

# 2022 ANNUAL REPORT

**DELAWARE  
DEPARTMENT OF JUSTICE**



**ATTORNEY GENERAL  
KATHY JENNINGS**





# DIVISIONS



# ADMINISTRATIVE DIVISION

The Administrative Division, led by Chief of Staff Rob Coupe, is an integral part of the DOJ. They provide core administrative services essential to the Department's day-to-day operations and 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, Special Investigations Unit, and the Victims' Compensation Assistance Program fall under the auspices of the Administrative Division.

## **ADMINISTRATIVE DIVISION**

### **Chief of Staff**

Rob Coupe

### **Deputy Chief of Staff**

Tyneisha Jabbar-Bey

#### **Communications Office**

Director: Mat Marshall

#### **Fiscal Unit**

Controller: Alvina Boulware

#### **Human Resources**

Director: Diane Haase

Deputy Director: LaTannia Neal

#### **Legislative & Policy Director**

Director: Kristi Iannelli

#### **Operations**

Director: Alexis Bryan-Dorsey

Information Technology (IT)

##### **Director of Technology:**

Jason Kilpatrick

#### **Research, Planning, & Special Projects**

Director: Rapsody Johnson

#### **Special Investigations Unit**

Director: Bob Irwin

##### **Extradition Unit**

Chief State Detective: Curtis Clifton

#### **Victims' Compensation Assistance Program (VCAP)**

Director: DAG Paige Schmittinger

#### **Executive Advisor to the Attorney General**

Executive Advisor: Mary Grace Colonna

#### **Executive Director of Drug Overdose Fatality Review Commission**

Executive Director: Julia Lawes

#### **Special Advisor to the Attorney General**

Special Advisor: Charles Oberly





## Communications Office

The Communications Office's staff serve as writers and spokespeople for the Attorney General, publicists for the entire DOJ, advisors on strategic communications, webmasters, and social media managers for the Department as a whole. They are also a support team for reporters who are seeking to understand the DOJ's work. The Office is comprised of two employees: the Director of Communications, and the Public Information Officer.

### Highlights:

- The Communications Office successfully led and coordinated the State's 2nd Election Day Joint Information Center, an ad hoc interagency team tasked with coordinating public information releases and media inquiries from the broad range of State agencies involved with administering Delaware's elections.
- The Office also coordinated a \$100,000 grant to produce and air a public service announcement campaign raising domestic violence awareness in coordination with the Delaware Coalition Against Domestic Violence.

## Fiscal Unit

The mission of the Department of Justice Fiscal Unit is to maintain and ensure the accuracy and integrity of the agency's finances through account reconciliations and other analyses. The Unit's four employees provide timely and reliable financial and accounting services to our vendors and contractors.

### Highlight:

- With the expansion of DOJ locations and the creation of DAG incentives came additional financial expenses. These expenses created additional billing and processing across the board. The fiscal staff handled the increased workload and developed new procedures to ensure prompt payment.

# 11,000+

## TRANSACTIONS PROCESSED



## Human Resources

The small but mighty HR Unit is accountable for over 500 personnel. Proudly, the unit of four people is the key contact and advisor to employees and management regarding career advancement, employee work relationship counseling, succession planning, retirement preparation, placement of all volunteers and interns. The Unit is also responsible for advertisement of vacancies, payroll administration, employee benefits and leave, analysis of personnel issues with recommendations and development of solutions with management.

### Highlights:

- The HR Unit played a major role in keeping the DOJ afloat during the peak of the COVID crisis by taking on additional responsibilities surrounding testing, special paid emergency leave, and remote work guidance.
- Human Resources worked in conjunction with management to create retention programs/rewards for all employees such as Employee Recognition Days.

**395**

**PROMOTIONS  
PROCESSED**

**64**

**ATTORNEY/  
NON-ATTORNEY  
HIRES**

**70**

**INTERNS  
PROCESSED**

## Legislative and Policy Unit

The Legislative and Policy Director is responsible for leading the development, implementation, and communication of legislative policy initiatives for the Office of the Attorney General. She analyzes proposed legislation, identifies potential policy impacts, advocates for the DOJ's policy positions and promotes its interests, and works with relevant stakeholders to develop policy proposals that align with the DOJ's goals and values.

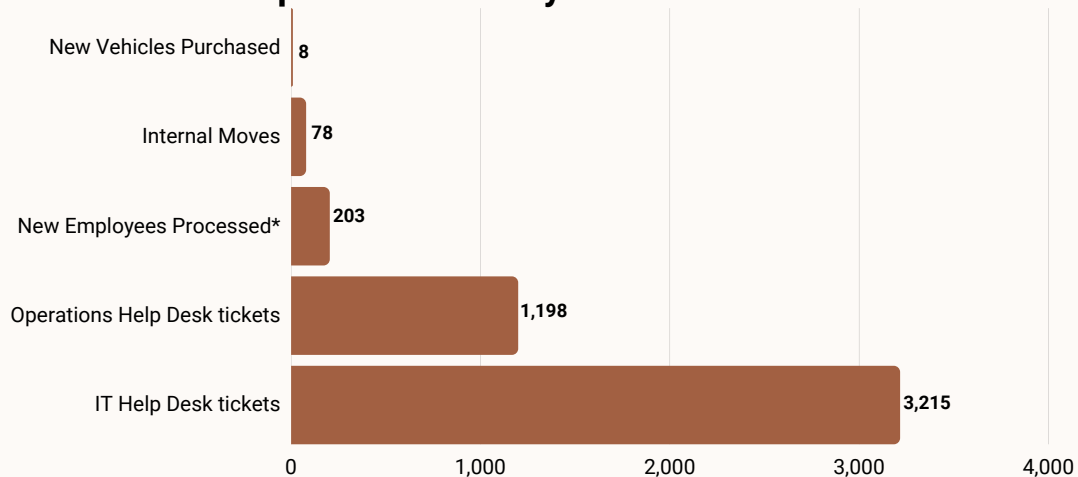
### Highlight:

- 2022 was a productive year for the Legislative and Policy Unit, with dozens of bills shepherded into law. For details, please see [Legislative Wins](#) beginning on page 15.

## Operations Unit

The Operations Unit consists of IT, Purchasing, Facilities, Fleet, Special Projects, File room and Mail Services. The mission of the Operations Unit is to provide strategic IT support, address the DOJ's functional needs, and provide enterprise solutions to all DOJ team members, so they can meet their goals, deliver results, and enhance the Agency's position in the fulfillment of their responsibilities to the citizens of Delaware.

### Operations Unit by the Numbers



## Information Technology Unit

The mission of the Information Technology Department is to build a quality and comprehensive technology structure, establish and maintain an effective operational environment, and deliver prompt, cost-effective, and reliable tech support services to the agency.

### Highlights:

- **Laptop Deployments**- 150 laptops deployed to users covering all three counties during 2021. This was to assist with the initiative to allow remote work and enhance capabilities at the courthouses.
- **AOVPN Rollout**- Introduced Always On VPN (AOVPN) which allows for an easier and more efficient way of working remotely, regardless of location.



## **Research, Planning, & Special Projects Unit**

The Research, Planning, and Special Projects Unit (RPSPU) gathers, researches, and analyzes information on a variety of crime-related and public safety topics. The Unit identifies patterns and trends in the criminal justice system, documents its findings, and prepares recommendations so that DOJ leadership can make data-informed decisions. The RPSPU also conducts surveys and focus groups on various topics important to Division leadership.

In 2022, the RPSPU implemented multiple data tracking systems to collect better data, faster and to get a clearer understanding of case volumes and case outcomes. The RPSPU began assisting Operations and IT with the data collection and reporting portions of the JustWare to E-Suites transition.

## **Special Investigations Unit**

The Special Investigations Unit provides investigative support to the Department of Justice across all five divisions. The Unit provides investigative assistance to other law enforcement agencies (state, county, local, and out-of-state agencies) when requested, by identifying and obtaining evidentiary material through the use of Attorney General Subpoena, and/or Court Orders, participating in interviews, directing the agency to the proper resources, and coordinating joint investigations.

### By the Numbers

- 6,615 CCDW application background checks were performed.
- 968 subpoena requests adopted for joint investigation.
- 104 pre-employment background investigations were conducted.
- 18 "attempt to locate" subject investigations for Civil DAGs.
- 26 threat assessment investigations. This was a 1,200% increase from the previous year.

### Highlights:

- Developed and implanted a nuisance abatement complaint portal and continue to monitor the portal and address the complaints. The complaints are referred or worked collaboratively with Civil Division DAG, local law enforcement, and/or local government units.
- Implemented an "attempt to locate" process for Civil DAGS who are looking for next of kin or witnesses for a variety of cases that they work.

## Extradition Unit

The Extradition Unit is responsible for retrieving persons charged with crimes in the Delaware Criminal Justice process who have fled the state. The Unit is responsible for transporting these subjects both by vehicle and by air travel back to the State of Delaware to stand trial for all types of felony crimes.

Additionally, the Extradition Unit also handles IAD (Interstate Agreement on Detainers). With the IAD process, the Extradition Unit transports fugitives back and forth between states to answer for criminal charges while being sentenced inmates in Delaware. The Unit also handles all Governors' warrants for other states where the suspect has fled to Delaware.

### Extradition Unit by the Numbers

**65 SUCCESSFUL GOVERNOR'S  
WARRANTS FOR  
DELAWARE FUGITIVES**

**896 EXTRADITIONS  
(890-NON ICAOS & 6-ICAOS)**

**78 GOVERNOR'S  
WARRANTS  
SERVED**

**74 GOVERNOR'S  
WARRANTS ATTEMPTED  
(NO SHOW BY DEFENDANT)**

## Victims' Compensation Assistance Program

The purpose of the Victims' Compensation Assistance Program is to alleviate some of the financial burdens faced by victims by providing compensation for certain losses.

Applications are received by the office and reviewed by our staff. The Victims' Compensation Assistance Program serves as an important lifeline, reaching out to victims wherever they are located throughout all three Delaware counties. The Agency manages the program's funds and awards compensation.

Highlights:

- **Online Application Portal** Development of the VCAP Online Application Portal was completed and released for final testing. The Online Application Portal went live in 2022.

1,230

**NEW CLAIMS  
RECEIVED**

940

**CLAIMS DEEMED  
ELIGIBLE**

95%

**OF APPLICATIONS  
WERE FOR  
ELIGIBLE CRIMES**

**TOTAL MONIES  
PAID IN 2022**

**\$2,030,290**

## **Delaware Drug Overdose Fatality Review Commission**

The Delaware Drug Overdose Fatality Review Commission (DOFRC) is committed to examining the underlying facts and causes of deaths in Delaware resulting from overdoses; developing and suggesting possible evidence-based reforms for consideration by the Governor and General Assembly to reduce the frequency of such overdoses.

In 2022, 513 people in Delaware died of drug overdoses—slightly fewer than in 2021, which saw 515 people die by the end of the year.



## Special Advisor to the Attorney General

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, re-arrest, 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 been rehabilitated should have a fair shot at a second chance.

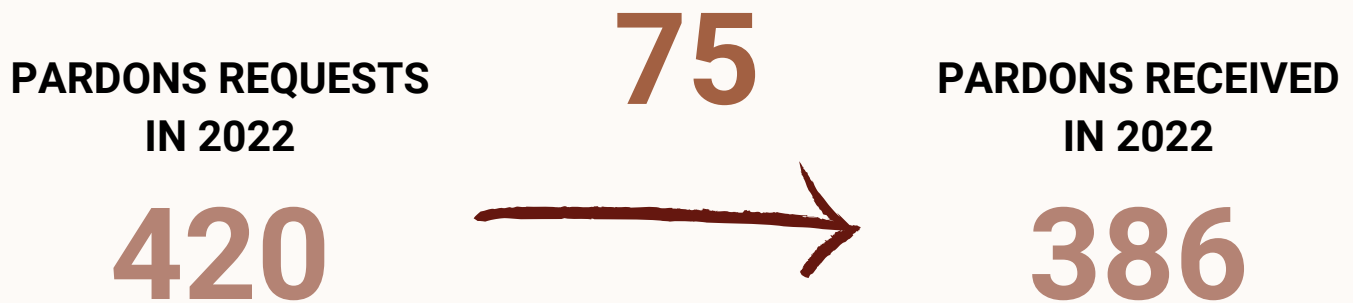
To this end, Former Attorney General, Charlie Oberly, conducts commutation and pardon request reviews for the Department of Justice. After thoroughly investigating each request, he makes his recommendation to the Board of Parole or Board of Pardons, respectively. The Board, after hearing each case then advises the applicant that it either recommends the pardon or denies a recommendation. The case is then sent to the Governor for a final decision.

Pardons Those seeking a pardon are not in State custody. These individuals are not in prison. They are not on probation. They are out in society the same way anyone is who has not committed a crime. The vast majority of these cases involve minor crimes like shoplifting and minor assaults that are frequently many years old. The person is usually seeking to clear her/his record for employment and housing. It is felt that the best chance at keeping someone from re-offending is for that person to have a job.

Every case is reviewed and the seriousness of the crime(s) is the most important aspect of the review. Victims are contacted whenever possible, and the age of the conviction, and the applicant's rehabilitation/behavior since the conviction is considered, including such things as work experience, education, and family responsibility. Also taken into consideration are arrests that did not result in a conviction. The fact that an arrest resulted in the dismissal of the charge(s) is not necessarily indicative of innocence. This is particularly true in domestic violence cases where the victims do not always cooperate.

