

2023 ANNUAL REPORT

**ATTORNEY GENERAL
KATHLEEN JENNINGS**

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A MESSAGE FROM THE ATTORNEY GENERAL

Friends,

I am honored to present the Delaware Department of Justice's 2023 Annual Report, which highlights our ongoing commitment to ensuring justice, safety, and the protection of rights for all Delawareans. Our office has continued to make strides in public safety, consumer protection, and safeguarding Delaware's civil rights and liberties.

Following a nationwide spike in gun violence and other violent crime, I am extremely proud to report that, according to our most recently available data, violent crime in Delaware has reached its lowest level on record. That's been true across the State: shootings fell by roughly 25% in Dover, 50% in Wilmington, and 20%

statewide. This achievement is the result of many years of hard work, marked by teamwork with law enforcement, innovative crime prevention programs, and policy reforms that protect victims and reduce recidivism. These efforts have made our communities safer — from 2020 through 2023, Delaware saw a net decline of 300 shootings.

We have also seen a 25% reduction in our sentenced prison population since 2019, a testament to our focus on criminal justice reform and the implementation of alternative sentencing programs. By prioritizing restorative justice and emphasizing rehabilitation over incarceration, we are working towards a more fair, equal, and effective justice system — one that keeps our families safer and our communities stronger.



And, in what I believe is the ultimate measure of success for any criminal justice system, we have slashed recidivism by 60% since 2019. That is a credit to the Governor, the Department of Correction, Probation & Parole, the Board of Pardons, and outstanding reentry efforts in the public and nonprofit sectors. And it makes an immeasurable difference in the lives of former offenders and their families. Delawareans who are successfully returning to their communities, and especially those who are eligible for expungements, are getting a real shot at rebuilding a second, better life.

We've also been busy in the Courts and in Legislative Hall, where we are doing everything in our power to defend the fundamental right to vote; to protect a woman's right to an abortion without interference; and to pass, enforce, and defend reasonable gun safety regulations that make our state a safer place to raise a family.

We owe all of these accomplishments to steadfast work of the DOJ's staff, the men and women of Delaware's oldest, largest, and best law firm. Our staff is made up of some of the most dedicated, tireless public servants I've ever known. Being a part of their team has been the honor of my life. This report details their accomplishments and provides an in-depth look at the work we do every day to uphold justice and serve the people of Delaware.

Thank you for your continued trust and support. Together, we will strive to build a safer, fairer, and more just Delaware.

Sincerely,



Attorney General Kathy Jennings





ABOUT THE DOJ

The Delaware Department of Justice, is the chief law enforcement agency in the state. It is dedicated to upholding the rule of law and protecting the rights and safety of Delaware's citizens. The department is responsible for prosecuting criminal cases, representing the state in legal matters, and providing legal advice to state agencies and officials. Under the leadership of the Attorney General, the office works tirelessly to ensure that justice is served in a fair and impartial manner, addressing everything from violent crimes to white-collar offenses.

In addition to its prosecutorial duties, the Delaware Department of Justice plays a

vital role in consumer protection, environmental enforcement, and public advocacy.

The office handles issues such as fraud, abuse, and corruption, offering support and resources to victims while pursuing justice against wrongdoers. Moreover, it actively engages in legislative initiatives to enhance public safety, improve the criminal justice system, and protect vulnerable populations. Through a combination of legal expertise, community outreach, and policy development, the Delaware Department of Justice strives to create a safer and more just environment for all residents of the state.

MAJOR ACHIEVEMENTS

In 2023, the Delaware Office of the Attorney General made significant strides in legislative achievements, reinforcing the state's commitment to justice and public safety. The 152nd General Assembly was a historic legislative session where massive policy changes were made. Key initiatives included the enactment of robust measures to protect Delaware's children and patients, enhanced investor protection laws to safeguard citizens against fraud and deceptive practices, and new reforms aimed at increasing transparency, due process, and accountability for police officers.

***"The most consequential
police reform in 50
years."***

Additionally, the office championed legislation to combat official misconduct.

These legislative successes reflect a proactive approach to addressing the pressing issues facing Delawareans, underscoring the Office's dedication to fostering a safer and more equitable community.



