



National Prosecutors' Consortium

Survey Highlights

Delaware



Shellie E. Solomon
Craig D. Uchida
Christine Connor
Marc L. Swatt
Lauren Revier
Samantha Hock
Allie M. Quigley
Viviana Barrera





DELAWARE REPORT

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BACKGROUND

The National Prosecutors' Consortium (NPC), a collaboration between Justice & Security Strategies (JSS) and the Prosecutors' Center for Excellence (PCE), is designed to collect information on innovative programs employed by prosecutors' offices, to assist prosecutors in developing and deploying new programs, and to expand the research capacities of prosecutors' offices. The team developed a survey that is being administered at the county level across the United States on a state-by-state basis. This survey seeks to accomplish two objectives to support prosecution needs: 1) collection of a thorough baseline of information on the operation of county prosecutors' offices across the country, and 2) identification of those offices that have adopted innovative programs.



METHODOLOGY

NPC conducted focus groups with prosecutors and prosecutor coordinating offices. As part of this effort, NPC identified the desired topic areas and reviewed survey questions. The survey is designed as an agency-based questionnaire intended to collect data on the characteristics and operations within each prosecutor's office. The survey is delivered through an online, secure, cloud-based service using the Qualtrics survey platform. States are being offered this survey on a rolling basis.

As part of the data quality assurance process, we have identified a battery of 84 questions that represent the core information requested by the survey. To minimize the proportion of missing data, the weighted number of completed responses is compared to a threshold. Offices in counties where the responses did not pass this threshold will be contacted and additional responses will be requested. This report discusses responses from all partially complete surveys, but there may be changes in the number of valid cases for some questions as follow-ups with agencies continue.

THE CURRENT STATE - DELAWARE

This report discusses the results from the state of Delaware. Delaware is uniquely situated regarding the administration and operation of its prosecutors' offices. To provide additional context, the Delaware Criminal Division is responsible for prosecuting all criminal cases statewide. The Criminal Division, led by Delaware Attorney General Kathleen Jennings, maintains offices in each of the state's three counties. In each county, the Attorney General is responsible for appointing a County Prosecutor who reports to her through the State Prosecutor. Each of Delaware's three county prosecutor offices participated in this survey. Due to the small number of counties, this report will compare the responses provided by New Castle, Sussex, and Kent counties directly.





TYPES OF CASES

Figure 1 depicts the types of cases that each of the three offices handle. All offices reported handling felony, misdemeanor, juvenile crime, and infraction cases. New Castle and Sussex reported handling some civil matters as well. Both the New Castle and Sussex offices reported handling child and adult protection cases, nuisance abatement cases, and civil forfeiture cases. Only the Sussex office reported handling child support cases, mental health commitment cases, and public information requests. The Sussex office also reported representing all state agencies in civil matters.