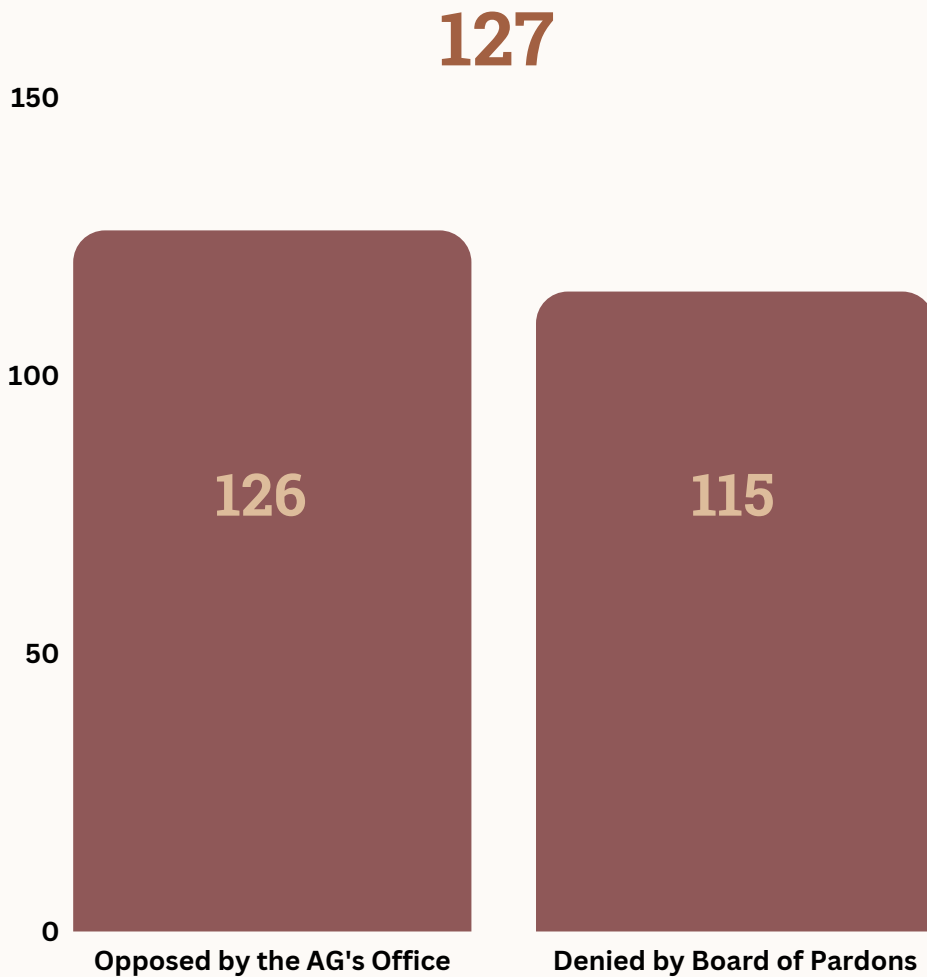
Perhaps most importantly, pursuant to Delaware law, if someone has received a pardon and subsequently commits another crime, the State can use the past pardoned offense(s), even if expunged, at a future sentencing or if the person is under investigation for committing a crime. So while a pardon provides the applicant with some relief, the records never totally disappear.

## PARDON REQUESTS OPPOSED BY THE DOJ



Commutations Those seeking commutation are in prison and seeking to have a sentence that at the time was lawfully imposed reduced. Relief is seldomly recommended by the State or the Board of Pardons.

## COMMUTATIONS CONSIDERED









## CIVIL DIVISION

In 1967, the General Assembly established the Civil Division to provide consistent and independent legal advice to state officials, agencies, and employees, and to act as a check on the other branches of government when necessary. Since then, the Civil Division has been providing 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. Additionally, the Division serves as a resource for legislative items that are a part of the DDOJ's legislative agenda.

State Solicitor Patricia Davis is responsible for the oversight and management of the Civil Division. Patty oversees eight units, 69 Deputy Attorneys General (DAGs), eight paralegals, and seven administrative support staff. The Division represents thousands of clients, each generating multiple legal service requests every year.



## **CIVIL DIVISION**

### **State Solicitor**

Patricia Davis

### **Deputy State Solicitor**

Allison McMaster

#### **Administrative Law & Education Unit**

Unit Head: Jen Singh

Asst. Unit Head: Carla Jaroz

#### **Defensive Litigation Unit**

Unit Head: Kenny Wan

Asst. Unit Head: Zi-Xiang Shen

#### **Environmental Unit**

Unit Head: Devera Scott

Asst. Unit Head: Will Kassab

#### **Health Law Unit**

Unit Head: Valerie Farnan

#### **Affirmative Litigation Unit**

Unit Head: Daniel Mulvaney

Asst. Unit Head: Kemba Lydia-Moore

#### **Departments and Agencies Unit**

Unit Head: Lynn Kelly

#### **Fiscal Integrity and Protection Unit**

Unit Head: Jason Staib

Asst. Unit Head: Mary Page Bailey

#### **Public Safety Unit**

Unit Head: Lisa Morris





## ADMINISTRATIVE LAW & EDUCATIONAL UNIT

The Administrative Law and Education Unit (ALEU) provides legal counsel to a number of organizations and professional 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:

- **Delaware Board of Nursing and Fraudulent Nursing School Scheme** In August of 2022, the FBI and Department of Health and Human Services contacted the Executive staff and attorneys for all U.S. and Canadian Boards of Nursing about an investigation they were performing regarding certain nursing schools they believed were selling fraudulent nursing transcripts and degrees.

In 2021, the FBI previously subpoenaed documents from the Delaware Board regarding a school that had applied to open a campus in Delaware known as Med-Life Institute. The Board denied Med-Life's application, but the school already had several campuses operating in Florida and New Jersey. The FBI also subpoenaed records pertaining to students that had attended the schools under investigation. During the August meeting, the FBI informed the Boards that two individuals who owned four separate nursing

FREEDOM OF INFORMATION ACT REQUESTS

FOIA requests processed: 122

Attorney General Opinions Issued: 51

schools had signed affidavits acknowledging that they sold unsuccessful students' fake transcripts and degrees so that those students could apply for nursing licenses without having successfully completed nursing school. The affidavits included lists of 97 students who had legitimately obtained degrees from their schools as well as 5,567 students that bought fraudulent credentials. The FBI noted that USDOD would be prosecuting the owners of the schools but not the students, so it recommended individual boards investigate the students on the list. The FBI asked the boards to refrain from doing anything in public until it had the opportunity to complete its investigation. In Delaware, there were 26 nurses with active licenses that used fraudulent credentials to obtain licensure. There were an additional ten active licensed practical nurses practicing in Delaware who purchased registered nurse transcripts and diplomas to apply for RN licenses, but were unable to pass the national boards. There were an additional 50 nurses whose Delaware licenses expired, although some individuals on this list overlapped with the other lists.

At its meeting in November, the Board voted to annul or invalidate the licenses of the 26 people with active Delaware licenses obtained with fake degrees. These individuals were notified in writing on November 15, 2022, that their licenses were annulled, and they could request a hearing to demonstrate to the Board that it should not be. Virtually all of the nurses have requested hearings, and in the meantime, nurses on the list who are licensed in other states have applied to obtain Delaware licenses. The Board has proposed to deny these applicants, and almost all of them have requested hearings.

- **Department of Education Class Action** In April 2022, a class action lawsuit was filed against the Department of Education (DOE) on behalf of students with disabilities who had aged out of eligibility for special education services within the prior two years and those who would age out of services under the then-current law which ended eligibility at the end of the school year in which a student with disabilities turned twenty-one. This same issue has been litigated recently in the United States Courts of Appeals for the First, Second and Ninth Circuits. All three appellate courts held that the IDEA entitled students with disabilities to a free appropriate public education (FAPE) until their 22nd birthday and that states who provided adults with a high school education and high school diplomas or GED courses must also provide FAPE to qualifying students with disabilities until their 22nd birthday. See *E.R.K. v. State of Hawaii Dep't of Educ.*, 728 F.3d 982 (9th Cir. 2013); *K.L. v. Rhode Island Bd. Of Ed.*, 907 F.3d 639 (1st Cir. 2018); *A.R. v. Conn. State Bd. Of Ed.*, 5 F.4th 155 (2nd Cir. 2021).

In light of the case law, the DOE asked legislators to run HB 454, which extended the age of eligibility for students with disabilities to receive special education and related services. The Governor signed the bill in July 2022. The DOE and Plaintiffs' attorney are engaged in settlement negotiations for the remainder of the defendant class which consists of all students with disabilities who aged out of eligibility without a high school diploma in 2019, 2020, and 2021.

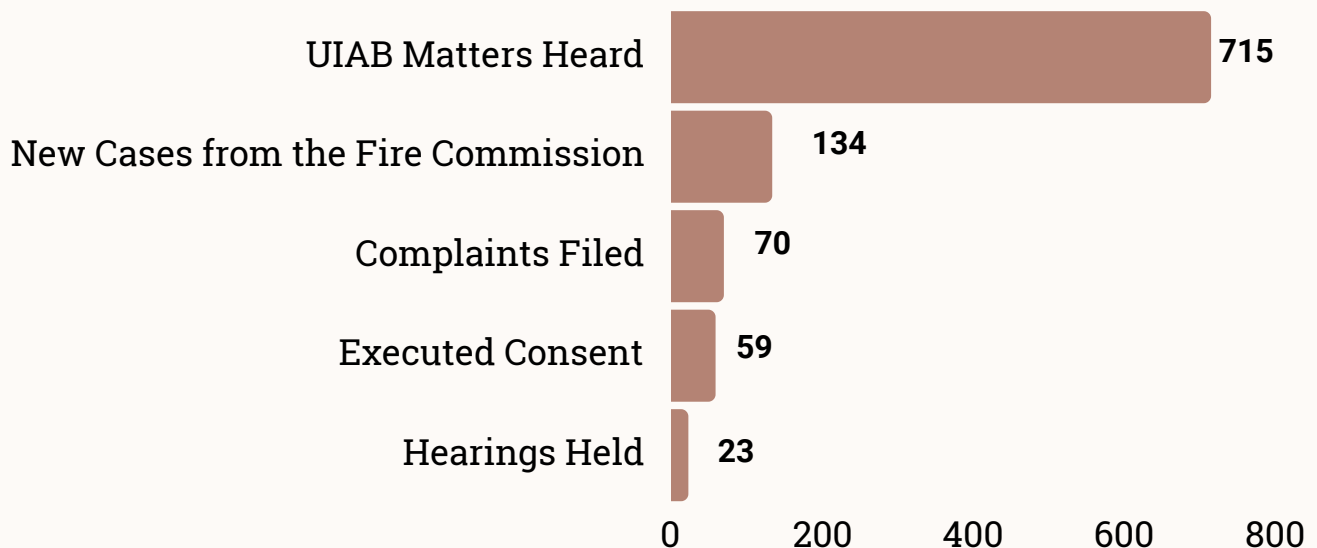
# AFFIRMATIVE LITIGATION UNIT

The Affirmative Litigation Unit prosecutes administrative cases involving licensure, horse racing violations, and EMT discipline.

## Highlights:

- **Massage Parlor Sexual Assault** A DSP Trooper contacted the Affirmative Litigation Unit regarding an alleged sexual assault by a licensed massage therapist working at Limestone Massage on Kirkwood Highway. DSP conducted an investigation with support from the Division of Professional Regulation. The victim alleges that she was digitally penetrated by a masseuse during a massage. The ALU prosecutor worked with the Criminal Division to ensure that the masseuse was held accountable for his actions. Throughout the criminal and civil investigations, Mr. Gutierrez admitted to touching the victim's genitals but strenuously asserted that the contact was completely consensual. While the criminal investigation remained ongoing, ALU moved forward with its administrative prosecution. In the administrative proceedings, Mr. Gutierrez admitted to non-consensual sexual misconduct and signed a statement admitting guilt. ALU immediately updated Criminal Division and provided Mr. Gutierrez's admission in the hopes of assisting our office in criminally prosecuting him for his crime
- **David Hodges; Medical Board and Fire Commission** A Delaware-licensed Paramedic and EMT was investigated for falsifying and forging COVID vaccination cards, and selling the falsified cards to friends and acquaintances. The Federal government was the first prosecuting agency and the EMT was convicted of a misdemeanor in U.S. District Court and sentenced to probation. ALU then prosecuted him which resulted in his paramedic and EMT licenses being suspended for three years.

## AFFIRMATIVE LITIGATION BY THE NUMBERS





## DEFENSIVE LITIGATION UNIT

The Defensive Litigation Unit represents state agencies and officials in all Delaware state and federal courts.