- The Delaware Personal Data Privacy Act. For years now, our team has been working on an omnibus data privacy bill that would establish fundamental rights to data security for Delawareans. Delaware has now become the tenth state with a comprehensive data privacy law – and proudly, we are the strongest in our regulation of the data being collected about our children. This bill has taken hundreds of hours of negotiations against Big Tech and big businesses intent on continuing to collect and sell Delawareans’ most personal data. It will establish a 4-person Technology Enforcement Unit within the Fraud and Consumer Protection Division.
- Establishing the crime of Obstruction of Justice. Delaware now has an Obstruction of Justice statute to address behavior that impedes investigation and prosecution but does not fit within the specific categories of witness tampering, tampering with physical evidence and perjury.
- Strengthening Delaware’s Official Misconduct Statute. Since 2019, we have lobbied for this bill to update Delaware’s Official Misconduct Statute to allow our office to increase the level of the Official Misconduct charge in accordance with the seriousness of the underlying crime. Again and again, lawmakers have gotten cold feet during the process and abandoned the effort. This year, we were finally able to get our bill all the way to the Governor’s desk for signature.
- Modernizing Delaware’s Securities Act. Our Investor Protection Unit, under the leadership of Jill Lazar, designed this thoughtful and impactful modernization to Delaware’s Securities Act. This bill was unanimously passed through each committee and Floor vote, and garnered praise from legislators for its attention to detail and dedication to protecting Delaware’s investors.
- Child Abuse and Endangering the Welfare of a Child Statutes. Our team was able to get two DOJ priority bills added to the Child Protection Accountability Commission’s legislative package this year. HB 182 is an update to the Child Abuse statute that increases penalties for certain levels of child abuse and establishes a new crime of Child Torture. HB 183 creates new penalties for endangering the welfare of a child through exposure or ingestion of drugs. These bills should be common-sense for legislators, but required significant effort and education on our part to get them to the Governor’s desk.

- Closing the “Day Program Loophole” in Delaware’s Patient Abuse Statute. Our team identified a troubling loophole in Delaware’s patient abuse statutes and successfully worked with the legislature to pass Senate Bill 123 and close it.
- Expanding Our Ability to Request Wiretap Orders. This update to the wiretap statute will allow the heads of the Family Division, Fraud and Consumer Protection Division and the Division of Civil Rights and Public Trust to request wiretap orders, in addition to the Attorney General, the Chief Deputy Attorney General and the State Prosecutor.
- We still had a few bills that were in the legislative process and were at the top of our list to finish in January 2024. If passed, SB172 will allow our office to intervene in situations where manufactured housing tenants’ health and safety are at risk due to a pattern or practice of chapter 70 violations by property owners. It represents the first leg of the Attorney General’s “Housing Justice” agenda. It currently awaits a final floor vote in the House of Representatives.
- SB100 and SB101, two bills that would help our office better address enforcement in the fentanyl crisis are also still in process. We will continue to coordinate with legislators and members from the addiction advocacy community on a legislative plan that will best address this issue.
- We participated in two task forces. The first, established by Sen. Pettyjohn and Rep. Spiegelman, was to analyze the impact of changing Delaware’s definition of a firearm to match the federal definition, and the second was to design companion legislation that will mitigate the impact on the various appearance of ‘firearm’ in other places in the code.
- Finally, the Residency Requirements for DOJ Division Directors were updated. Gone are the successfully updated our regulatory statute to allow more flexibility in where most Division Directors live, thus enabling the DOJ to fill critical roles.

YEAR END DATA

The Office of the Attorney General is pleased to present data insights from the 2023 fiscal year. This report highlights our commitment to justice, community safety, and legal integrity, reflecting our ongoing efforts to serve and protect the people of Delaware. From significant legal victories to enhanced consumer protection initiatives, the data presented underscores our dedication to upholding the law and ensuring the well-being of our communities. We thank our partners, stakeholders, and the citizens of Delaware for their continued support and collaboration throughout this productive year.

ACCOUNTABILITY



The DOJ maintains a robust framework for holding individuals, businesses, and public institutions accountable, reflecting its commitment to justice, fairness, and the rule of law.

This accountability extends to not just prosecuting street-level criminal activity, but includes fraud, corruption, and regulatory oversight, ensuring that violators face appropriate legal consequences.