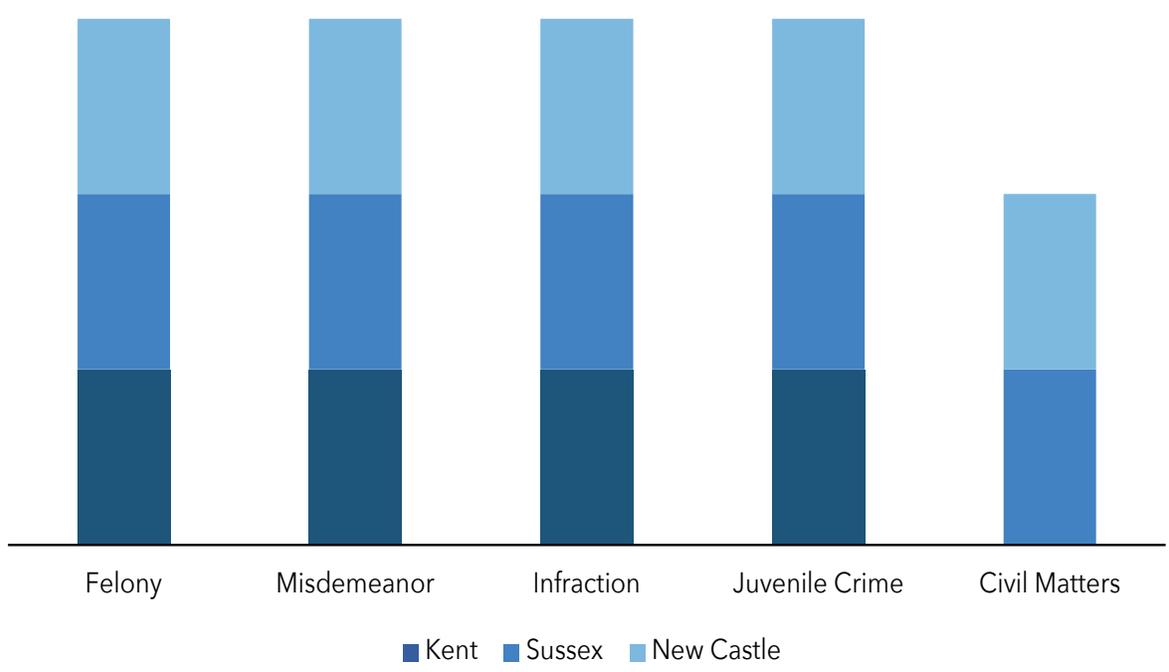


Figure 1. Delaware Prosecutors' Offices with Jurisdiction over Cases by Type.

CHIEF PROSECUTOR

All the chief prosecutors at the county offices have been appointed. The Sussex County chief prosecutor has been in this position for three years. The Kent County chief prosecutor has been in this position for five years. The New Castle County chief prosecutor has the longest tenure at 15 years.

OFFICE BUDGET

Because there are only three offices, all budgeting is done through the central state office. For Fiscal Year 2018, the Delaware prosecutors' offices had a combined budget of \$54,975,296. Personnel and non-personnel breakdowns were not provided.

STARTING SALARIES

There were some differences in the starting salary for recently graduated law students hired as prosecutors. In Kent County, the starting salary was \$57,294. In Sussex County, the starting salary for new prosecutors was \$58,294. Finally, in New Castle County, the starting salary for new prosecutors was \$61,837, likely reflecting the higher cost of living.

CASE PROCESSING

In total, the three Delaware counties reviewed approximately 9,599 felony cases and 40,090 misdemeanor cases in 2018. Further case processing detail was not consistently available at the time of this report.



NUMBER OF EMPLOYEES

The Kent County office reported employing 17 full-time prosecutors and no part-time prosecutors as well as 22 full-time non-prosecutors and 3 part-time non-prosecutors. The Sussex County office reported employing 21 full-time and 2 part-time prosecutors and 23 full-time and 3 part-time non-prosecutors. The New Castle County office reported employing 72 full-time prosecutors and 76 full-time non-prosecutors.¹

¹ Examining per capita rates is not appropriate in Delaware since the Delaware Department of Justice centralizes and administers several divisions in the Wilmington Office. Doing so would artificially inflate the per capita rate of employees in the New Castle office and deflate the per capita rates in the Kent and Sussex offices.

PROSECUTOR INITIATIVES

All three offices reported engaging in problem solving courts or other programs that offered alternatives to incarceration in 2018. **Figure 2** displays the types of offenders that were eligible for one or more of these programs. In all three offices, offenders who committed infractions, misdemeanors, and low-level felonies were eligible to participate in these programs. The New Castle and Sussex offices reported that juveniles were also eligible in their jurisdictions. Finally, only the Sussex office reported that non-violent felony offenders and violent felony offenders were eligible for these programs.

SPECIALTY COURTS

We asked respondents about nine different types of specialty courts: Drug courts, Veterans' courts, Mental Health courts, Human Trafficking courts, Homeless courts, Alcohol/Driving Sobriety courts, Domestic Violence courts, Community courts, and Re-entry courts. Responses are presented in **Figure 3**. All three offices reported participating in Drug courts, Veterans' courts, and Mental Health courts. The Kent and New Castle offices reported participating in Alcohol/Driving Sobriety courts, and the Sussex office reported participating in Domestic Violence courts. No offices reported participating in Human Trafficking, Homeless, Community, or Re-entry courts.