### Highlights:

- ***Lorrah v. Carney*** Janice Lorrah, a parent of a young child, filed an expedited lawsuit in the Court of Chancery against Governor Carney raising statutory challenges to the Fourth Revision to the Declaration of a State of Emergency that extended the mask mandate in schools to March 31, 2022. Ms. Lorrah claimed that the Fourth Revision's announced end date exceeded the Governor's emergency authority and that the mandate violates the Administrative Procedures Act. DLU opposed Ms. Lorrah's request for a preliminary injunction and the Court set oral argument for February 28, 2022, just 19 days after Ms. Lorrah filed her complaint. Prior to hearing, the Governor announced the termination of the state of emergency, and thus the mask mandate, effective March 1 at 6 pm, in light of recent changes to CDC guidance. The Court denied the motion for preliminary injunction, primarily on the basis that plaintiff had not established a reasonable likelihood of success on either claim. The Court also found that the plaintiff had not established the threat of immediate irreparable harm or that the balance of equities weighed in her favor. The lawsuit garnered some press when it was filed and there were a number of anti-mask spectators present at the preliminary injunction hearing. Following the Court's ruling on Plaintiff's preliminary injunction, Plaintiff voluntarily dismissed her lawsuit.
- ***Higgin v. Albence and DOE/Miles v. Albence and DOE*** These two lawsuits were brought in the Court of Chancery challenging the constitutionality of recently enacted statutes allowing for mail-in voting and same-day voter registration in the upcoming elections. The actions challenge the statutes with respect to the General Election in November 2022 but not the Primary Election in September. The actions proceeded on a coordinated and highly expedited basis. The parties completed briefing on cross-motions for summary judgment and the Court of Chancery heard argument on August 31, 2022. Fifteen days later, on September 15, 2022, the Court ultimately held the Vote-by-Mail Statute to be unconstitutional and the Same-Day Registration Statute to be constitutional. DLU immediately got to work to overturn the decision. DLU obtained a stay of the Court's ruling on the Vote-by-Mail Statute pending the expedited appeal in the Delaware Supreme Court. Following the most expediated Delaware Supreme Court briefing schedule the Civil Division has ever seen, the Delaware Supreme Court issued an order on October 7, 2022, affirming the Court of Chancery's decision as to the Vote-by-Mail Statute and reversing the decision as to the Same-Day Registration Statute. The loss was not for lack of trying or dedication by the DLU team who worked nights and weekends to fight for fair voting for all.

## Defensive Litigation Unit by the Numbers

255

CASES REPRESENTED  
BY DLU

7

NUMBER OF TRIALS  
(ALL COURTS)

13

SUBPOENAS  
HANDLED

11

CASES AFFIRMED  
ON APPEAL

4

DEFENSE  
VERDICTS

## DEPARTMENTS & AGENCIES UNIT

The Departments & Agencies Unit represents the Departments of Labor, State, Human Resources, and the Public Service Commission.

### Highlights:

- **DOL Workers' Compensation Fund** The DOJ provided an additional DAG position to DOL to represent the Workers Compensation Fund. The position represents a fund that supports claimants when employers/carriers file litigation to cease paying wage benefits. While the matter is in litigation, the fund pays the claimant. If at the end of litigation it is determined that the employer owed the wages during the litigation period, the employer must reimburse the fund.

Prior to 2021, there had never been a DAG assigned solely to the Fund in its 20-year history. The DOJ and DOL made that happen in June 2021. Since then, the Fund has been able to recoup \$1,771,641.05 in wage benefits owed to claimants by employers instead of the Fund. Previously, instead of relying on reimbursements, the Fund would increase yearly assessments to the carriers, and carriers would pass the increased assessments to the employers via premiums.

Adding full-time representation for the WC Fund has assisted the WC system to operate within its statutory authority and place the risk of litigation back where it should be.



Photo: Brandi Bee

## 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:

- ***Delmarsh LLC v. DNREC*** This case was noted in the 2021 Annual Report when the Environmental Unit DAGs successfully defended the decision of the Secretary to deny a wetlands map change request for portions of several parcels the owner wanted to fill in with concrete in Superior Court. This decision was appealed, and Environmental Unit DAGs once again prevailed and received a favorable decision from the Delaware Supreme Court. The Delaware Supreme Court's decision is noteworthy in that it reaffirmed the deference given to decisions of the DNREC Secretary, including factual determinations.
- **Service Transport Group, Inc. (STG)** STG operates a transfer station located adjacent to a low-income residential area, which raised environmental justice concerns. STG was violating its solid waste permits to store and transport asbestos-containing waste. DNREC's inspectors found that STG was storing asbestos waste in improper, open, containers for far longer than the 35-day storage limit. Some of the asbestos waste had been stored onsite for over 400 days.

Additionally, some of the asbestos waste was contained in ripped bags and stored in open containers that allowed the asbestos to be released into the air and allowed storm water to collect with the asbestos and leak from the open containers. The inspectors also discovered scrap tires, automobiles, and boats onsite that were stored without a permit.

Environmental DAGs filed a complaint in the Court of Chancery for injunctive and declaratory relief, and for monetary penalties and costs. The Court granted DNREC's motion for preliminary injunction and ordered STG to remove all of the illegal waste within six months or the Court would order a mandatory injunction shutting down the business. STG failed to meet the December 2022 deadline, and DNREC filed a status report to the Court requesting that the Court order the mandatory injunction.



## FISCAL INTEGRITY AND PROTECTION

The Fiscal Integrity & Protection Unit represents OMB, Elections, Department of Finance, and the Treasurer.

### Highlights:

- **Elections Lawsuits and Voting Issues** This past year, the Delaware Republican Party challenged three election laws, Early Voting Statute, Vote-By-Mail Statute, and Same Day Registration Statute, in two lawsuits. While DLU took an active role in litigating the cases, there remained significant work for Elections to handle the day-to-day efforts to implement these challenged laws. Commissioner Albence and the DLU worked tirelessly so that the public was aware of any change to the challenged laws.

In addition to the legal challenges encountered in 2022, the Department of Elections held a special election in early 2022 due to Representative Gerard Brady's resignation. The Speaker of the House issued the constitutionally required writ the same day Rep. Brady resigned, setting the date and time as March 5, 2022, for the special election to fill the vacated seat. The Elections Code requires that a special election be conducted within 35 days of the issuance of the writ. The special election was Delaware's first special election that permitted early voting and the first special election since 2014. Due to DOE's and DAG Broujos' diligence and efforts, the special election went off without a hitch and Rep. Bud Freel was elected as the new representative for the 4th Representative District.

As of January 1, 2022, there were 754,025  
voters in Delaware.



## HEALTH LAW UNIT

The Health Law Unit provides legal support to the largest state agency, the Department of Health and Social Services.

### Highlights:

- **SODAT (Services to Overcome Drug Abuse Among Teenagers) Complaints Related to Delaware Screening Assessment and Referral Program** The Office of Defense Services reached out to our office regarding concerns that defendant clients paid for court-mandated DUI evaluations at SODAT that were never completed and were being charged for a second evaluation with Brandywine Counseling (“BC”). DHSS’s Division of Substance Abuse and Mental Health (DSAMH) had previously investigated SODAT for failing to provide the DUI evaluation services SODAT had contracted with the State to perform. Following DSAMH’s investigation, DSAMH terminated its contract with SODAT and initiated an emergency contract with BC. HLU worked closely with the Office of Defense Services to assist individuals who paid for evaluations with SODAT and did not receive said evaluation. Given DSAMH’s findings, the Fraud Division initiated an investigation into SODAT with assistance from HLU.

**FILED**

**12**

**GUARDIANSHIPS  
ON BEHALF OF  
STATE  
AGENCIES**

**FILED**

**58**

**LETHAL  
VIOLENCE  
PROTECTION  
ORDERS**

**HELD**

**5**

**MERIT EMPLOYEE  
RELATIONS  
BOARD  
HEARINGS**

In 2022, there were 2,102 Civil Commitment matters statewide.



## PUBLIC SAFETY UNIT

The Public Safety Unit 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:

- **Juvenile Involuntary Civil Commitments** The Bipartisan Safer Communities Act of 2022, Public Law 117-159 became effective on June 25, 2022. It requires additional steps for the National Instant Criminal Background Check System (NICS) background check process when persons under the age of 21 seek to possess a firearm. Specifically, NICS must immediately contact the appropriate State custodian of mental health adjudication records, as well as criminal history repository or juvenile justice information system, for the state in which the person resides. The purpose of the contact is to determine if the person possibly has a disqualifying juvenile record under subsection (d) of Title 18, United States Code (U.S.C.), Section 922. If so, the NICS is given additional time to complete the review of the information and to complete the eligibility determination. PSU DAGs participated in meetings with the federal NICS unit to help create a way to track juveniles with involuntary civil commitments and delinquency cases which are dismissed due to lack of competency and enter them onto the federal NICS G4 database, in compliance with the new law. PSU DAGs also facilitated a system that will be used to submit the limited data needed to the Delaware Criminal Justice Information System (DELJIS) to enter the above juveniles into the database on behalf of the State Bureau of Identification (SBI).





The Kalmar Nyckel





# CRIMINAL DIVISION

The Criminal Division prosecutes every adult criminal case, from murder to misdemeanors. Headed by the State Prosecutor AJ Roop, the Criminal Division represents the State. In doing so, it 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.



## **CRIMINAL DIVISION**

### **Director/State Prosecutor**

AJ Roop

### **Chief County Prosecutors**

Annemarie Puit (New Castle)

Steve Welch (Kent)

David Hume (Sussex)

### **Statewide Criminal Units**

#### **Appeals Unit**

Chief of Appeals: Maria Knoll

Deputy Chief of Appeals: Matthew C. Bloom

#### **Community Engagement**

Unit Head: Allison Abessinio

#### **Internet Crimes Against Children**

Unit Head: Eric Towne

#### **Special Victims Unit**

Director: Jim Kriner

#### **Title 16 Forfeitures**

DAG: John Donahue

#### **Training Coordinator**

Unit Head: Joe Grubb

#### **Traffic Safety Resource Prosecutor**

Unit Head: Barzi Axelrod

#### **Victim/Witness Protection**

Director: Gary Taylor

### **Special Investigators**

Chief Special Investigator: John Ciritella

### **New Castle County Criminal Units**

#### **Domestic Violence Unit**

Unit Head: Jenna Milecki

Asst. Unit Head: Colleen Durkin

#### **Felony Screening Unit**

Unit Head: Marc Petrucci

#### **Felony Trial Unit**

Unit Head: Tim Maguire

Asst. Unit Heads: Billy Leonard,

Will Rasisis, and Matt Hicks

#### **Homicide Unit**

Unit Head: John Downs

**Misdemeanor Trial Unit**

Unit Head: Mandy Buckworth  
Asst. Unit Head: Monil Amin

**Special Victims Unit**

Unit Head: Diana Dunn  
Asst. Unit Head: Nick Wynn

**Violent Criminal Enterprises Unit**

Unit Head: Dan McBride  
Asst. Unit Head: Erika Flaschner

**Wilmington Trial Unit**

Unit Head: Karin Volker  
Asst. Unit Head: Jill Schroeder

**Kent County Criminal Units****Felony Screening Unit**

Unit Head: Ken Haltom

**Felony Trial Unit**

Unit Head: Timothy Maguire  
Asst. Unit Head: Kevin Smith

**Misdemeanor Trial Unit**

Unit Head: Lisa Whitelock

**Special Victims Unit**

Unit Head: Kitty Dickerson  
Asst. Unit Head: Erik Towne

**Sussex County Criminal Units****Felony Screening Unit**

Unit Head: Marty Cosgrove

**Felony Trial Unit**

Unit Head: Mike Tipton  
Asst. Unit Head: Amanda Nyman

**Misdemeanor Trial Unit**

Unit Head: Lindsay Taylor  
Asst. Unit Head: Nichole Gannett

**Special Victims Unit**

Unit Head: Rebecca Anderson



## APPEALS UNIT

The Appeals Unit is responsible for the appellate litigation of criminal cases pending in both state and federal courts. Deputies 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.

### Highlights:

- **PCE Report** In October 2021, the Prosecutor's Center for Excellence completed its review of Delaware cases involving FBI Hair Analysis which included 121 cases. The Appeals Unit worked with the PCE in obtaining the necessary information for their review.
- **Manley Habeas Response** The Appeals Unit filed a habeas response in *Michael Manley v. DOC*, AG Office, etc., responding to an exhausting number of claims by the Federal Defenders
- **Positive Decisions from the Supreme Court** While we had some disappointments, the Delaware Supreme Court affirmed, among other cases, *Brian Wilson v. State*, *Kili Mayfield v. State*, *AJ McMullen v. State*, *Jarreau Ayers v. State*, *Eric Lloyd v. State*, and *Dwayne White v. State*. In November 2021, post-conviction hearings in *State v. James Cooke* began and continued into March 2022.

## UNITED STATES DISTRICT COURT, DISTRICT OF DELAWARE

62

RESPONSES/ANSWERS  
TO FEDERAL HABEAS  
CORPUS PETITIONS

7

RESPONSES TO  
MISCELLANEOUS  
MOTIONS

## DELAWARE SUPREME COURT

51

BRIEFS  
ANSWERED

13

ORAL  
ARGUMENTS

106

MOTIONS  
TO AFFIRM



## 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, build trust, and improve the quality of life in general. The CEU aims to reduce the burden of collateral consequences of a criminal record, such as the inability to get a driver's license, barriers to employment, and prohibitions against living with family or in a particular area, which make it more likely that someone will return to crime.

### Highlights:

- **Amazon Record Clearing Event** In honor of Second Chances Month and with a \$50,000 donation from Amazon, the CEU, Office of Defense Services, DELJIS, State Bureau of Identification, Delaware Center for Justice, Parents with Incarcerated Children, Delaware Volunteer Legal Services, Clean Slate, and APEX hosted a record clearing event and job fair at the Route 9 Library in April 2022. Attendees were encouraged to pre-register so that their records could be pulled and eligibility for a pardon or expungement could be determined before the event. Over 500 people attended.
- **Health Wellness & Food Distribution Event** The CEU hosted its Community Health Wellness & Food Distribution Event at the Bowlerama Parking Lot in New Castle. The Food Bank of Delaware distributed more than 10,000 pounds of food. Attorney General Jennings attended and helped to distribute food to members of the community.