By investigating and litigating cases involving consumer protection, investor protection and environmental regulations, the DOJ holds corporations and institutions responsible for unethical practices.

Most critically, the DOJ plays an important role in holding police agencies accountable and ensuring transparency in police use of force investigations. Through the Division of Civil Rights and Public Trust (DCRPT), the DOJ conducts independent investigations into incidents where police officers use both lethal and non-lethal force, examining whether such actions are legally justified and comply with departmental policies.

In 2023, the DCRPT spearheaded significant legislative advancements to enhance justice and accountability in the state. They successfully facilitated the passage of Delaware's first obstruction of justice law, aligning it with statutes in nearly every other state to criminalize intentional obstruction and interference with governmental functions.

Additionally, the DCRPT drove key amendments to the official misconduct statute, elevating certain offenses to felony status, broadening the scope of protected classes, and introducing a new subsection to address otherwise unaccounted-for misconduct.

The DCRPT also expanded the list of protected groups under the deprivation of civil rights statute, further strengthening protections against discrimination. These legislative achievements underscore the DCRPT's commitment to upholding justice and safeguarding civil rights in Delaware.

Additionally the DCRPT is responsible for monitoring systemic practices within police agencies to promote adherence to laws and ethical standards. This includes assessing compliance with use-of-force policies, examining patterns of behavior that may indicate systemic issues, and recommending reforms to improve police practices.

Transparency in these investigations is key, with findings made public to maintain community confidence, and demonstrate the DOJ's commitment to uphold justice, reinforce the standards of professional conduct within the police force, and protect civil rights.

5

Officer-involved shooting
reports released.

18

Police Use of Force
Investigations completed.

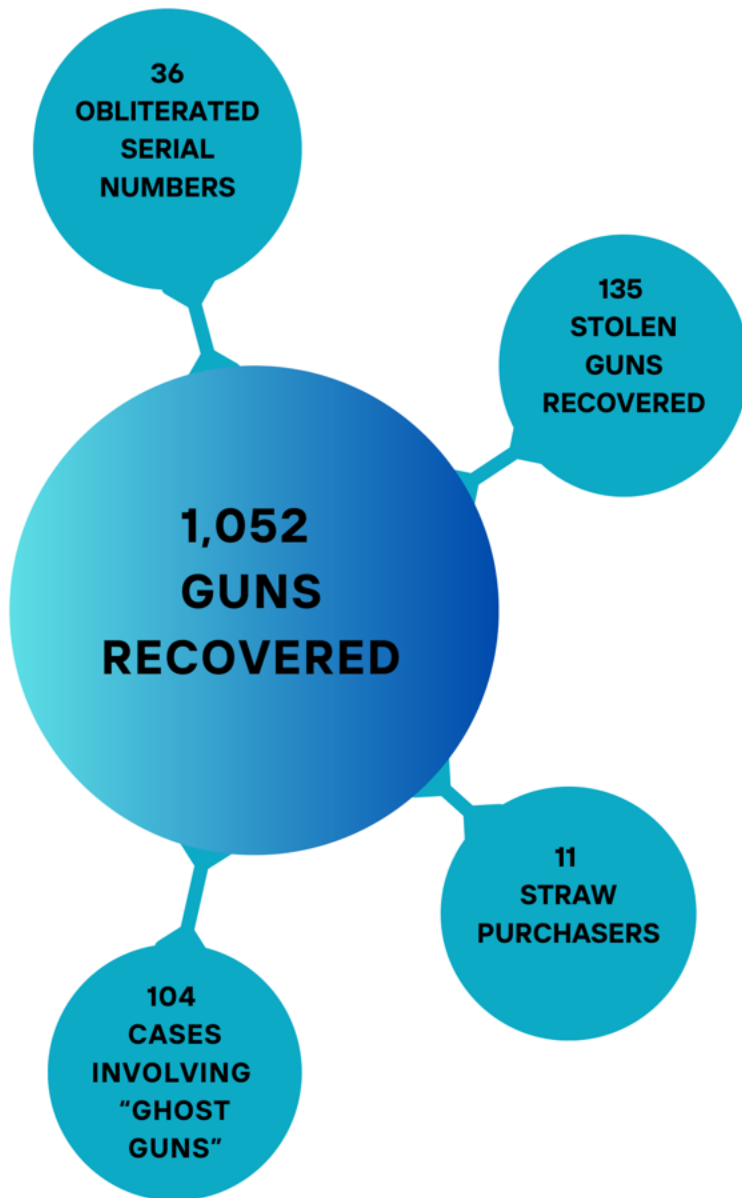
45

DCRPT Cases/Investigations
resolved.