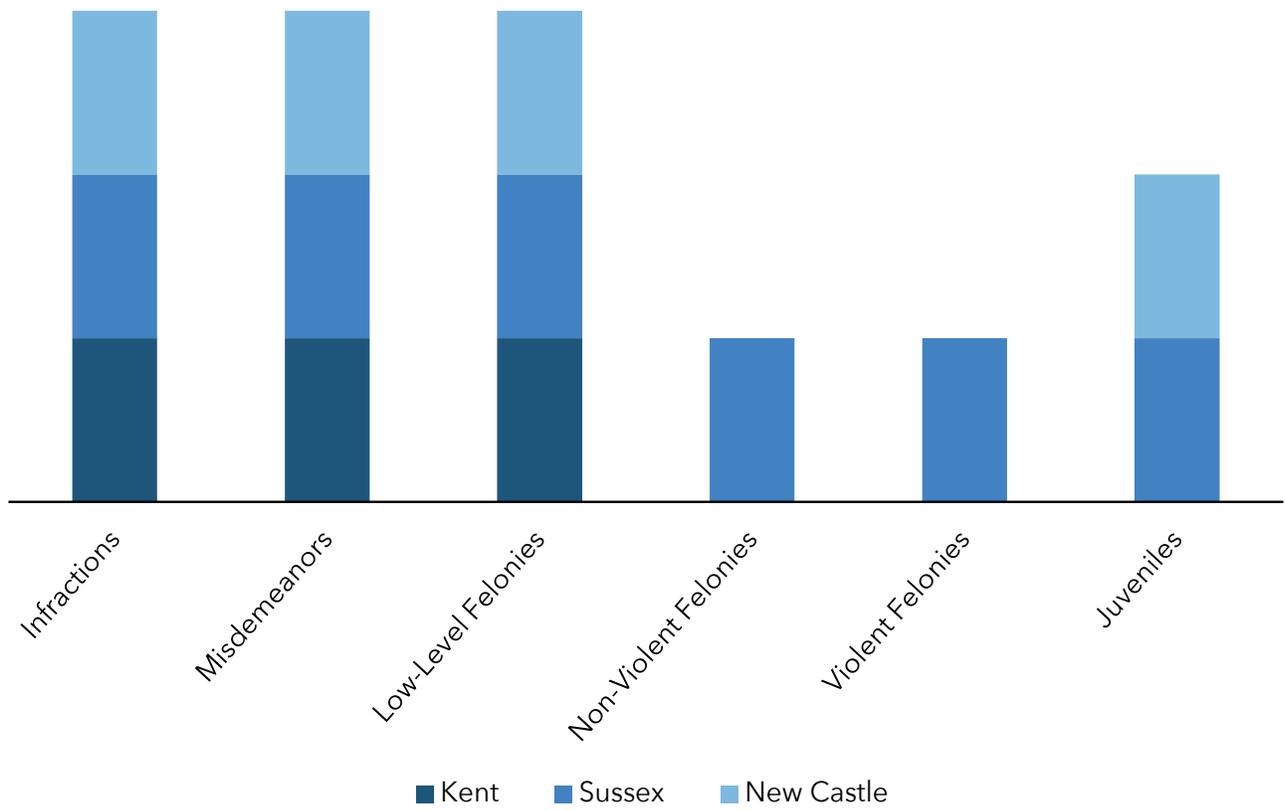


Figure 2. Types of Cases Eligible for Prosecutor Programs.