## PRISON RE-ENTRY: CONVERSATION, POETRY & ACTION

FEATURING:  
DAVID GARLOCK AND  
CORIE PRIEST

TUESDAY, APRIL 26  
6:30-8:00 PM  
MEMORIAL HALL 111

UD HONORS COLLEGE  
DEPT. OF SOCIOLOGY & CRIMINAL JUSTICE  
THE LATTICE PROJECT



DO YOU HAVE A RECORD IN  
DELAWARE? IF SO, YOU MAY  
BE ELIGIBLE FOR AN  
EXPUNGEMENT OR PARDON!

JOIN US AT THE...

## SECOND CHANCES RECORD CLEARANCE AND EMPLOYMENT FAIR

PRESENTED BY AMAZON & COMMUNITY PARTNERS

Thursday, April 28th, 2022 from 12 pm-6 pm  
Rt. 9 Library, 3022 New Castle Ave.  
New Castle, DE 19720

PRE-REGISTER TO ATTEND IN-PERSON OR  
VIRTUALLY AT [BIT.LY/2NDCHANCESFAIR](https://bit.ly/2NDCHANCESFAIR)

- WALK-INS WELCOME
- FINANCIAL ASSISTANCE WILL BE PROVIDED
- REFRESHMENTS WILL BE SERVED



Department of Justice,  
English Lessons Youth  
Mentoring Program,  
and the City of  
Wilmington Parks and  
Recreation

Presents:

# Wilmington Pop-up

### Basketball Clinics

IMPROVE  
YOUR  
BASKETBALL  
SKILL THIS  
SUMMER  
FOR FREE

FOR BOYS & GIRLS AGES 8-12  
**SATURDAYS 9am - 11am**

June 11, 2022 - BRONW-BURTON WINCHESTER PARK (PRICES) AT  
26TH AND LOCUST STREETS

JUNE 18, 2022 - ELBERT PLAYGROUND AT C AND TOWNSEND  
STREETS

JUNE 25, 2022 - KIRKWOOD PARK AT 11TH AND SPRUCE STREETS

JULY 9, 2022 - WILLIAM HICKS ANDERSON AT 501 N. MADISON  
STREET

MAXIMUM OF 50 KIDS NO ONE UNDER 17 WILL BE TURNED AWAY









**Kind to Kids**  
A future for every child



**NETWORK  
CONNECT**

## COMMUNITY YOUTH RESOURCE FAIR

Building Our Community One Child at a Time

**Thursday, Jun  
30, 2022  
From: 1:00pm  
4:00pm**

**Kirkwood Park - Eastside**  
**11th & Spruce Streets**  
**Wilmington, DE 19801**

 **Big Brothers Big Sisters.**  
OF DELAWARE



**Christina Cultural  
Arts Center**

For more information, please contact:  
Corie Priest, Delaware DOJ Community Engagement Unit  
corie.priest@delaware.gov or (302) 300-0153

**Free Haircuts**  
**Nail Painting**  
**Moon Bounce**  
**Music**  
**Food**  
**Youth & Teen**  
**Resources/Programs**  
**\*COVID Vaccinations\***



## COMMUNITY POP-UP!

FREE resources, diapers and wipes,  
COVID-19 PPE, food and beverages &  
more!

**FRIDAY, JUNE 17TH: 11 AM-2 PM**

24th & N. Market Streets in Wilmington  
(Congo Funeral Home Parking Lot)





## **DOMESTIC VIOLENCE UNIT**

The Domestic Violence Unit (DVU) prosecutors address crimes of violence committed among intimate partners, families, and household members. The Unit works collaboratively with community partners to combat violence, ensure victim safety, and ensure offender accountability.

### Highlights:

- DVU has started to more effectively track stalking and strangulation cases to supervise successes in prosecution, and has trained local and statewide law enforcement on both offenses. One such training for New Castle County Police Department supervision on the topic of stalking charges took place initially in 2020 and again in 2022. Following the 2020 training, The number of identified staking cases in NCC dramatically increased. From 2018 through 2020, prior to the training, there were between nine and 14 identified cases. Following the training, in 2021, 74 stalking cases were identified. There were 63 cases in 2022.
- The DV Unit assisted in the drafting of the new Strangulation/Suffocation statute that was signed into law in August 2022, which increased penalties for strangulation, and added aggravating factors. It also added suffocation as a criminal offense.

## **TOTAL INCOMING FELONY DOMESTIC VIOLENCE CASES IN 2022**

**831**

## **FELONY SCREENING UNITS**

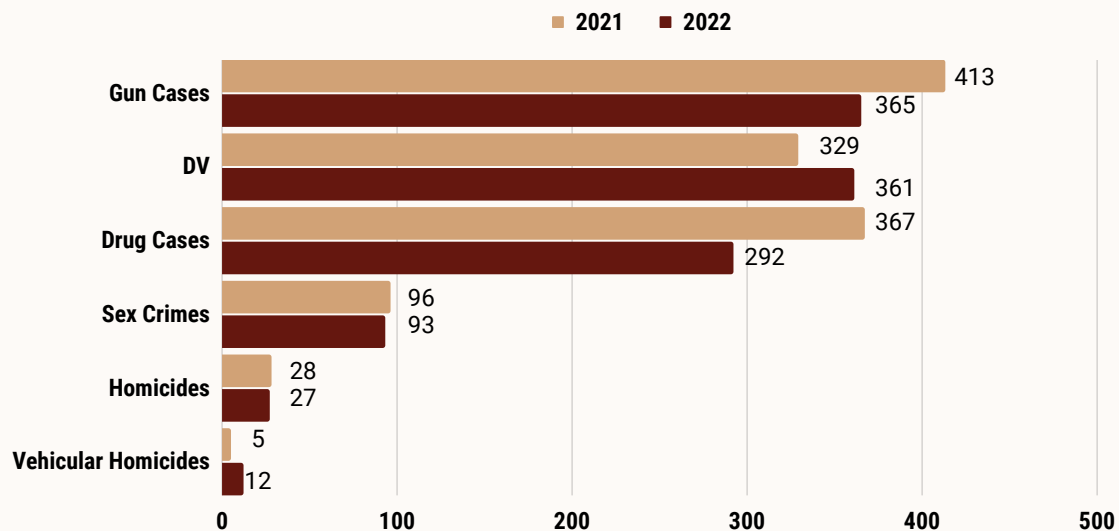
DAGs in the Felony Screening Unit (FSU) conduct initial reviews of felony arrests to determine whether felony arrests should be assigned to a trial DAG, downgraded to a misdemeanor, or diverted to a problem-solving court. The Unit works to divert low-level, non-violent offenses so that trial prosecutors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

## Highlights:

- **Intake Backlog Project** At the beginning of 2022, FSU was overwhelmed with a backlog of intakes resulting in a four to six-week waiting period for the newest arrest cases. Through aggressive and strategic changes to intake scheduling, including the use of night intakes, the backlog was successfully eliminated in September 2022.
- **21-Day Intake Policy** Also in 2022, FSU was able to re-implement the 21-Day Intake Policy of 2016. Due to the challenges presented by the pandemic, which were exacerbated by the intake backlog, the 21-Day Intake Policy had been temporarily suspended. However, the success of the intake backlog project allowed FSU to revive this critical policy. The policy went into effect in late 2022 and had an immediate positive impact on the quality of, and promptness in completing intakes.

## TWO YEAR COMPARISON OF NEW CASTLE CASE TYPES



2,196

NUMBER OF KENT  
CASES SCHEDULED  
FOR PRELIMINARY HEARING

2,590

NUMBER OF SUSSEX  
CASES SCHEDULED  
FOR PRELIMINARY HEARING



## FELONY TRIAL UNITS

Deputies in the Felony Trial Units (FTUs) prosecute felony cases resulting from arrests made by the Delaware State Police and other municipal police agencies. The FTUs also present cases to grand juries for indictment, appear at preliminary hearings, and cover ancillary matters and court appearances. The Kent and Sussex FTUs additionally handle cases that are covered by the Special Victims Unit (SVU) in New Castle County.

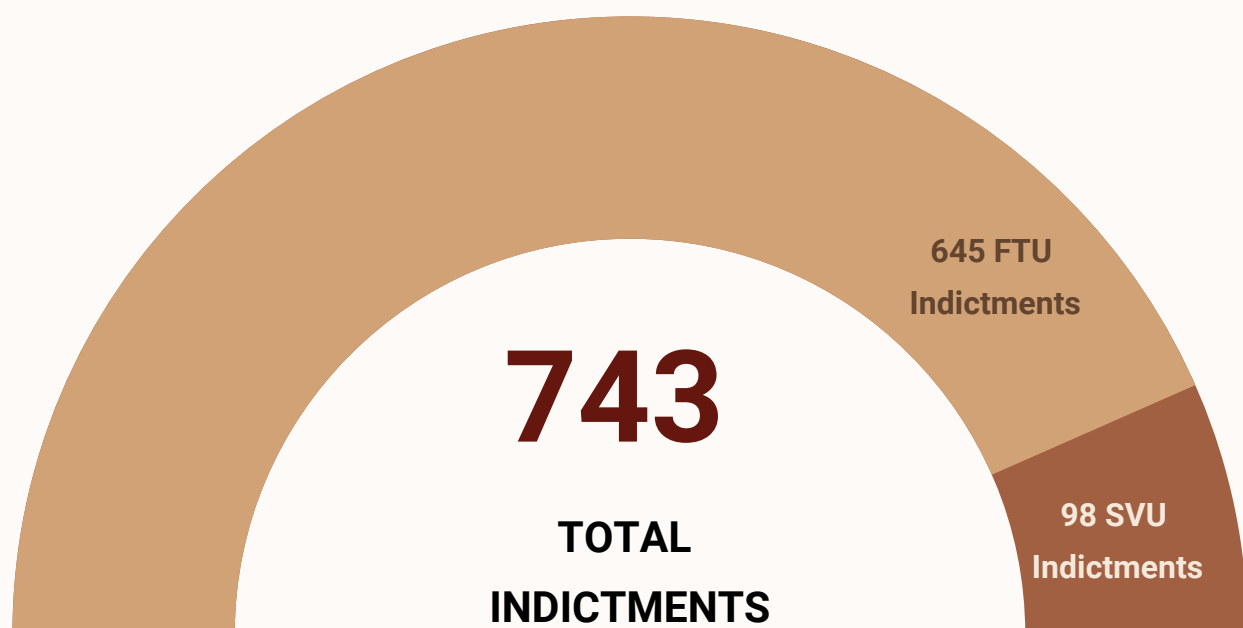
**IN 2022, FELONY PROSECUTORS  
HANDLED NEARLY  
6,000  
CASES**

### NEW CASTLE COUNTY

#### Highlights:

- **State v. John Collins** FTU DAGs secured convictions against a man who was charged for driving a stolen tow truck at several DSP officers while leading them on a chase in the Bear area. John Collins used his truck as a weapon, deliberately ramming into several officer's vehicles and attempting to run over other officers who were on foot. He was found guilty of Assault Second Degree, three counts of Attempted Assault 1st Degree, five counts of Possession of a Deadly Weapon During the Commission of a Felony, three counts of Felony Criminal Mischief, one count of Felony Resisting Arrest, one count of Felony Receiving Stolen Property, one count of Trespassing 2nd Degree, and one count of Attempted Theft. The defendant faces a minimum mandatory 16 years at sentencing.
- **Law enforcement training** The supervisors for New Castle County FTU trained New Castle County Police Department twice on search warrant writing and once on courtroom testimony, which included several short mock trials with officers. The Unit also conducted two legal updates trainings with Middletown PD. Finally, the Unit held mock trials for two new Division of Forensic Science (DFS) Drug Chemists as well as two new DFS Arson Analysts. During these trainings, newer FTU DAGs conducted the direct examinations of the DFS experts to give them some hands-on experience prior to doing it in court.

## KENT COUNTY



## SUSSEX COUNTY

### Highlights:

- **Continuing to Lead** In early 2022, the ATF, DSP, and the DOJ attacked the issue of gun trafficking in Sussex County. In all, 87 felony counts were charged against identified straw purchasers.

# 1,123

## TOTAL CASES ASSIGNED

The Department of Justice received 8,711 new felony cases in 2022, 4,047 of which were in New Castle County.

