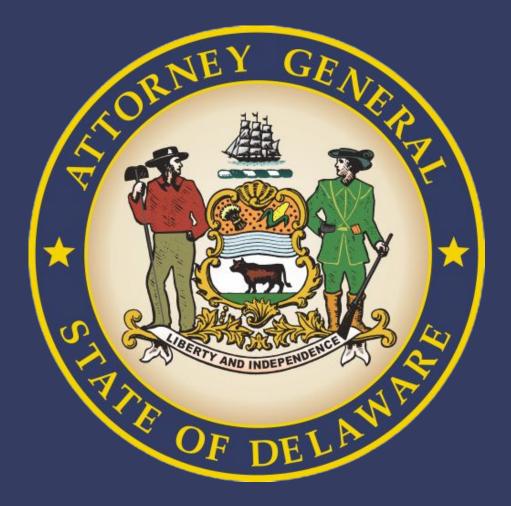
2022 ANNUAL REPORT

DELAWARE DEPARTMENT OF JUSTICE



ATTORNEY GENERAL KATHY JENNINGS



CONTENTS

- **3 A Letter from the Attorney General**
- 6 **DOJ Leadership**
- 7 Senior Leadership
- 13 Major Accomplishments
 - **14 Legislative Wins**
 - **17 Litigation Wins**
- **20 Initiatives**
- **26 Divisions**
 - **27 Administrative Division**
 - **38 Civil Division**
 - **50 Criminal Division**
 - **70 Division of Civil Rights and Public Trust**
 - **75 Family Division**
 - **84 Fraud and Consumer Protection Division**
- 96 Inside the DOJ

A LETTER FROM THE ATTORNEY GENERAL



Friends,

Three years ago, our state seemed to be at a crossroads. We were in the grips of a global pandemic that claimed more than a million Americans' lives. We were witnessing a national spike in gun violence that helped make guns the number one cause of death for our kids. We were gearing up to protect a free and fair election that proved to be unprecedented in our country's history. And we were fighting to responsibly reduce our prison population and recidivism rate at a time when both were too high.

Today, the picture has changed. Thanks in large part to legislative reforms and enforcement programs that we've fought hard to enact, gun violence in Delaware has plummeted by 30% since the national crime wave — more than twice as fast as the national average — including a 50% reduction in summer shootings. We've reduced our prison population by 25%, while convicting four out of every five indicted gun offenders. And we've cut recidivism by 12 points — a 60% decrease compared to where we were before I took office. We've focused on diversion and treatment for low-level offenses, so that the system can focus on serious crimes that put our community at risk. The most common leading conviction for a sentenced inmate in Delaware today is a gun offense; the least common is a misdemeanor drug offense. That's how it ought to be.

That's just the tip of the iceberg. Our lawsuits against Big Pharma have secured a quarterbillion dollars to help our state recover from the addiction epidemic. We secured the largest environmental settlement in our state's history. We're holding Big Oil accountable for the damage climate change has done to our state. We've fought to protect civil rights, reproductive rights, and the right to vote in Delaware. We've helped pass landmark criminal justice reforms and police reforms to make the system more fair and equal, and reformed our bail system to keep violent offenders from reoffending. We've established a Division of Civil Rights & Public Trust to take on hate crimes and public corruption.

I'm not satisfied — far from it. We have to fight to protect the progress we've made, including passing a handgun licensing bill supported by 70% of our state, permanently reforming our pretrial system to one based purely on public safety and flight risk, and ensuring that the opioid abatement funds we fought hard to secure are spent wisely. But I also know that we've come a long way — and that our best days still lie ahead.

I am grateful each day for the opportunity to serve this state. The Attorney General is the people's lawyer. We're here to take on the tough fights — and we are far from finished.