203

Online DCRPT Complaints
Reviewed and Cleared

2023 GUN CRIME STATISTICS



The Delaware Department of Justice (DOJ) employs a comprehensive and integrated approach to combat gun violence, through a multifaceted strategy encompassing enforcement, prevention, and community engagement.

The DOJ collaborates closely with law enforcement agencies to target and prosecute gun-related crimes, focusing on dismantling illegal gun trafficking networks and removing firearms from dangerous individuals. Over the past three years, the DOJ has maintained a strong prosecution rate for gun charges, achieving 74% in both 2021 and 2022, and 71% in 2023.

Alongside these enforcement efforts, the DOJ supports prevention initiatives aimed at addressing the root causes of gun violence, such as educational programs and community organizations that work on violence interruption

and conflict resolution, especially in neighborhoods disproportionately affected by gun violence. The DOJ advocates for and supports legislation aimed at closing loopholes in gun laws, enhancing background checks, and imposing stricter penalties for gun crimes.

By integrating law enforcement with proactive community-based approaches, the DOJ is committed to creating a comprehensive response to gun violence that protects residents and enhances public safety.

DIVERSION

Diversionary tactics in criminal justice are essential strategies used to redirect offenders away from the traditional prison system towards more rehabilitative and restorative approaches. These tactics, which include programs like community service, treatment for addiction, and educational interventions, are designed to address the root causes of criminal behavior, rather than simply punishing the act. By focusing on underlying issues such as substance abuse, mental health problems, or socioeconomic factors, diversionary tactics aim to reduce recidivism and support offenders in becoming productive members of society.

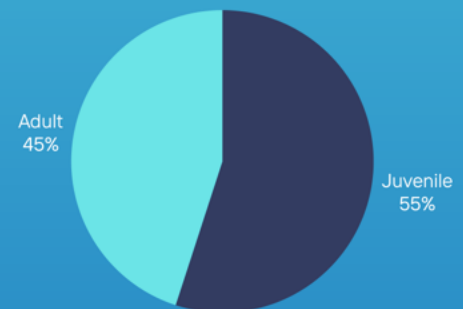
One of the key advantages of diversionary tactics is their ability to alleviate the burdens on the criminal justice system. Prisons and courts are often overwhelmed with cases that involve minor, non-violent offenses. By diverting these cases into alternative programs, the system can allocate resources more effectively, focusing on more severe crimes and offenders who pose a significant threat to public safety. This not only streamlines the judicial process but also reduces the overcrowding of correctional facilities, which can lead to improved living conditions and lower operational costs.

Diversion also plays a crucial role in mitigating the long-term impacts of criminal records. Traditional sentencing can have lasting consequences, such as difficulty in finding employment or housing, which perpetuate cycles of poverty and criminality. By prioritizing restoration and support over punishment, these strategies represent a forward-thinking approach to achieving justice and reducing crime.

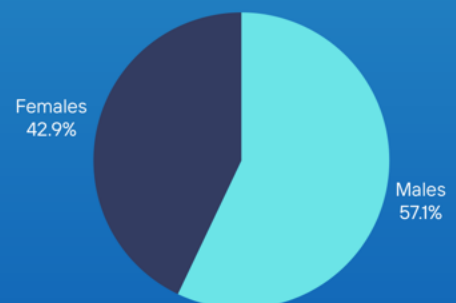
BY THE NUMBERS

1,018

Total number of Delawareans who received diversion instead of imprisonment. (This includes mental health court, arbitration, mediation, and school diversions.)