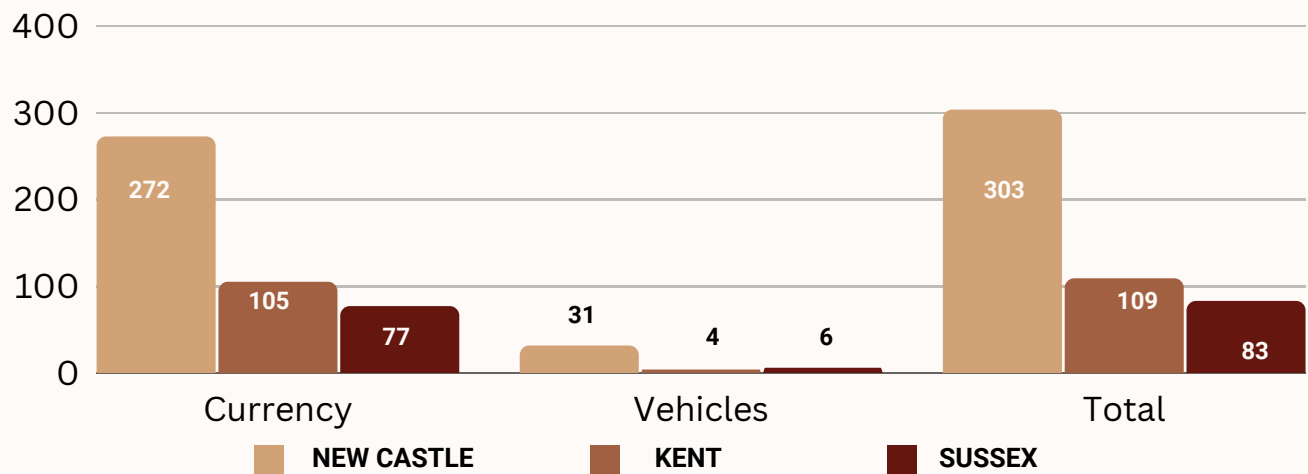
## FORFEITURE UNIT

When law enforcement officers confiscate assets from people suspected of involvement with crime or illegal activity there needs to be accountability. The DOJ voluntarily returns property to owners found not to have been engaged in criminal activity. Assets permanently seized are deposited into the Special Law Enforcement Assistance Fund (SLEAF).

### Highlights:

- In 2022, the Unit processed 471 new cases, in which 495 property items were seized. We will be refining our data collection procedure in 2023 to be able to provide more detailed data.
- **Reinstituting the Ion Scanning Program** Ion scanners are used to detect illegal substances, explosives, hazardous chemicals, and chemical weapons. Training has been completed on the Ion scanning machine. The Ion Scanning Program will be fully operational by the end of 2023.

### ASSETS SEIZED BY COUNTY



**\$127,229.00**

**VOLUNTARILY RETURNED**

**\$1,134,421.33**

**TOTAL SLEAF CONTRIBUTIONS**

## HOMICIDE UNIT

The Homicide Unit (HU), comprised of some of the DOJ's most experienced DAGs, investigates and prosecutes 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.

# 29

## HOMICIDES

### IN 2022

(DOWN 52% FROM 2021)

# 25

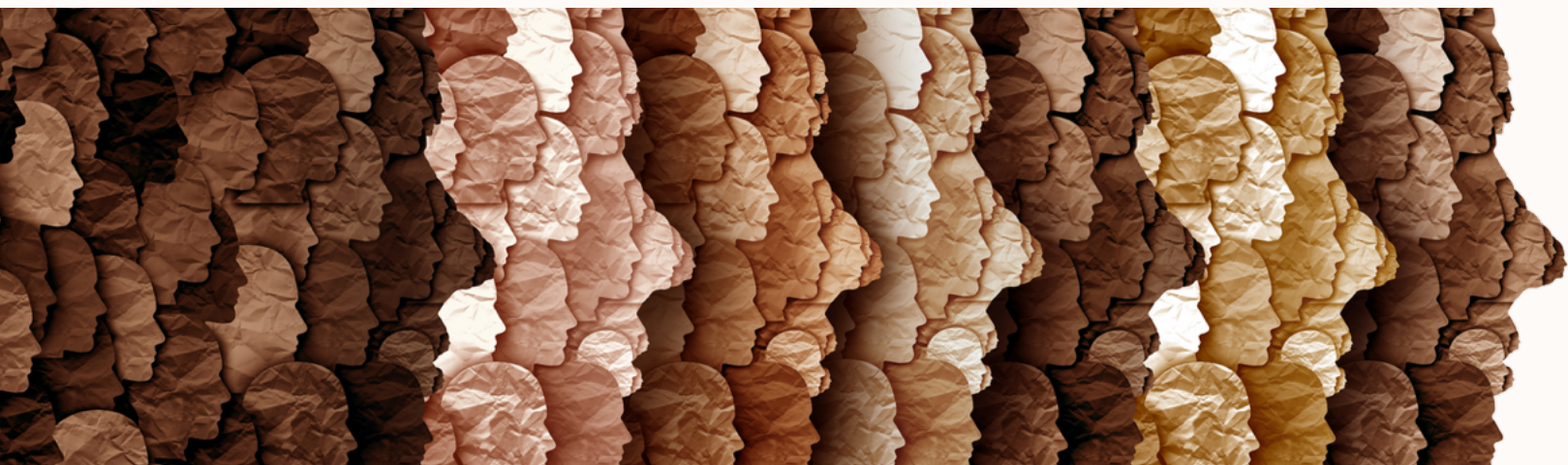
DEFENDANTS  
INDICTED

# 7

TRIALS

# 21

CONVICTIONS







## INTERNET CRIMES AGAINST CHILDREN

The Internet Crimes Against Children Task Force 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.

### Highlights:

- On August 26, 2022, Michael Shoemaker-Maroni was sentenced to 50 in prison, followed by more than five years of varying levels of probation, related to convictions for Rape 1st Degree, Unlawful Sexual Contact 1st Degree, Dealing in Child Pornography, and Sexual Exploitation of a Child. Shoemaker-Maroni was sexually assaulting his infant daughter and sharing the images/video online.
- On October 21, 2022, Eric Jones was sentenced to 20 years in prison, followed by two years of probation, related to convictions for Dealing Child Pornography, Sexual Solicitation of a Child, and Possession of a Firearm by a Person Prohibited. Investigation revealed Jones was soliciting juvenile males for nude images. Once Jones received the CSAM, he would extort the minors for more. If the victims did not comply, Jones would send the CSAM to the victims' family and friends. To date, three victims have been identified.

**1,142**

**INVESTIGATIONS  
CONDUCTED**

**72**

**SEARCH WARRANTS  
INITIATED**

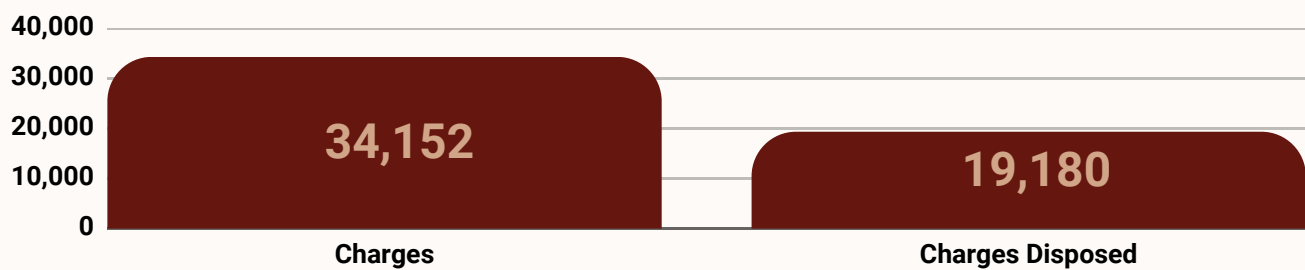
**1,267**

**CYBERTIPS  
RECEIVED**

## 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. 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.

In 2022, the Court of Common Pleas fully transitioned back to “in-person” bench, DUI, and jury trial calendars and the DAGs jumped right back into trying cases and learning on their feet. Every DAG currently in the MTU has had multiple bench trials and the majority have had a least one jury trial.



## SPECIAL INVESTIGATIONS

The Criminal Division Investigations Unit effectively supports the Delaware Department of Justice by providing investigative services for prosecutorial efforts and promotes cooperation between the Attorney General's Office and all local, state, and federal law enforcement agencies.

**100+**

**VICTIM & WITNESS  
INTERVIEWS  
CONDUCTED**

**1,000+**

**VICTIMS & WITNESSES  
LOCATED FOR  
UPCOMING CASES**

**5,000+**

**PRISON PHONE/VIDEO  
CALLS LISTENED  
TO AND TRANSCRIBED**

## SPECIAL VICTIMS UNIT

The Special Victims Unit (SVU) handles cases involving some of Delaware's most vulnerable victims, including victims of sex crimes, child predators, and other crimes with child victims. SVU prosecutors understand the unique legal and social issues that are common to these cases. SVU deputies are on call 24/7 to address these heinous crimes. Furthermore, throughout the year, prosecutors engage in focused training in this ever-evolving area of criminal law.

### Highlights:

- **State v. Joseph Seramone** Seramone pleaded guilty to Rape 2nd Degree for sexually assaulting his step-grandchild over the course of several years. He was sentenced by Judge Wharton to life in prison.
- **State v. Joshua McGriff** McGriff was convicted at trial of Attempted Rape 1st Degree. Judge Jurden sentenced him to 36 years in prison followed by successive levels of probation.
- **State v. Tha El-Abaddi** El-Abaddi was convicted of Murder by Neglect 1st Degree for the death of 3-year-old Julian Cepeda. As a result of the conviction, he faced a 15-year minimum mandatory sentence. The judge sentenced him to 35 years.
- **State v. Aaron Tucker** Tucker pleaded guilty to three counts of Unlawful Sexual Contact First Degree and Breach of Bond During Commitment. Tucker was sentenced to 10 years in prison, followed by three and a half years of community supervision.
- **State v. Byron Mayhan** Mayhan was tried for Rape First Degree, Kidnapping First Degree, Robbery 1st Degree, and weapons offenses. After significant deliberation, the jury was unable to reach a unanimous verdict. The State received notice post-trial that one of the jurors was unwilling to consider the evidence and deliberate as he was sworn to do. Mistrial was declared and the case is scheduled to be retried in May 2023. If convicted, Mayhan will be sentenced as a habitual offender and faces mandatory life in prison.

## IN 2022, THE SVU REVIEWED

7

CHILD  
DEATH CASES

32

PHYSICAL ABUSE  
CASES

154

SEXUAL ABUSE  
CASES

## TRAFFIC SAFETY RESOURCE PROSECUTOR

The federally funded Traffic Safety Resource Prosecutor (TSRP), in partnership with the Delaware Office of Highway Safety (DOHS), oversees the prosecution of all alcohol-related driving accidents and law enforcement training.

The TSRP is involved in all stages of the prosecution of fatal motor vehicle crash cases, with the goal of the program to have early involvement and provide assistance to law enforcement at the time of the crash. In this capacity, the DOJ provides a great resource for police departments in their initial decision-making process and in obtaining warrants for evidence in criminal cases. If the offense rises to the level of criminal negligence, the TSRP prosecutes the cases for the DOJ.

In addition, the TSRP also assists the DOHS with highway safety public policy and education initiatives and serves as a liaison between the many highway safety stakeholders. A 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.

### Highlight:

- The multi-year project to revise the Impaired Driving Report (IDR) made substantial strides. The DELJIS update to the Impaired Driving Report has been a labor of years of edits, coding, and revisions. In 2022, through many meetings and hours of beta testing updates with other stakeholders, the IDR project made substantial strides. We anticipate the updated IDR to go live in 2023. The revisions are the first real practical changes to the report writing system since the former handwritten report format had been converted into digital form.

**IN 2022, THERE WERE**

**5,100+**

**DUI  
CONVICTIONS**

In 2022, there were 165 roadway deaths. Drugs/alcohol contributed to 52 instances, 36 involved unrestrained occupants, and 33 involved pedestrians.



## TRAINING COORDINATOR

The Training Coordinator is responsible for providing trainings to DAGs and paralegals throughout the year covering a variety of topics, cross-agency training between the DOJ and its partner agencies, planning and implementing the agenda for DAG retreats, organizing outside trainings like the weeklong NAGTRI trial advocacy training for DAGs statewide.

### Highlights:

- **Mock Trial** The Training Unit conducted a statewide, week-long Advanced Trial Mock Trial in September of 2022. It involved every Criminal Division DAG as a trainee, trainer, or witness/juror. We also involved the investigators, paralegals, and social workers to be jurors or witnesses. It was hugely successful and very educational for all.
- **Sentencing Training** The Unit conducted a hands-on sentencing training for the DAGs. This was highly successful, as they've never had a formal training on this topic.
- **Charging Decision Training** DAGs were given made-up fact patterns. In small groups, the DAGs then explained their rationale for charging or not charging.

## VICTIM/WITNESS PROTECTION

Victim/Witness Protection is security provided to a threatened person providing testimonial evidence to the justice system, including defendants and others, before, during, and after a trial.

45,340 letters were sent  
to victims and witnesses.

348 victims were provided walk-in  
assistance.

4,756 meetings were held or victims were  
accompanied to court proceedings.

1,223 witness meetings or witness  
court accompaniments.

2,342 witness calls/letters were  
made/generated.

42,430 phone calls were  
made to victims.

3,564 referrals to outside agencies  
for further assistance.

## 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.

### Highlights:

- **MGS Gang Case** In 2022, the MGS Prosecution Team successfully resolved a majority of the 20 Codefendants' cases. The final iteration of the MGS indictment included four separate homicides, five non-fatal shootings, and dozens of firearm charges. Such a large and complex case of this nature involved massive amounts of discovery, a plethora of pretrial motions, and countless weeks of plea negotiations and/or trial preparation.
- **NorthPak Gang Case** The prosecution team continued the arduous task of prosecuting the unprecedented NorthPak Gang case. This 19-defendant case included eight individual homicides, over a dozen non-fatal shootings, and dozens of firearm and related offenses. Much of 2022 was spent collecting extensive amounts of evidence associated with these cases. The only task more difficult than collecting the evidence from such a wide variety of sources, was coordinating disclosure to defense counsel. The prosecution team was able to effectively provide unprecedented amounts of evidence to each and every defense counsel. The prosecution team successfully navigated a variety of pretrial issues and motions, clearing the runway for the first trial to begin in February 2023.
- **Operation Double Down** The VCE targeted a large-scale drug trafficking organization that had operations from Puerto Rico to New Castle County to Upstate New York. The dismantling of this Drug Trafficking Organization led to a pending seven co-defendant criminal racketeering indictment and the seizure of 6.5 kilograms of cocaine, 330 grams of fentanyl, \$47,000 in cash, and nearly \$200,000 in a frozen bank account.
- **Rosegate Crips Investigations** The VCE has prosecuted multiple members of this gang this year, resulting in sentences from three to eight years.