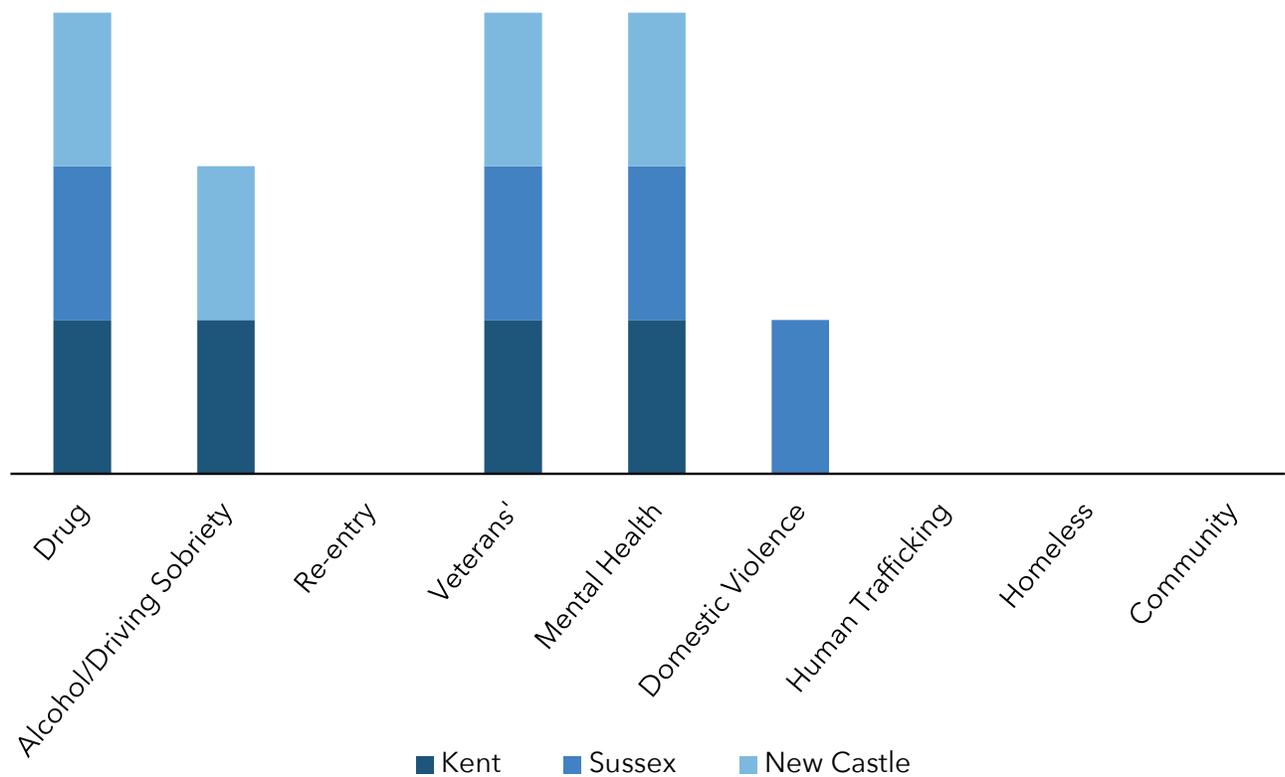


Figure 3. Type of Specialized Courts Used by Each Delaware Prosecutor's Office.



ALTERNATIVES TO INCARCERATION

We asked whether the offices in each county offered alternatives to incarceration in 2018, as shown in **Figure 4**. The Sussex and Kent offices offered Drug Treatment, Anger Management, and Mental Health Services. Additionally, the Sussex office offered Community Service, Training/Education, and Restorative Justice. The New Castle office offered Deflection programs.