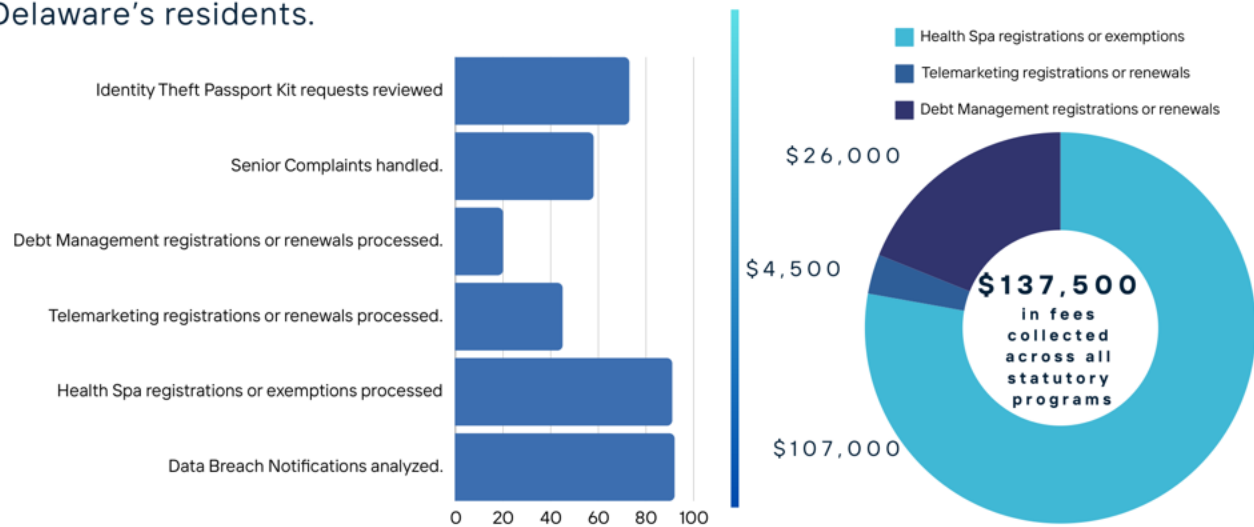


560 juveniles were sentenced to diversion versus 458 adults.



405 females and 558 males were diverted from the traditional criminal justice system.

The Consumer Protection Unit at the Delaware Office of the Attorney General is dedicated to safeguarding consumers from fraud and unfair business practices. This unit enforces consumer protection laws, investigates complaints, and takes legal action against businesses engaging in deceptive practices. It also provides educational resources to help consumers make informed decisions and resolve disputes. By maintaining a vigilant oversight on marketplace activities, the Consumer Protection Unit aims to ensure a fair and transparent economic environment for Delaware's residents.



The Investor Protection Unit within the Delaware Office of the Attorney General is responsible for enforcing securities laws and safeguarding investors from fraudulent and unethical practices. This unit investigates complaints about investment fraud, unregistered securities, and deceptive practices in the securities industry. It conducts examinations of investment firms, takes enforcement actions against violators, and educates the public on investment-related risks and best practices. By ensuring compliance with state and federal securities regulations, the Investor Protection Unit helps maintain a fair and trustworthy investment environment in Delaware.



COMMUNITY ENGAGEMENT

The DOJ's Community Engagement Unit hosted a series of events throughout 2023 to improve the lives of Delawareans.

- The CEU hosted its Community Health Wellness & Food Distribution Event at the Bowlerama Parking Lot in New Castle in April. The Food Bank of Delaware distributed food to approximately 195 clients which equated to more than 10,000 pounds of food. Attorney General Jennings attended and helped to distribute food members of the community.
- The CEU partnered with local agencies like DHSS, WPD, and DMV to address the ongoing issues that homeless individuals face when trying to obtain state identification cards. CEU assisted WPD in running records and determining eligibility to get a State ID card. The event was the first of its kind—we're working on making this a regularly-occurring event throughout the city.
- JP Morgan Chase Expungement Fair: The DOJ participated in JP Morgan Chase's Expungement Fair in April. Second Chance stakeholders joined together to offer guidance and help Delawareans apply for pardons and expungements. The fair was able to assist 130 individuals in beginning that complicated, expensive process.
- Monthly Community Pop-Up: The CEU hosted monthly pop-ups in the City of Wilmington to hand out resources to the homeless and facilitate the administration of COVID-19 and flu vaccinations with Division of Public Health. Since inheriting the event from Wilmington Police Department in 2021, the number of participating community partners and types of resources offered continues to grow—the monthly invitation is now circulated to over forty providers, with a minimum of twenty attending the monthly event. In 2023, we expanded the Community Pop-Up model and held our first event in Sussex County at Nutter Park in Seaford.