According to the Wilmington Police Department Year-End Report, Wilmington saw a 30% decrease in shooting incidents (83 in 2022 compared with 118 in 2021), and a 29% decrease in shooting victims.







# DIVISION OF CIVIL RIGHTS & PUBLIC TRUST



The Division of Civil Rights and Public Trust (DCRPT) is unique in its structure in that it does not have distinct units. Additionally, it is siloed from the rest of the DOJ to maintain the distance and integrity of its decisions where the appearance of a conflict, such as in investigations of the use of force by law enforcement officers, might be called into question.

Led by Director Mark Denney, the Division is comprised of four deputies, two paralegals, five investigators, and two support staff.

The Division has six main responsibilities:

- Civil Rights Enforcement;
- Investigation and prosecution of all Hate Crimes;
- Investigation and prosecution of all instances of Public Corruption and Official Misconduct;
- Review all claims of actual innocence and questions of conviction integrity;
- Providing immigration services and assistance.



# **DIVISION OF CIVIL RIGHTS AND PUBLIC TRUST**

**Director**  
Mark Denney

**Investigations**  
Special Investigator: Frank Robinson

**Immigration Services**  
Maria Mesias-Tatnall



## **PUBLIC CORRUPTION & PUBLIC TRUST**

2022 saw the unprecedented conviction of State Auditor Kathleen McGuinness for Official Misconduct, Structuring, and Conflict of Interest. The case represents a landmark win for the Division of Civil Rights and Public Trust (DRCPT) and marks the first time in Delaware's history a sitting public official was convicted.

Following the conviction AG Jennings stated:

*"From the moment I took office, I promised that no one would be either above the law or beneath Justice. Today's guilty verdict confirmed that. After weeks of grueling trial and mistreatment of whistleblowers, the state auditor – whose job is to protect our state from waste, fraud, and abuse – has been found guilty of three crimes by a jury of her peers. I am grateful for the jury's judgment, for the excellent work of our trial team, and above all else for the courage of the whistleblowers and witnesses who came forward and made accountability possible. Our office's – and the jury's – message is clear: abuse of office will not be tolerated in Delaware."*

## **THE PUBLIC CORRUPTION & PUBLIC TRUST ATTORNEYS HAVE INDICTED OR CONVICTED 25**

### **PUBLIC OFFICIALS SINCE 2019**

Former Delaware State Trooper, Edwin R. Ramirez, pleaded guilty to one count of Falsifying Business Records and one count of Official Misconduct in New Castle County Superior Court on October 17, 2022. The charges stem from a 2021 indictment involving non-existent traffic stops that he logged as e-warnings.

Suspended since May 2021, Ramirez was indicted in August 2021 following an investigation by the Delaware State Police that revealed a series of fraudulent E-Warnings issued by the then Trooper. His supervisor, in reviewing his reports, noticed discrepancies and investigated further. In one month alone, Ramirez created false entries in state records by entering 33 warnings he supposedly gave to motorists he never stopped.

Ramirez was sentenced to two concurrent 12-month prison sentences suspended for 12 months of probation, was ordered to surrender his Council on Police Training (COPT) certifications, and serve 33 hours of community service, one hour for each known fake warning.

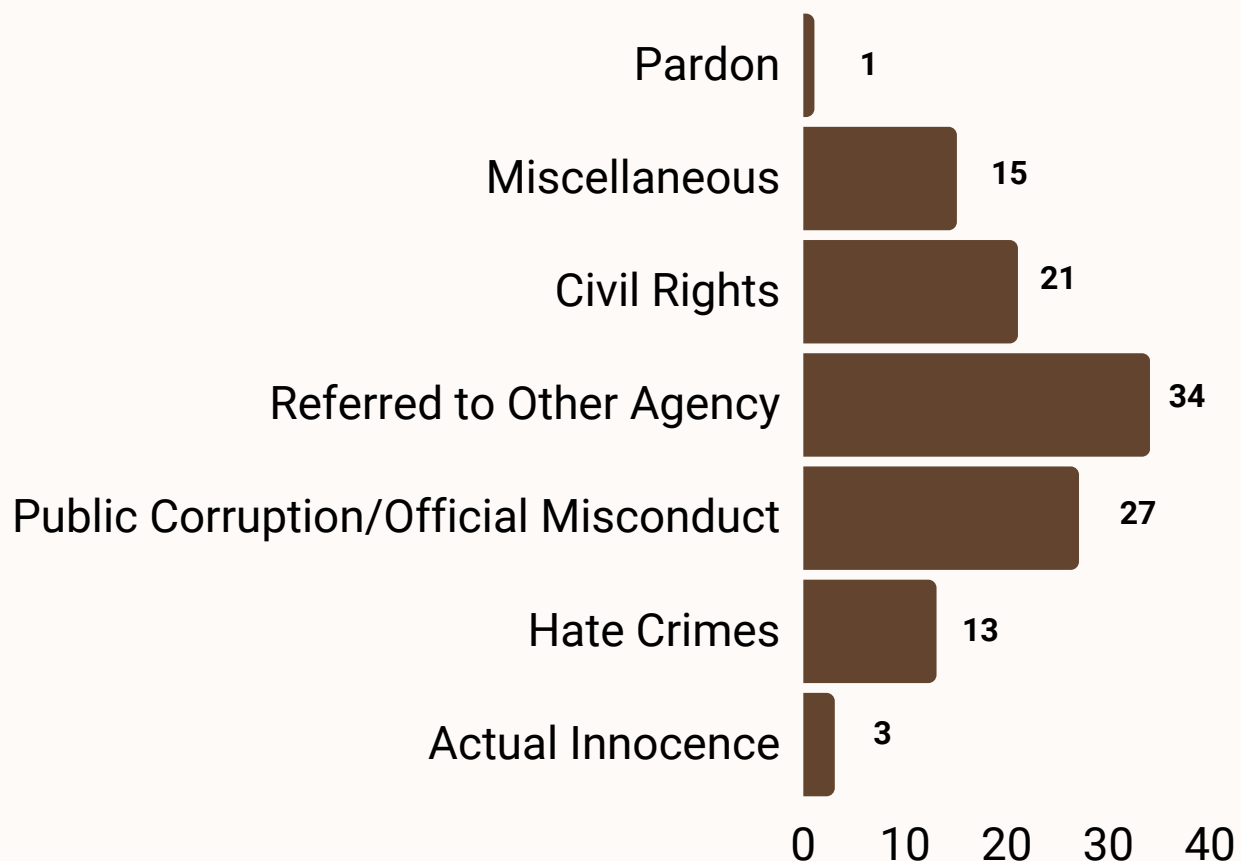
## USE OF FORCE

Few investigations are as 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, prior to this summer, Delaware's subject use of force standard was one of the most confusing, and least enforceable in America.

### Highlight:

- **Timely Officer-Involved Shooting Reports** DCRPT closed out a March 2022 fatal shooting, but still has pending a non-fatal shooting from September 2022 and a fatal multi-agency shooting from December 2022.

## 2022 CASES RESOLVED



### Highlights:

- **Updates Made to the Hate Crimes Law** DCRPT in 2020 and 2021 drafted and sought to advance the strongest Hate Crimes statute in the nation. It was signed into law in October 2022.
- **Progress in Election Cases** DCRPT closed out a 2020 Christina School District Referendum voting fraud case with a guilty plea to Offering a False Instrument for Filing in September of 2022.





Bethany Beach panorama



A group of six diverse children are peeking over a large, light-colored banner that reads "FAMILY DIVISION". The children are looking over the top edge of the banner, with their heads and hands visible. The background is a solid dark blue.

# 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.

## **FAMILY DIVISION**

### **Director**

Abigail Rodgers

### **Child Protection Unit**

Unit Head: Islanda L. Finamore

Asst. Unit Head: Jonathan Harting

### **Child Support Unit**

Constance Dorsney, Unit Head

Jessica Cuprak, Asst. Unit Head

### **Human Trafficking Unit**

Michael Cooksey

Caroline Brittingham

### **Juvenile Delinquency & Truancy Unit**

Unit Head: Kelly Singleton

Asst. Unit Head: Kelly Sheridan

### **School Ombudsmen & Investigations**

Special Investigator: William McGillan

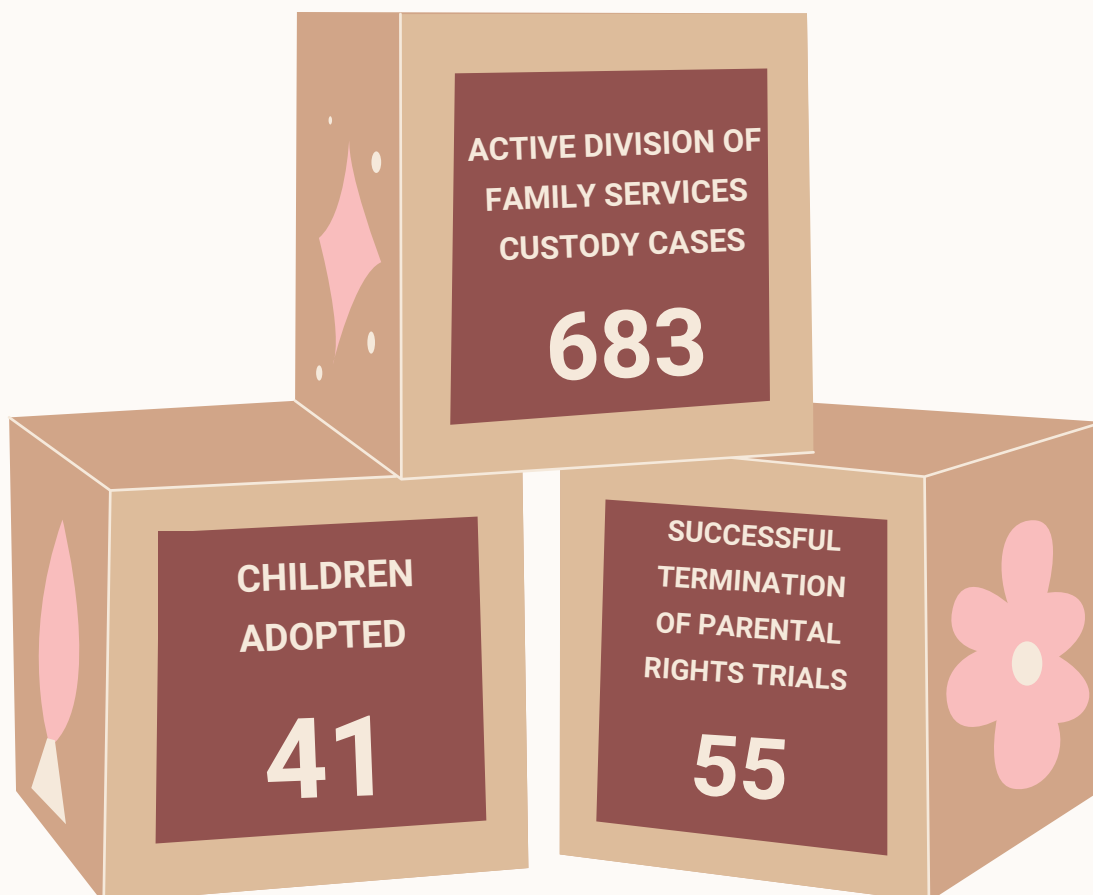


## CHILD PROTECTION UNIT

Deputies in the Child Protection Unit (CPU) 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:

- **Failure to Report Child Abuse and Neglect** The CPU reorganized the Failure to Report Child Abuse and Neglect process to better streamline processing and reduce turnaround times.
- **Adoption Instructional Pack** Worked with the Courts to create an adoption instructional pack strictly for foster care pre-adoptive resources, to enable these individuals to draft their own Petitions for Adoptions with ease.
- **Holiday Gift Collection** CPU ran a successful Holiday Gift Collection for youths in foster care. They were able to fulfill wish lists for 310 children (100 more than in 2021), donate seven boxes of items (toys, clothes, etc.) to the Governor Terry Center, provide items for children who entered care over the holidays, and partner with one of their donors to develop creative opportunities for youth in care to participate in throughout the year.