With gratitude,

Kathy



The Old State House Dover



DOJ Leadership

Leadership is the ability to inspire, guide, and influence others towards a common goal or vision. It plays an especially pivotal role in the criminal justice system, as it assures that the system operates fairly, effectively, and with empathy. To that end, the DOJ leadership, following the example of AG Jennings, is committed to the following principles:

- **Upholding the rule of law** The Attorney General is responsible for upholding the law and ensuring that it is applied fairly and consistently. Thus, the DOJ must lead by example, adhering to the highest ethical standards of honesty, transparency, and accountability.
- Securing public safety The Attorney General plays a key role in keeping communities safe by developing and implementing effective strategies to prevent crime and prosecute offenders.
- **Building public trust** The Attorney General has sought to build public trust and confidence in law enforcement and the justice system as a whole by prosecuting and eliminating public corruption wherever it is found. This is essential for encouraging community cooperation and support, which are critical to the success of any criminal justice initiative.
- **Promoting diversity and inclusion** AG Jennings has striven to create a diverse and inclusive workplace that reflects the communities we serve. This includes promoting diversity in hiring, providing training on cultural competency, and ensuring that all employees are treated with respect and dignity.
- **Managing resources** The Attorney General ensures that the DOJ manages its resources effectively, assuring that budgets are allocated wisely and that personnel are trained and equipped to do their jobs.

Leadership in the justice system carries immense responsibility. Attorney General Jennings and DOJ Leadership remain steadfast in the pursuit of fairness, accountability, and the safeguarding of justice.

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.



Rob 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.



Tyneisha Jabbar-Bey Deputy Chief of Staff

Tyneisha Jabbar-Bey serves as the Deputy Chief of Staff for the DOJ. Tyneisha is responsible for the management of the DOJ budget, human resources, facilities and operations, policies, recognition events, training, and executive administrative duties for the department. With over 20 years as a state employee, Tyneisha has experience in strategic planning, financial management, analytical decision-making, and problem-solving skills.

She began her career as a program analyst at the Department of Services for Children Youth and Their Families. She held various positions during her 12-year tenure, including Family Services Program Administrator, Quality Improvement Administrator, and Medicaid and Provider Billing Administrator. In 2012, she transitioned to the Department of Health and Social Services Division of Medicaid and Medical Assistance as the Chief of Financial Management. As Chief, she was responsible for Medicaid's 2.6-billion-dollar budget, mandatory federal reporting of Medicaid expenditures, and policies and procedures for the claims processing system.

Tyneisha, a native Delawarean, holds a bachelor's degree in Psychology from the University of Delaware. She currently lives in Wilmington with her husband and three children.



Patricia Davis State Solicitor

Patricia Davis is Delaware's State Solicitor. After graduating from Villanova University's Charles Widger School of Law in 1999, Patty worked as a defensive litigator for five years before joining the Delaware Department of Justice in 2004. Since that time, Patty has held a number of positions in the DDOJ's Civil Division representing a large variety of Executive branch agencies as general counsel, and as a defensive litigator. Specializing in administrative law and Delaware's Freedom of Information Act,

Patty rose through the ranks in the Civil Division, serving as a Unit Head, Deputy State Solicitor, and since 2022, State Solicitor.

When she's not at work, Patty enjoys spending time at the Delaware beaches with her dogs.



Albert "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-forhire, 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 highestrisk 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 Oberly 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 in1975, 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.





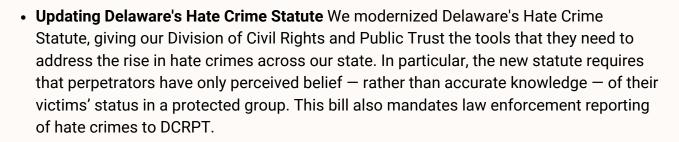




Legislative Wins

This legislative session has been one of the most significant that Delaware has seen in recent history. During the 2021-2022 legislative session. The DOJ put forth and supported numerous bills to improve the quality of life in Delaware. Every single person in the state of Delaware will see and feel the impacts of this General Assembly.

