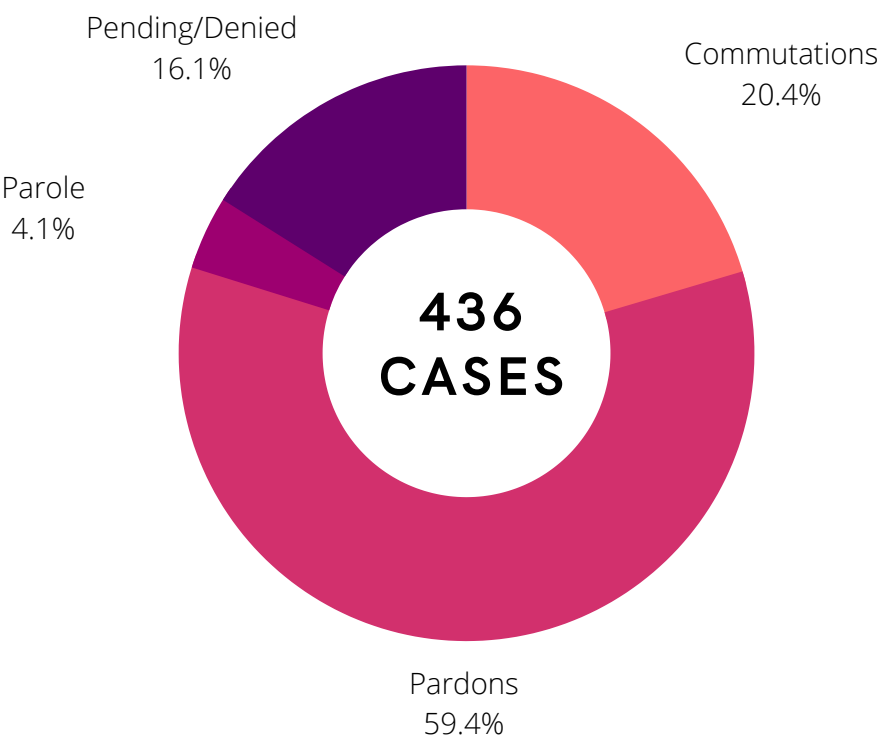
The Communications Office, Fiscal and Accounting Section, Human Resources, Information Technology (IT), Policy and Legislative Director, Director of Operations, Extradition Unit, and Special Investigations Unit fall under the auspices of the Administrative Division.

UNITS OF THE ADMINISTRATIVE DIVISION

COMMUTATIONS, PARDONS, AND PAROLE REVIEWS

For Delawareans with a criminal record, past mistakes can create a life-long struggle for employment, professional licensing, public housing, social services, education, and other opportunities. Known as collateral consequences, these obstacles to the building blocks of a normal life routinely serve as a barrier to successful re-entry and drive the cycle of release, recidivism, rearrest, and re-incarceration.

On February 15, 2019, AG Jennings announced a comprehensive slate of internal reforms for prosecutions, including a directive for prosecutors to begin supporting commutations, expungements, and pardons when appropriate. People who have served their time and have been rehabilitated should have a fair shot at a second chance — period. While the AG does not have the authority to grant clemency directly, the DOJ reviews requests for commutation of a sentence, pardon, or parole and makes appropriate recommendations to the deciding Boards.



In the first half of 2021, the Board of Pardons in New Castle County granted 30 commutations and 188 pardons; the Board of Pardons in Kent County granted 4 commutations and 74 pardons; the Board of Pardons in Sussex County granted 8 commutations and 67 pardons; and the Statewide Board of Parole granted 47 commutations and 18 paroles.