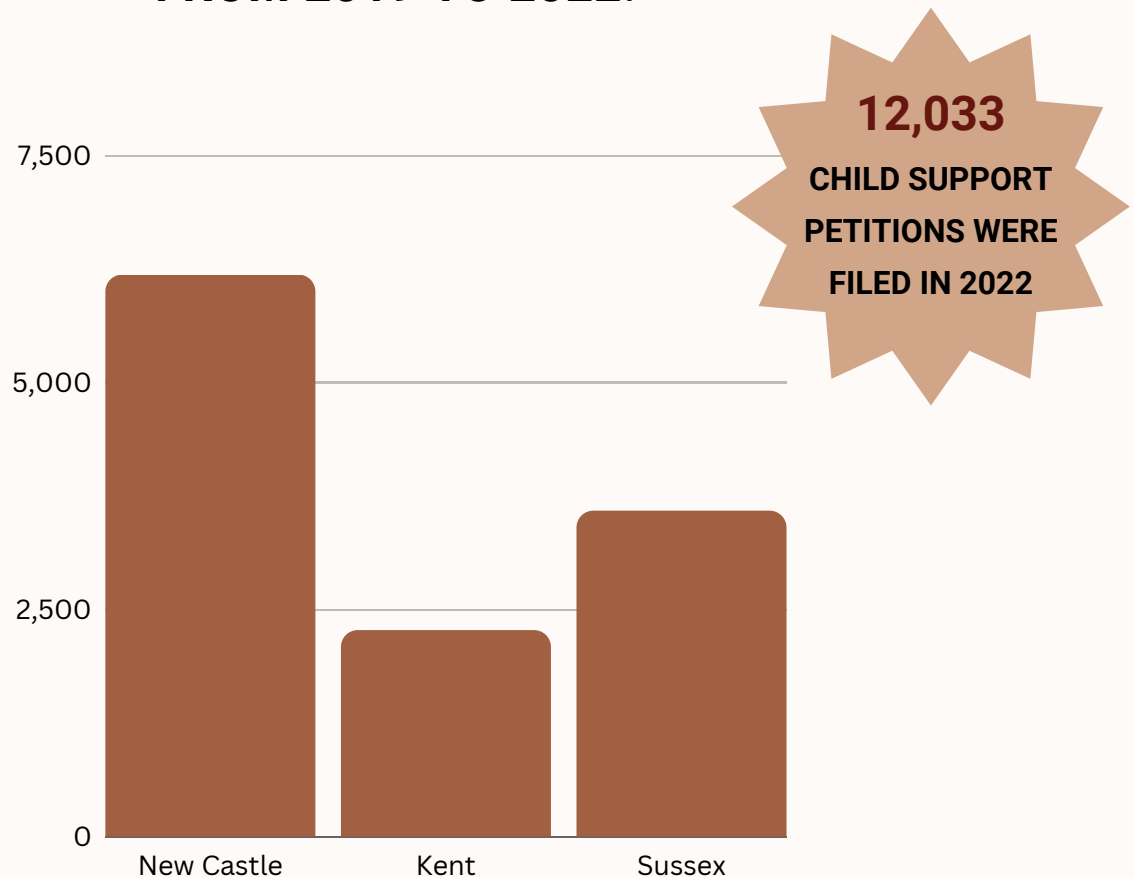
## CHILD SUPPORT UNIT

The Child Support Unit (CSU) represents the Division of Child Support Services (known as DCSS) and works to establish, modify, and enforce child support orders. Their DAGs operate mainly in Family Court to ensure that Delaware's children are supported by both parents, regardless of their relationship status.

### Highlights:

- **Bail Initiative** Many obligors have had contempt petitions pending for years with outstanding capiases on the same case showing repeated failures to appear. The child support DAGs have been appearing at bail hearings to identify obligors who are unlikely to voluntarily attend their hearing and requesting payment to DCSS in lieu of bail. In one notable case against a self-proclaimed "sovereign citizen," the full arrears balance, more than \$30,000, was paid. The Family Division's investigator was instrumental in bringing the obligor.
- **Bankruptcy** The Unit has been successful in setting up a system with the Division of Child Support Services for flagging cases in bankruptcy to limit their enforcement. DCSS has been sending any notices related to bankruptcy to the DAGs for review, and the DAGs have been advising DCSS as necessary regarding what actions can and cannot be undertaken.

## THE CHILD SUPPORT UNIT HAS HELPED COLLECT NEARLY **\$200 MILLION** IN CHILD SUPPORT PAYMENTS FROM 2019 TO 2022.



## HUMAN TRAFFICKING UNIT

In August 2022, AG Jennings announced the formation of the Delaware Department of Justice's first dedicated Human Trafficking Unit (HTU). The HTU focuses on a holistic approach that emphasizes collaboration with public and nonprofit partners, raising awareness, supporting survivors, engaging in community outreach, and eradicating trafficking through education, prevention, and, when appropriate, prosecution.

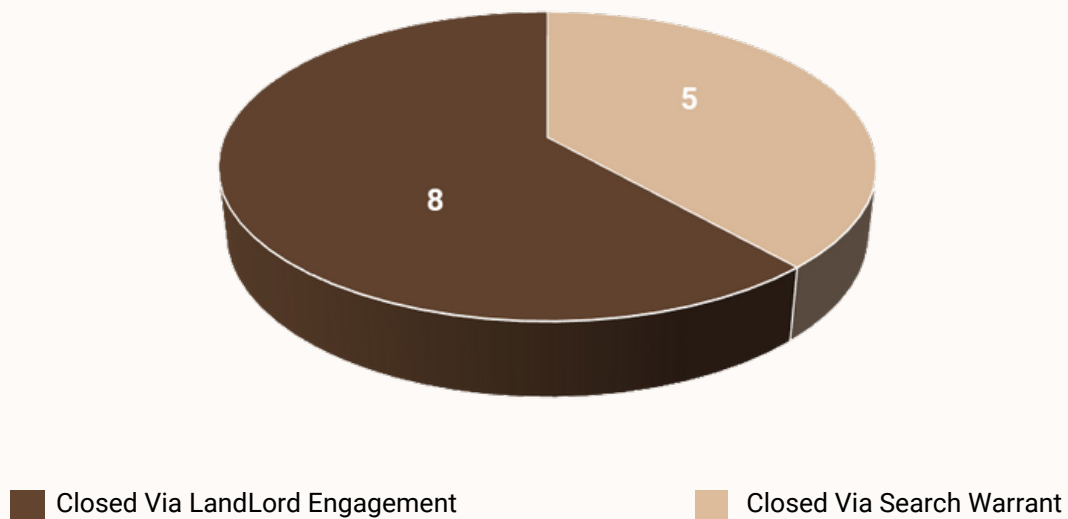
In the last five years, Delaware law enforcement has made more than 50 human trafficking-related arrests, though that figure is widely believed to represent only a fraction of the full scale of sex and labor trafficking in Delaware given the inherently clandestine nature of the crime and the state's location on the I-95 corridor.

Anyone who suspects human trafficking may be occurring should contact the **National Human Trafficking Hotline at (888) 373-7888**, or call 911 if there is imminent danger.

### Highlights:

- The HTU filed RICO and money laundering charges against Spa Wellness and closed the Lotus Blossom Spa through the nuisance abatement process.
- **Trainings Given** In 2022, the Unit conducted numerous trainings for a variety of groups/organizations to raise the specter of human trafficking and help attendees to recognize the signs. Of particular note were trainings given for hotel staff and school administrators to raise awareness and teach indicators as these groups work closely with potentially vulnerable populations.
- **Illicit Massage Establishment Closures** The most easily identifiable and actionable areas of trafficking for the Unit are Illicit Massage Establishments (IME) throughout the State. The Unit has learned many ways in which these IMEs operate and has made a concerted effort to identify methods to shut them down, including through landlord cooperation, as well as criminal and civil remedies.

## ILLICIT MASSAGE ESTABLISHMENT CLOSURES



According to the National Human Trafficking Hotline, Delaware reported **85** cases of human trafficking since 2012, including **16** in 2022.





## 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. The Unit seeks to screen out low-level offenses and provide case resolution and services to the most at-risk juveniles upon entry into the truancy or juvenile justice system. 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. In 2022, there were 10,785 charges brought against juveniles. This number includes everything from the most minor traffic infraction to murder.

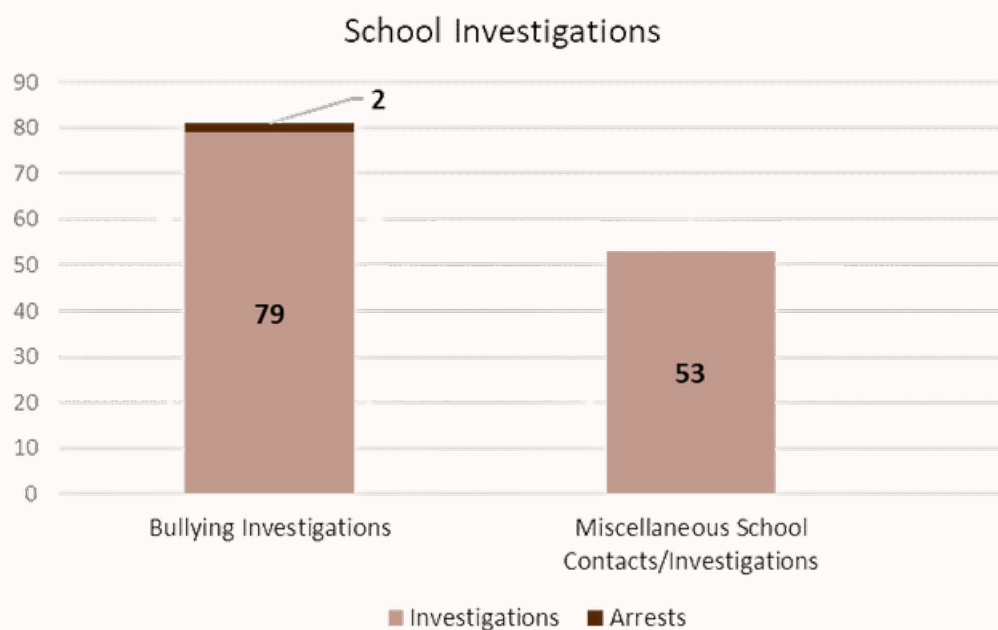
### Highlights:

- **Case Screening** The JDTU continued to improve its screening practices throughout 2022 by using diversionary programs to resolve the bulk of misdemeanor cases in the early stages of prosecution. The more dangerous felony cases were sent to Superior Court for prosecution, leaving the Unit to focus on the kids who are most appropriate for Family Court prosecution.
- **Dual Status Youth** The Dual Status Youth Initiative, initially spearheaded by the DOJ and the Department of Services for Children, Youth and Their Families (DSCYF), identified 113 Dual Status Youth in 2022. Dual Status Youth are children involved in delinquency proceedings and are in the Division of Family Services (DFS) custody. These children received individualized meetings to address immediate and long-term needs after a triggering event (new arrest or *sua sponte* order into DFS custody).



## SPECIAL INVESTIGATIONS

In addition to conducting investigations and delivering subpoenas for the Family Division, the Family Unit Special Investigations Officer also acts as the School Ombudsperson who works with parents, students, and schools to help resolve conflict and protect children. A large portion of the School Ombudsperson's work centers on the resolution of bullying incidents. This includes, but is not limited to cyber bullying incidents.







Cape Henlopen, Delaware





## 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. 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 enforces various consumer protection statutes, deceptive trade and antitrust laws, through the filing of lawsuits on behalf of the State of Delaware and the public, and ensures that markets for consumer financial products are fair, transparent, and competitive. The Division regularly provides vital information to the public on consumer protection issues and legal actions, along with education on how to avoid consumer fraud.

The Fraud and Consumer Protection Division is also 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 consequences for public policy.

Led by Owen Lefkon, the Division consists of 24 deputies, nine paralegals, 14 investigators, and 18 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.

## FRAUD AND CONSUMER PROTECTION DIVISION

### Director

Owen Lefkon

### Deputy Director

Christian Douglas Wright

#### Office of Impact Litigation

Director: Christian Douglas Wright

#### Consumer Mediation Unit

Director: Brian Eng

#### Consumer Protection Unit

Director: Marion Quirk

Assistant Unit Head: Ryan Costa

#### Investor Protection Unit

Director: Jillian Lazar

Assistant Unit Head: Lindsay Nasshorn

#### Medicaid Fraud Control Unit

Director: Stephen McDonald

Assistant Unit Head: Christopher Marques

#### White Collar Crime Unit

Director: Brian Robertson



## Office of Impact Litigation

The Office of Impact Litigation is responsible for overseeing the office's high-priority affirmative litigations utilizing outside counsel, as well as reviewing, recommending, and coordinating all Attorney General sign-ons to comment letters and "Friend of the Court" briefs. The Office also manages multistate litigation joinders, which typically involve federal litigation over policy matters important to the Attorney General.

### Highlights:

- **Opioids** 2022, like 2021, saw many positive developments from the Attorney General's efforts to hold the manufacturers, distributors, and pharmacies in the opioid supply chain accountable for their role in creating the devastating opioid crisis throughout Delaware.
- **Environmental Justice** 2022 saw continued work to advance the Attorney General's efforts to protect Delaware's natural resources and address the climate crisis.
- **Racial Discrimination in Mortgage Lending** We entered into a major settlement with a residential mortgage lender in the Philadelphia Metropolitan Statistical Area (including New Castle County) to resolve allegations of redlining, following a joint investigation and settlement negotiations with the Consumer Financial Protection Bureau, U.S. Department of Justice, and the Attorneys General of Pennsylvania and New Jersey.
- **JUUL litigation** Entered into a \$438.5 million multistate settlement with JUUL Labs, resolving a two-year investigation into the e-cigarette manufacturer's marketing and sales practices. Delaware will receive between \$7.1 million and \$7.7 million from the settlement, and JUUL is required to comply with a series of strict injunctive terms limiting their marketing and sales practices.