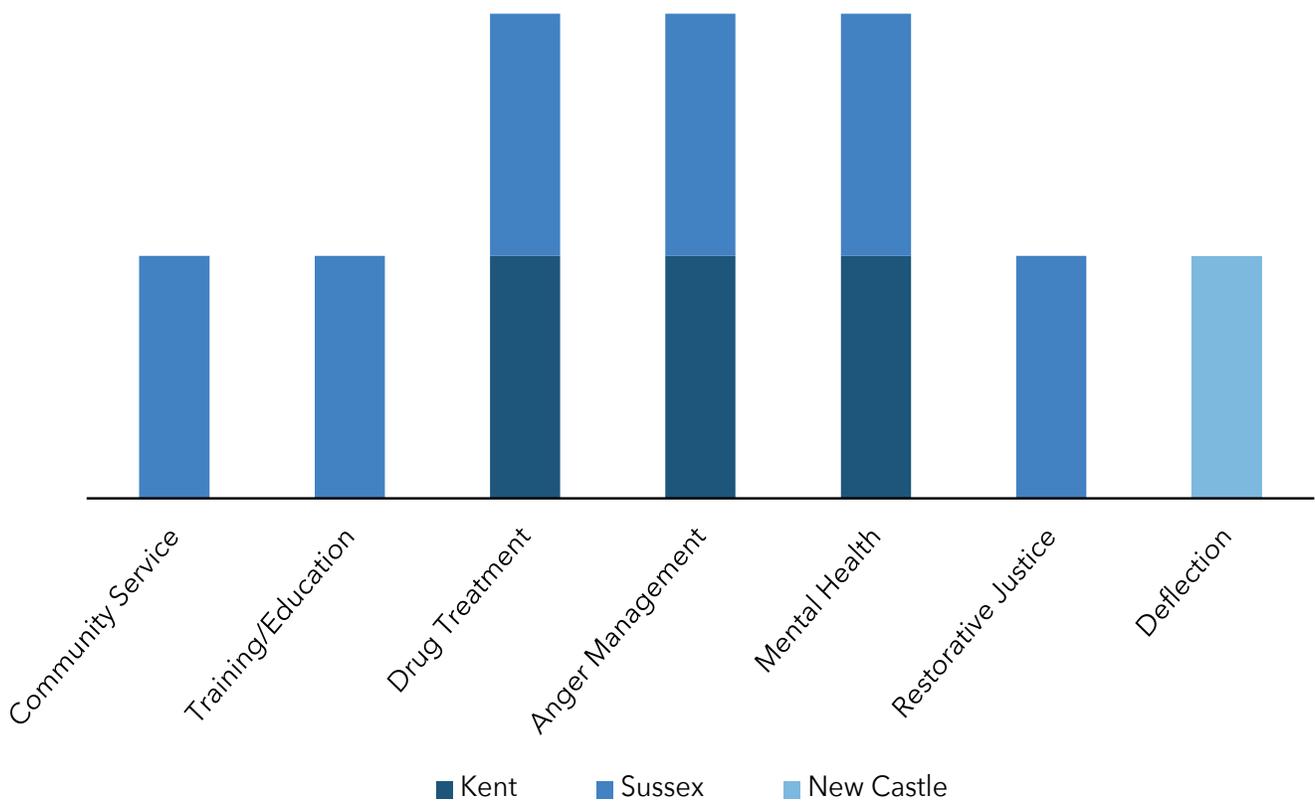


Figure 4. Delaware Counties Reporting Alternatives to Incarceration by Type.

SPECIALIZED PROGRAMS

Figure 5 presents the types of specialized programs operated by each Delaware office. All three offices offered Victim Assistance, Victim Services without Arrest, Witness Assistance, and Victim/Witness Relocation Services. The Sussex and New Castle offices reported operating Community Affairs programs, Community Prosecutors, Conviction Review programs, and Crime Strategies Units. No offices reported offering Restitution programs.