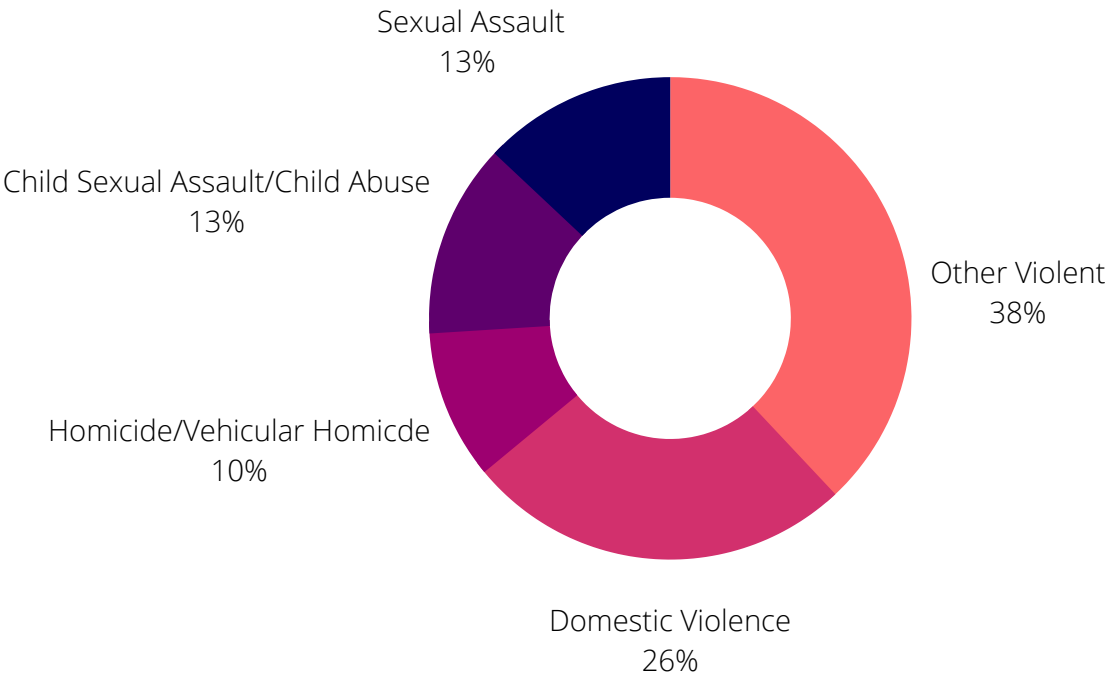
HIGHLIGHT: VICTIM ASSISTANCE

The DOJ's public safety work is about more than investigation and prosecution – it is also about helping victims and their families along the road to recovery.

Unless you've been one yourself, it's difficult to understand the trauma that victims of crime experience. Crime — particularly but not exclusively violent crime — can have a chilling psychological effect on victims, on top of possible physical harm. Oftentimes it also comes with a serious financial burden, from new locks and lost income to medical expenses and counseling services, up to funeral costs in the most heinous instances.

That's where the Victims' Compensation Assistance Program (VCAP) comes in. VCAP was established by the General Assembly in 1974 to provide a means of meeting the additional hardships imposed upon the victims of certain crimes by indemnifying those persons for losses sustained as a result of those crimes. In 2010, the program was modified and placed under the DOJ's jurisdiction.

IN FISCAL YEAR 2020, THE VICTIMS' COMPENSATION ASSISTANCE PROGRAM HELPED 1,350 VICTIMS OF CRIME, AWARDING MORE THAN \$2 MILLION IN SUPPORT.



VCAP can provide compensation for many types of services, including: medical and/or dental expenses for victims; mental health treatment or counseling; wage or income loss; income loss to a custodian while providing care to a child victim; costs of attending court proceedings; loss of support for victims and dependents in certain situations; moving/relocation expenses or temporary housing; changes of locks, doors, or windows to keep a residence safe; replacing items seized as evidence by police; and funeral and/or burial expenses.

In order to be eligible, the victim must cooperate with law enforcement and VCAP staff, must report the crime to law enforcement within 72 hours, and must file a claim with VCAP within 1 year (though both deadlines can be waived by VCAP when warranted). VCAP does not compensate for property that is lost, damaged, or stolen during the commission of a crime, nor for pain and suffering, and is a payor of last resort (i.e., claims for costs covered by other sources, such as insurance, will not be approved).

VCAP is administered by a small team of 8 employees and does not rely on tax dollars; instead, the program is funded by an 18% surcharge that is levied on all criminal offenses, including motor vehicle offenses, in addition to restitution paid by offenders, probation interest, subrogation reimbursements, and a federal grant. VCAP has remained solvent for many years; the Victims' Compensation Fund balance at the end of FY 2020 was more than \$4 million.