- A Historic Package of Gun Bills Together with the legislature, we advocated for and provided support and guidance on a package of gun bills that will make Delaware a safer place to live and work. This package bans assault weapons in the state of Delaware, raises the firearm purchase age from 18 to 21, eliminates mechanisms that turn semi-automatic weapons into automatic weapons, removes the civil liability shield for gun dealers and gun manufacturers, bans high-capacity magazines, and reinstates the FTAP background check system.
- Updated Strangulation Statute Non-fatal strangulation is a leading indicator of escalating violence in a relationship and one of the most significant risk factors for DV homicide. Our update to Delaware's strangulation statute made it clearer and easier for juries to understand, and increased the felony level to reflect the seriousness of the crime.
- Eliminating Fines and Fees This collaborative effort with our office, the Office of Defense Services, the Administrative Office of the Courts, and the advocate community has resulted in an elimination of many of the fines and fees that trap people who just can't pay them in the criminal justice system.



- **Deprivation of Civil Rights** In another win for our DCRPT team, we were able to pass a state deprivation of civil rights law mirroring the federal statute, making it a crime whenever someone, under the color or authority of law, willfully subjects another person to the deprivation of any rights protected by the Constitution or laws.
- The SAFE Package: Protecting Delaware's Children from Predators Two of our office's bills were part of this significant package aimed at protecting Delaware's kids HB 428, an expansion of the definition of child pornography that tracks upsetting new trends identified by our Internet Crimes Against Children Unit, and SB 289, an update to the sexual extortion statute to include photos and videos.
- Criminalizing Wage Theft This bill represents a joint effort with our office and the Department of Labor to address the serious issue of wage theft in the State of Delaware. It establishes a team comprised of two DOL Wage Theft Investigators, a DOJ DAG, and a paralegal. The DOL investigators will be responsible for investigating and assessing potential cases of wage theft and referring bad actors to DOJ for consideration for criminal prosecution.
- Adding Victims of Human Trafficking to the Address Confidentiality Act Our new Human Trafficking Unit will now be able to better support and protect victims of trafficking by supplying them with a Department of Justice-authorized substitute address.
- Protecting Camper/Trailer Tenants in Manufactured Home Communities Our Consumer Protection team identified a group of Delawareans who had fallen through the cracks: tenants living in immobile campers in manufactured home communities who own their home, but not the land on which it sits. Unfortunately, this group was protected by neither the landlord-tenant code nor the manufactured housing code. Our bill has expanded the definition of 'manufactured home' to better allow us to protect this group and provide them with services.

- Consumer Protection Fund and Investor Protection Fund Updates These bills more than tripled the retention caps for our Consumer Protection Fund (from \$3m to \$10m) and Investor Protection Fund (from \$150k to \$550k) in order to allow the Fraud and Consumer Protection Division a more predictable and stable source of funding for the vital work that they do in service to Delaware's consumers.
- Shifting DOJ's Discovery Burden This bill helps our Impact Litigation Unit address a new litigation tactic that big corporations are trying with state Attorneys General all across the country using Attorney General access to state records to request massive tranches of records from other agencies. This bill will affirm that agencies have the third-party record protections to which they should already be entitled.
- Student Loan Repayment Awards for DOJ Attorneys We are so proud of this bill, which was a joint effort between our office, the Office of Defense Services, and the Administrative Office of the Courts. In recognition of the dedication of our excellent attorneys, who have chosen a path of public service over high-paying corporate jobs, the state will provide annual awards of \$2,500-\$5,000 to help with the repayment of student loans for up to ten years of service.

And these are just our bills - we were also able to provide support, counsel, and when necessary, corrections on countless bills impacting our office and the people we serve.