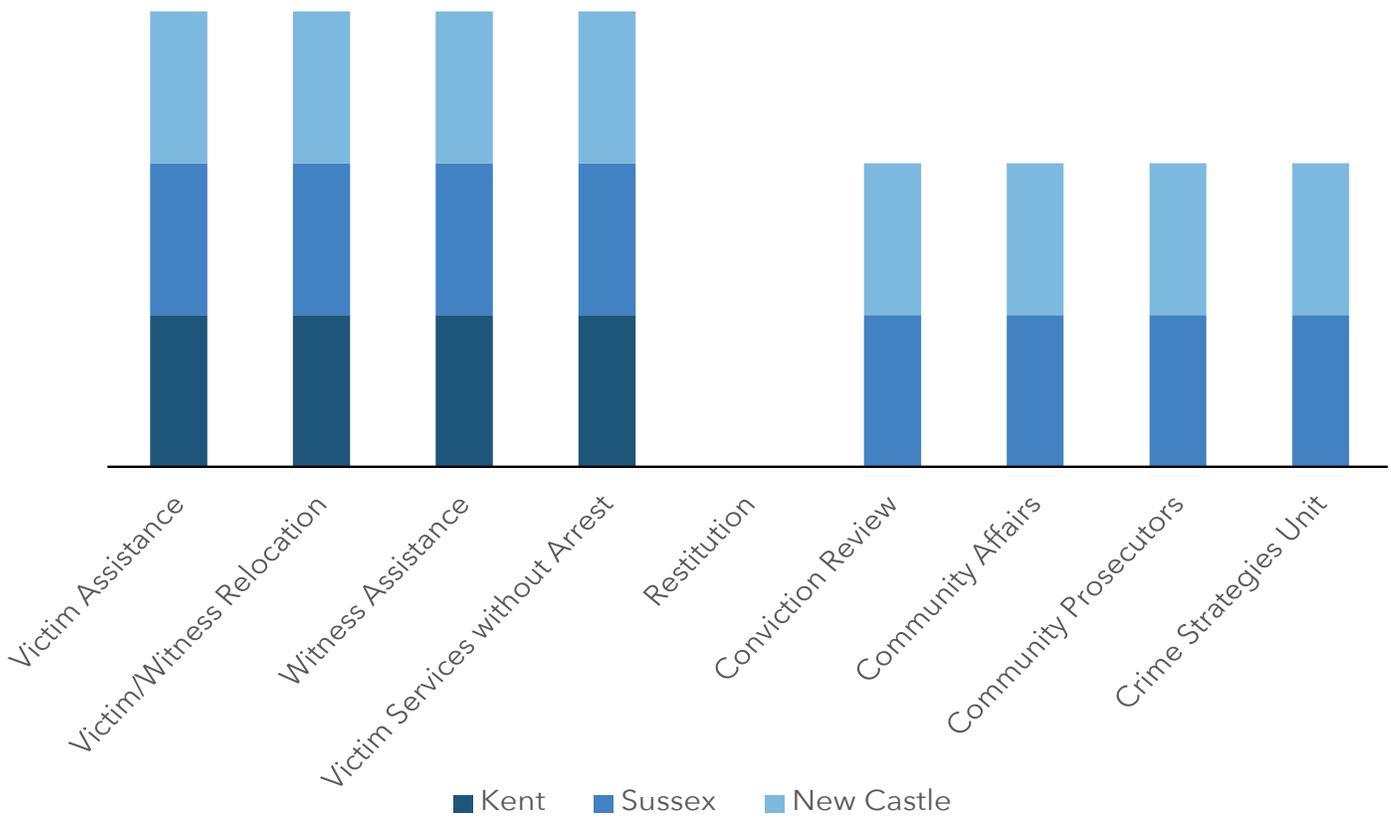


Figure 5. Delaware Counties Reporting Specialized Programs by Type.



COMMUNITY PROGRAMS

Finally, we asked whether each prosecutor's office ran or participated in several different community programs. The Sussex County office reported participating in Community Engagement, Co-located Domestic Violence, Co-located Child Abuse, and Truancy programs. The New Castle County office reported participating in Community Engagement and Co-located Child Abuse programs. The Kent County office reported participating in Truancy programs. No offices reported participating in Adult or Youth Education, Sports, Violence Reduction, Neighborhood Clean-Up, or Children of Inmates programs. The New Castle office is planning on participating in Neighborhood Courts in the future, and the Sussex office is planning on participating in Re-entry programs in the future.



TECHNOLOGY

In the following section, we asked respondents about the use of technology within their offices. All three offices reported having a technology unit responsible for the computers, data, software, and hardware functioning within their own offices; however, the Kent office is serviced by the IT unit stationed in the New Castle office. The New Castle and Sussex offices reported testing an electronic case management system in non-criminal cases, and it is due to go live by the end of 2019. The New Castle and Sussex offices also reported using electronic discovery. All offices reported using technology in the courtrooms, and the New Castle and Sussex offices reported having staff to support their use of courtroom technology.