Despite VCAP's strong financial health, the program suffered from an outdated enabling statute that led to suboptimal effectiveness and efficiency. House Bill 182, passed unanimously by the General Assembly this year, fixes several issues in VCAP including:

- increasing the program's funeral expense cap to \$5,000 and increasing the burial expense cap to \$2,500
- updating the claim application process
- expanding the population of eligible victims to include victims of human trafficking
- extending deadlines to request reconsideration and file appeals
- lifting an employment cap that limited the number of employees VCAP could employ; under the new law, VCAP can add staff through additional grant funding.

VCAP is an extremely valuable resource that has helped thousands of Delawareans. To learn more about the program, or to begin a claim application, call (302) 255-1770 or the Delaware Helpline at (800) 464-HELP, or visit de.gov/vcap (case-sensitive).

EXTRADITION UNIT

The Extradition Unit is responsible for transporting absconders who have committed the most serious crimes back to Delaware to face charges. The Unit is made up of a chief detective, five detectives, and one administrative assistant.

In addition to extraditions, the unit is responsible for preparing and executing Governor's Warrants, which are requests from one governor of a state to another for an absconder in their custody be returned. On average, the Unit prepares ten to 20 Governor's Warrants and executes six to ten each month.

HIGHLIGHTS: EXTRADITION UNIT

- In an average month, the Unit travels approximately 13,000 miles by car and by air to conduct 70 to 95 extraditions.
- At the start of the pandemic, the Unit developed policies that evaluated the need to move wanted persons, resulting in less movement and sometimes resolving cases without requiring a return to Delaware.
- During 2020, Concealed Carry of a Dangerous Weapon (CCDW) permit requests skyrocketed. The Extradition Unit stepped in to assist the Special Investigations Unit to handle the influx.

SPECIAL INVESTIGATIONS UNIT

The Special Investigations Unit conducts investigations for the DOJ's various Divisions. Investigations include suspect interviews, witness interviews, collection and review of evidence and/or documents, and assisting Deputy Attorneys General in the presentation of cases to State and Federal Courts, as well as other boards and hearings. In addition, the Special Investigations Unit conducts background checks for Concealed Carry of a Dangerous Weapon (CCDW) permits and for all DOJ employees.

HIGHLIGHTS: SPECIAL INVESTIGATIONS UNIT

- The unit conducted 136 pre-employment background investigations on potential Department of Justice hires in 2020. This number is down from 437 in 2019 due to a policy change: background checks are now only conducted on the top candidates for a position, rather than all applicants.
- Since January 1, 2019, the unit has conducted more than 14,000 background investigations for CCDW permits.
- Beginning in March 2020, the office obtained and issued personal protective equipment (PPE) that allowed the Extraditions Unit to continue to safely and securely move prisoners back to Delaware.
- In 2020, the unit handled 930 requests for investigatory subpoenas from law enforcement officers.

CONTACT US

DIVISIONS

CRIMINAL DIVISION (WILMINGTON): (302) 577-8500

CRIMINAL DIVISION (DOVER): (302) 739-4211

CRIMINAL DIVISION (GEORGETOWN): (302) 856-5353

CIVIL DIVISION: (302) 577-8400

FRAUD DIVISION: (302) 683-8839

DIVISION OF CIVIL RIGHTS & PUBLIC TRUST: (302) 577-5400

HOTLINES

CHILD ABUSE: (800) 292-9582

DELAWARE CRIME STOPPERS: (800) TIP-3333

CONSUMER PROTECTION & MORTGAGE: (800) 220-5424

INVESTOR PROTECTION: (302) 577-8424

HEALTHCARE PROVIDER FRAUD: (302) 577-5000

BULLYING: (800) 220-5414

DOMESTIC VIOLENCE: (800) 799-SAFE

ATTORNEY.GENERAL@DELAWARE.GOV

PARA ASISTENCIA EN ESPAÑOL: (877) 851-0482

DOVER OFFICE

**102 W. Water Street
Dover, DE 19904**

Mon. - Fri., 8 a.m. - 4:30 p.m.

WILMINGTON OFFICE

**Carvel State Office Building
820 N. French St.**

**Wilmington, DE 19801
Mon. - Fri., 8:30 a.m. - 5 p.m.**

GEORGETOWN OFFICE

**114 East Market St.
Georgetown, DE 19947**

Mon. - Fri., 8 a.m. - 4:30 p.m.



DE.AttorneyGeneral



@DE_DOJ



@DE_DOJ