Litigation Wins

- Following a more than year-long investigation involving dozens of witness interviews and thousands of document reviews, AG Jennings and the DOJ's Division of Civil Rights & Public Trust (DCRPT) announced the indictment of State Auditor Kathleen McGuiness. A Kent County jury found McGuiness guilty of three misdemeanors: official misconduct, conflict of interest, and structuring a contract to avoid a procurement policy. The first conviction of a sitting statewide elected official affirmed AG Jennings' belief that no one is above the law or beneath justice.
- A fetal tissue ordinance enacted by Seaford City Council late last year was overturned following a successful legal challenge by Attorney General Kathy Jennings and the Delaware Department of Justice. The ordinance, enacted on December 14 with an original effective date of January 22, would have forced anyone who had a surgical abortion at an "abortion facility" or a miscarriage at a "health care facility" to have the fetal tissue interred or cremated at their own expense, despite the hardship on patients and clear preemption by State law. AG Jennings filed suit on January 11, after twice warning the Seaford City Council that State law preempted the ordinance. Council passed the ordinance despite those warnings, with a promise that an anonymous outside donor would fund the defense against the State's incoming lawsuit. The Court's ruling overturned the ordinance and awarded costs to the State.
- The Delaware DOJ's Division of Civil Rights and Public Trust (DCRPT) has secured the first fair housing settlement in its history. The complaint, filed with the Delaware Division

of Human Relations (DHR) by a tenant with a disability, alleged that River Terrace violated the Delaware Fair Housing Act when it refused to grant them full use of an emotional support animal as a reasonable accommodation for their disability. The settlement resolved the tenant's complaint and required the defendants to create a written reasonable accommodations policy, complete fair housing training, and pay \$2,500 in damages.

To file an administrative complaint with DHR for violation of the Delaware and/or Federal Fair Housing Acts, fill out a DHR intake housing Discrimination Complaint Form at <u>https://deregistrationdos.secure.force.com</u>. Administrative complaints must be filed with DHR within one year of the most recent discriminatory act.

- The Attorney General's Division of Civil Rights and Public Trust secured a historic guilty verdict in a felony hate crimes case. A New Castle County jury convicted Defendant Matthew Gregg of Hate Crimes, Harassment, and Terroristic Threatening, for repeatedly verbally attacking an African-American woman on Governor John Carney's staff with threats and racist/sexist slurs. The verdict marked the first trial conviction for a felony hate crime by DCRPT.
- Attorney General Jennings secured a \$20 million settlement with mortgage lender Trident Mortgage Company as part of a multistate coalition with the Attorneys General of New Jersey and Pennsylvania, in partnership with the Consumer Financial Protection Bureau and the U.S. Department of Justice. The settlement resolved allegations of "redlining" in the greater Philadelphia region, including New Castle County. The deal requires Trident to provide individual subsidies of up to \$10,000 in support of new mortgages for owner-occupied homes in majority-minority neighborhoods to qualified applicants.
- Four Wilmington men were indicted following an investigation into a series of connected events in which the defendants were alleged to have stolen motor vehicles and used them in several shooting incidents, a carjacking, multiple car thefts, and at least one high-speed chase. The four were collectively indicted on 75 charges, including 63 felonies stemming from a nine-day crime spree.
- A Wilmington man, and former Tower Hill School employee, was indicted on charges arising from a child pornography investigation by members of the Department of Justice and Delaware State Police assigned to the Internet Crimes Against Children (ICAC) Task Force. Ex-Tower Hill employee faces seven felonies, including five counts of Dealing in Child Pornography.





INITIATIVES



AG Jennings' Abortion Legal Helpline

Following the Supreme Court's decision overturning *Roe v. Wade*, women's reproductive rights were severely restricted, and in some states completely erased. Although abortion is legal in Delaware and abortion rights have been codified under Delaware law since 2017, AG Jennings responded. The DOJ, in collaboration with nearly a dozen partner law firms and several nonprofit and advocacy groups, formed the Abortion Legal Helpline. The Helpline provides free legal advice to anyone needing guidance, including: "know your rights" guidance and referrals to Delawareans seeking abortions; patients seeking to travel to Delaware to obtain an abortion; people and organizations providing support to these patients; and healthcare providers.