BODY-WORN CAMERAS

All offices reported having at least one police agency within their jurisdiction that has implemented a body-worn camera (BWC) program. The Kent office reported receiving BWC video via DVDs, while the New Castle and Sussex offices reported receiving BWC video through DVDs and a cloud-based interface. All offices reported needing additional staff to view and manage the evidence collected by BWCs.

WEBSITES

When asked what they share with the public online, the New Castle and Sussex offices reported having office websites, while the Kent office did not. Both New Castle and Sussex offices reported updating their websites routinely (monthly, quarterly, or annually).

RESEARCH

The New Castle and Sussex offices reported engaging in research and analysis, while the Kent office did not. All three offices reported analyzing crime data, caseloads, or other types of information routinely on a monthly, quarterly, or annual basis. None of the offices provide an annual report to the public on the work of the office.

The New Castle and Sussex offices have participated in major U.S. Department of Justice grant-based programs, while the Kent office has not. Both the New Castle and Sussex offices have participated in a Violence Reduction Network or Public Safety Partnership and in Violence Against Women Act programs. The New Castle office has also participated in a Federal Victims of Crimes Act program.



CONCLUSIONS

The statewide survey administered by JSS and PCE provides many insights into the day-to-day functioning of prosecutors' offices. The state of Delaware's Criminal Division maintains offices in each of the state's three counties: New Castle, Kent, and Sussex. This report compared the responses of these three offices.

All offices reported handling felony, misdemeanor, juvenile, and infraction cases. Only the New Castle and Kent offices reported handling civil matters. Several of the civil law divisions are housed in the New Castle office, and the Sussex office reported representing state agencies in civil matters.

All chief prosecutors have been appointed. The Sussex County chief prosecutor has been in this position for three years, and the Kent County chief prosecutor has been in this position for five years. The New Castle County chief prosecutor has the longest tenure at 15 years.

For Fiscal Year 2018, the Delaware prosecutors' offices had a combined budget of \$54,975,296. The Kent County office reported employing 17 full-time prosecutors and 22 full-time and 3 part-time non-prosecutors. The Sussex County office reported employing 21 full-time and 2 part-time prosecutors and 23 full-time and 3 part-time non-prosecutors. The New Castle County office reported employing 72 full-time prosecutors and 76 full-time non-prosecutors. These offices reviewed approximately 9,599 felony cases and 40,090 misdemeanor cases in 2018.

All three offices reported participating in Drug courts, Veterans' courts, and Mental Health courts. The Kent and New Castle offices reported participating in Alcohol/Driving Sobriety courts, and the Sussex office reported participating in Domestic Violence courts. The Sussex and Kent offices offered Drug Treatment, Anger

Management, and Mental Health Services. Additionally, the Sussex office offered Community Service, Training/Education, and Restorative Justice. The New Castle office offered Deflection programs.

All three offices offered Victim Assistance, Victim Services without Arrest, Witness Assistance, and Victim/Witness Relocation Services. The Sussex and New Castle offices reported operating Community Affairs programs, Community Prosecutors, Conviction Review programs, and Crime Strategies Units. The Sussex County office reported participating in Community Engagement, Co-located Domestic Violence, Co-located Child Abuse, and Truancy programs. The New Castle County office reported participating in Community Engagement and Co-located Child Abuse programs. The Kent County office reported participating in Truancy programs. No offices reported participating in Adult or Youth Education, Sports, Violence Reduction, Neighborhood Clean-Up, or Children of Inmates programs. The New Castle office is planning on participating in Neighborhood Courts in the future, and the Sussex office is planning on participating in Re-entry programs in the future.

This research has provided great insight into the basic needs of prosecutors' offices. Further research based on these findings should focus on prosecutors' caseloads. Specifically, researchers should continue to investigate ideal caseloads for prosecutors and evaluate proper resource management.

All in all, the Delaware offices that completed the statewide prosecutor survey have provided vital data that have increased the knowledge base on the functioning of Delaware prosecutors' offices as well as on the role of Delaware prosecutors.