Holiday Gift Drive

The Delaware Department of Justice's Annual Gift Drive is a cherished initiative aimed at bringing holiday joy to children and families in need across the state. Each year, the department organizes this drive to collect new, unwrapped toys and gifts, which are then distributed to local children through various charitable organizations and community groups. The toy drive reflects the department's commitment to community service and support, extending its mission beyond legal and judicial matters to foster goodwill and provide assistance to Delaware's most vulnerable residents during the holiday season.

Employees of the Delaware Department of Justice, along with members of the public, are encouraged to participate by donating toys at designated drop-off locations. The initiative not only brightens the holidays for many children, but also strengthens community bonds and showcases the department's dedication to making a positive impact on the lives of Delawareans. Through the Annual Toy Drive, the Delaware Department of Justice exemplifies the spirit of giving and community solidarity, reinforcing its role as a pillar of support and compassion within the state.

2024 AG PRIORITIES

In 2024, the DOJ's top priority is passing legislation that requires mandatory training and the issuance of a permit in order to purchase a handgun. Often referred to as "Permit to Purchase," these laws are a critical component of comprehensive firearm regulation, that play a pivotal role in enhancing public safety. These laws require individuals to obtain a permit before purchasing a firearm, ensuring that background checks are conducted to screen for criminal history, mental health issues, and other risk factors.

Gun deaths in Delaware, like in many states, are a significant public health concern. Delaware has experienced a troubling increase in gun-related homicides and suicides in recent years. According to the Centers for Disease Control and Prevention (CDC), Delaware's firearm mortality rate has often been above the national average, driven by both interpersonal violence and self-inflicted injuries.

By implementing permit to purchase laws, Delaware can effectively reduce the likelihood of firearms falling into the hands of individuals who pose a danger to themselves or others. Research indicates that states with permit to purchase laws see significant reductions in both gun homicides and suicides. By



ensuring that only individuals who pass thorough background checks can purchase firearms, the likelihood of impulsive acts of violence or self-harm can be minimized. This would also help prevent individuals with a history of violent crime, domestic abuse, or severe mental illness from obtaining guns, thereby reducing the risk of gun-related violence.

Moreover, permit to purchase laws help close loopholes in other background check systems, providing an additional layer of scrutiny. They have been shown to be a useful deterrent for "straw purchases,"

where someone legally eligible buys a firearm for someone who is not. By requiring permits, authorities can better track and regulate gun sales, making it harder for guns to be diverted into the illegal market.

“States with permit to purchase laws have on average a 25% lower gun homicide rate, a 50% lower gun suicide rate, and reduce gun trafficking by 75%. It is the single most impactful gun safety policy available to us — and at a time when guns have become the leading cause of death for children, our constituents expect us to get it done.”

-AG Jennings

Delaware has laws requiring background checks for private sales, but a permit to purchase system could strengthen these measures, ensuring that all sales, including private transactions, are subject to the same rigorous standards.

Finally, permit to purchase laws create a paper trail for all gun purchases, improving law enforcement's ability to trace firearms used in crimes. This accountability can help solve crimes more quickly and efficiently.

Overall, Permit to Purchase laws contribute to safer communities by promoting responsible gun ownership and preventing gun violence. By ensuring that only responsible and vetted individuals can purchase firearms, the state can protect its residents and create a safer environment for all.

UPDATE

On March 14, 2024, the Delaware Senate unanimously passed Senate Bill 2, legislation requiring training and a permit to purchase a handgun! On May 16th, Permit to Purchase was signed into law by Governor Carney!

Gun violence is the leading cause of death among children and teenagers. Thus, a permit to purchase bill was previously introduced in 2023. However, it failed to pass the House.

With 656 mass shootings in the United States in 2023, now more than ever it is crucial for lawmakers to strengthen our state's gun safety laws.



Photo: Esteban Parra



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

ANTI-BULLYING: (800) 220-5414

DOMESTIC VIOLENCE: (800) 799-SAFE

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PARA ASISTENCIA EN ESPAÑOL: (877) 851-0482