The Helpline will also develop legal resources for patients, providers, and supporters; provide guidance on organizational policies to support access to reproductive healthcare; research and advise on organizational policies to support access to reproductive healthcare; participate in litigation and other efforts to protect and improve access to reproductive healthcare.

Legal questions will be answered on a pro bono basis by attorneys in partner law firms, while service and support referrals will be referred to partner nonprofits, including Planned Parenthood of Delaware and the First State Abortion Fund. The AG's Abortion Legal Helpline can be reached at **(302) 992-8096** or toll-free at **(877) 312-2366** or online at <u>de.gov/abortionhelpline</u>.

"Our Abortion Legal Helpline is 100% free, completely confidential, and ready to help anyone — be they residents of our state, visitors, or providers."

-AG Jennings



Anti-Robocall Litigation Task Force

An estimated \$29.8 billion dollars was stolen through scam calls nationwide in 2021. Attorney General Kathy Jennings today announced that Delaware is joining a nationwide Anti-Robocall Litigation Task Force of 50 attorneys general to investigate and take legal action against the telecommunications companies responsible for bringing a majority of foreign robocalls into the United States. This bipartisan nationwide Task Force has one goal: to cut down on illegal robocalls. The Task Force is focused on shutting down the providers that profit from this illegal scam traffic and refuse to take steps to otherwise mitigate these scam calls.

Attorney General Jennings offers the following tips to avoid scams and unwanted calls:

- Be wary of callers who specifically ask you to pay by gift card, wire transfer, or cryptocurrency. For example, the Internal Revenue Service does not accept iTunes gift cards.
- Look out for prerecorded calls from imposters posing as government agencies. Typically, the Social Security Administration does not make phone calls to individuals.
- If you suspect fraudulent activity, immediately hang-up and do not provide any personal information.
- Contact the DOJ's Consumer Protection Division at (800) 220-5424 or e-mail consumer.protection@delaware.gov



The Sarita Wright Lucas Law Clerk Program

Named in remembrance of a much-loved deputy, the Sarita Wright Lucas Law Clerk Program offers law students the rare opportunity to gain experience in almost every legal background in a professional and friendly environment.

To the extent practicable, our summer law clerks are fully integrated into the work and life of the Department, with the goal of gaining a realistic view of the rewards and demands of public service during their 10 weeks of service.

Many summer law clerks have said our program was one of the most interesting and beneficial experiences of their lives. As law clerks, participants are afforded the opportunity to work in several practice areas with different attorneys in a collegial atmosphere.

Upon graduation from law school, former summer law clerks are given strong preference in our hiring process. Many current Deputy Attorneys General served with the Department as summer law clerks.

In addition to hosting approximately 18 law clerks per year, the program also welcomes the Biden and Fair and Just Prosecutions Fellowship Programs.

Since 2019, 16 law clerks have been hired as DOJ employees, including five from the 2022 cohort.



The Spark Program

Launched in 2022, the DOJ's Spark Program was designed to encourage high school and undergraduate students to consider employment opportunities within the DOJ's various units. With occupational opportunities in areas ranging from nursing, social work, operations, IT, and, of course, law, students are able to experience a wide variety of placements available at the DOJ. Sucessful students are able to return year after year from high school through their undergraduate careers and potentially become DOJ employees or Sarita Wright Lucas Law Clerks.

The Research, Planning, and Special Projects Unit is proud to have partnered with The Future Leaders Internship Initiative (FLii) Program, in a six-week summer initiative that provides professional development and opportunities to high-potential high school students eager to gain real-world experiences and better understand the pathways to successful careers in government.

Spark undergraduates spend eight weeks learning about the DOJ and performing tasks appropriate to their competency levels. Interested undergraduate students may apply for an internship with the Spark Program regardless of where they attend school. Undergraduate students in the inaugural cohort came from the University of Delaware and the University of New Haven. We look forward to expanding the program to accept more students next year.