67

**AMICUS BRIEFS JOINED**

87

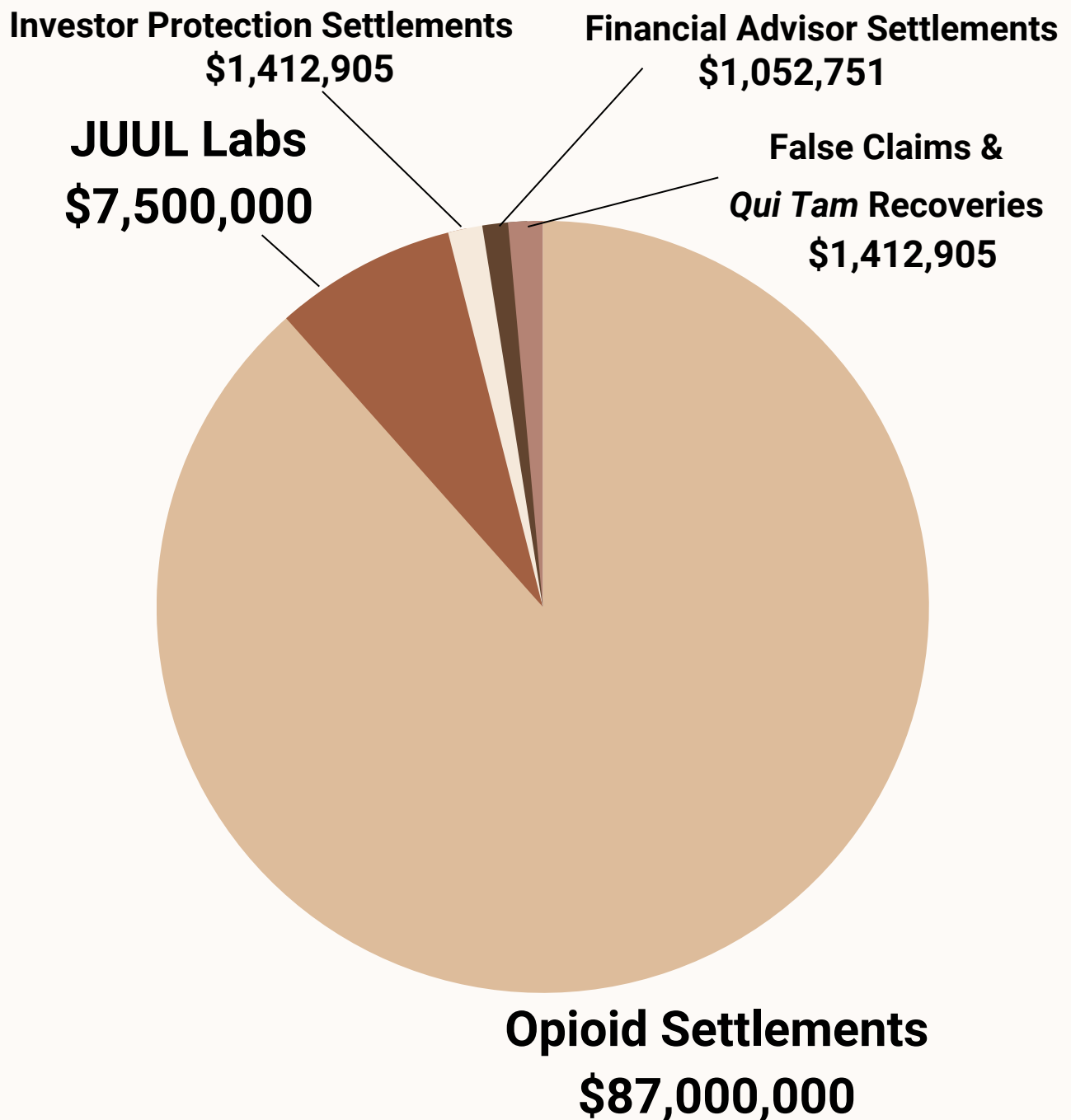
**COMMENTS AND LETTERS TO FEDERAL AGENCIES,  
LEGISLATORS, AND OTHER OFFICIALS, AND PUBLIC STATEMENTS**



## THE FRAUD AND CONSUMER PROTECTION DIVISION RECOUPED

# \$97.8 MILLION

IN 2022 FOR THE STATE OF DELAWARE





## 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.

The CMU also administers a handful of housing related programs, discussed below.

### Highlights:

- **Mortgage Mediation** Although the post-COVID “tsunami” of foreclosure filings never materialized, numbers have been increasing. Monthly mediation conferences averaged 70 per month for the first half of 2022 and 136 per month in the second half of 2022. The Mortgage Mediation Team has handled this increase with its always-high level of diligence and competence and is ensuring the process works as intended to help homeowners.
- **NCC Taskforce on Condominium Structure Safety and Reserves** After the Common Interest Communities Ombudsperson hosted speakers on ways to prevent structural collapses like what occurred at the Champlain Towers in Florida, NCC Council members started a task force to address these issues and propose legislation. Because of his expertise, the ombudsperson was asked to serve on the task force and is assisting them in their work.

# CONSUMER MEDIATION BY THE NUMBERS

## RECEPTION AND INTAKE

- 3,226 complaints handled (most common topic: landlord/tenant with 652 complaints),
- 144 successful mediations,
- More than \$429,000 recovered for consumers (plus non-monetary resolutions),
- 18 community outreach events attended.

## COMMON INTEREST COMMUNITY OMBUDSPERSON

- 325 informal requests for assistance or information received and resolved,
- 50 complaints received, 49 complaints resolved,
- 5 referrals to CCP community mediation program.

## MANUFACTURED HOUSING OMBUDSPERSON

- 42 homeowner complaints resolved,
- 122 informal requests for assistance or information resolved.

## OFFICE OF FORECLOSURE PREVENTION

- 810 consumers assisted,
- 4 outreach events attended.

## RESIDENTIAL MORTGAGE FORECLOSURE MEDIATION PROGRAM

- 1,238 scheduled mediation conferences,
- 54.72% overall mediation participation rate,
- 63.14% success rate for participating homeowners.



## Consumer Protection Unit

The Consumer Protection Unit (CPU) enforces Delaware's consumer protection statutes locally and nationally, and protects the public from consumer fraud and scams. CPU has primary responsibility for more than three dozen civil consumer protection laws, including laws concerning consumer fraud, deceptive trade practices, antitrust, online privacy, data security, charitable and fraternal solicitations, debt management, health spas, and telemarketing.

CPU also exercises the Attorney General's common law oversight responsibility over charitable entities and chairs the DOJ's Senior Protection Initiative. The Unit has limited enforcement authority under the landlord/tenant code and the manufactured housing code. Additionally, the CPU participates in community outreach events, engages in consumer advocacy, and actively contributes to coordinated state and federal consumer protection investigations and initiatives.

### Highlights:

- **Experian/T-Mobile Settlement** Delaware joined multi-state settlements with Experian Information Solutions, Inc. and T-Mobile USA, Inc. over a 2015 data breach that compromised the personal information of more than 15 million T-Mobile applicants. Under the settlements, the companies will improve their data security practices and pay the states more than \$15 million. Delaware received \$140,161.
- **Harris Jewelry** Delaware, along with 18 other states and the FTC, secured more than \$34 million for more than 46,000 service members and veterans nationwide who were deceived and defrauded by retailer Harris Jewelry. The agreement requires Harris Jewelry to refund service members for warranties they were tricked into purchasing, stop collecting millions of dollars of debt, correct bad credit scores, and dissolve all of Harris Jewelry's businesses.
- **Wawa** Delaware, along with six other states, obtained \$8 million from Wawa for a December 2019 data breach that compromised approximately 34 million payment cards used at Wawa stores. Wawa will implement and maintain a series of data security practices to strengthen its information security program and safeguard consumers' personal information.
- **Intuit** Delaware secured over \$400,000 for low-income Delawareans from the owner of TurboTax Software/Intuit Inc. for deceiving Delaware consumers into paying for tax services that should have been free. Intuit will pay \$141 million in restitution to millions of consumers.
- **Google Location Tracking** Delaware joined a multistate settlement with Google in November of 2022 to limit Google's use and storage of certain types of location information and to require Google account controls to be more user-friendly. Google also paid a total of \$381.5 million nationwide, \$4.3 million of which went to Delaware.



## Investor Protection Unit

The Investor Protection Unit (IPU) is responsible for implementing and enforcing the Delaware Securities Act. Its primary mission is to protect investors from fraud and unscrupulous financial professionals, as well as to regulate the securities industry in Delaware. In addition to bringing enforcement actions, IPU registers securities offered and sold in Delaware, and the firms and individuals providing investment advice to Delawareans.

Finally, IPU also conducts investor education and outreach events to prevent investors from falling victim to fraud and to promote financial literacy. The Unit works closely with financial institutions to help stop the financial exploitation of seniors and vulnerable adults.

### Highlights:

- **BlockFi Settlement** Together with other state securities regulators, IPU settled with BlockFi based on its failure to register the offers and sales of its retail crypto lending product. This settlement recognized the authority of IPU over certain types of crypto products.
- **Firms Doing Unregistered Business in Delaware** Through our registration process, IPU investigators have identified a handful of firms doing business while unregistered in Delaware. IPU works with the firms both to remediate the situation and to forge a productive relationship between the firm and IPU by encouraging questions and keeping in contact with the firms should they have any questions as a new registrant.

# INVESTOR PROTECTION UNIT BY THE NUMBERS

**\$32,255**

IN VICTIM  
RESTITUTION

**9,110**

ELECTRONIC  
SECURITIES  
REGISTRATION  
SUBMISSIONS  
RECEIVED

**959**

INVESTMENT ADVISER  
REPRESENTATIVE  
APPLICATIONS  
APPROVED

**131**

REPORTS OF SENIOR  
EXPLOITATION  
RECEIVED  
UP FROM 104 IN 2021.

**43,569**

BROKER-DEALER  
AGENT  
APPLICATIONS  
APPROVED

**\$1,020,496**

IN PENALTIES  
COLLECTED





## 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 the abuse, neglect, mistreatment, theft, or financial exploitation of any patient or resident of any facility defined by Delaware law.

### Highlights:

- MFCU trained 792 healthcare staff across 30 nursing homes and assisted living facilities. These outreach efforts included training on healthcare providers' obligations concerning abuse and neglect, and warning signs that a patient is being economically exploited by third parties.
- In May, MFCU settled a False Claims Act *qui tam* against Mallinckrodt ARD, LLC. This action will return nearly \$800K to Delaware's Medicaid Program.
- In December, MFCU settled a False Claims Act *qui tam* against Philips RS North America LLC (formerly known as Respironics Inc.). This action will return nearly \$56K to Delaware's Medicaid Program.
- MFCU obtained an Assault First Degree conviction for the assault of a 74-year-old patient at a behavioral health hospital. The defendant was sentenced to 25 years in prison.
- MFCU opened two drug diversion cases, obtained two drug diversion convictions, and indicted three such cases (all opioid-related matters).

# MEDICAID FRAUD CONTROL UNIT

## BY THE NUMBERS

### REFERRALS & INVESTIGATIONS

- Suspected patient abuse, neglect, or financial exploitation (including medication diversion) referrals: **247**
- Referrals for suspected fraud: **80**
- MFCU-initiated data mining cases: **1**
- Patient or resident abuse/neglect (not including medication diversion): **59**
- Fraud investigations: **30**
- Medication diversion investigations: **3**



### JUDGMENTS & SETTLEMENTS

- *Qui tam* case resolutions: **4**
- *Qui tam* Recoveries: **\$141,506**
- Other false claims recoveries: **\$4,533**



### CRIMINAL PLEAS & CONVICTIONS

- Indictments: **18**
- Jury trials: **1**
- Pleas or convictions: **16**
- Criminal restitution secured: **\$32,925.54**





Delaware Blue Hen



# INSIDE THE









# WHAT IS YOUR WHY?

I worked in a police dept for 27 years serving the community and doing important work. When I retired, I found that I could continue doing that in the DOJ. The work that we do is important. We stand up for the victims- from the individuals to entities to protecting the state. Seeing the DOJ hold corporations, pharmaceuticals, and financial companies responsible is a source of pride, knowing that I work for an agency that does that. And the work environment and people make it enjoyable to work here. There is such a wide range of knowledge and experience that you feel secure in decision-making.

Working at the DOJ allows me to use my people skills to make a difference in others' lives and have a direct impact on the community and the State of Delaware. Had I been younger when I started I probably would have considered becoming an actual "legal" professional such as a paralegal or attorney. I thrive being part of a network within a Team environment which the DOJ promotes. I also have the stability I sought in my career and I'm building my future towards retirement. Everything for the past 18 years has come to fruition for me here. I am grateful to have worked the second half of my career at the DOJ.

Seventeen years ago, I was going through a divorce I was a stay-at-home mom and had been out of the work force for 13 years. I wasn't sure what I was going to do but I knew I needed a job especially for health insurance. That was 15 years ago, and I am so happy that I took the leap of faith and accepted the job at the DOJ. I could have left to go somewhere else and made more money, but I have stayed because of the benefits and pension. Also, for the time I have worked here I have met some wonderful people who have become like family to me and to my boys.

After working in the private sector for firms and corporations on the defense side, I realized I was in the wrong place. Instead of putting a value on a person's life for products that produced harm, I began helping people fight for justice. It is not about the money. It is about what can I do to make this place a better and safer world. That is why I work for the Department of Justice.

The ability to impact people from all facets of life, while exemplifying what it means to engage with care, concern, empathy, understanding, and most importantly LOVE, is what it means to be the Community Engagement Program Administrator at the DOJ. Serving the members of our community who are experiencing homelessness, battling incurable mental health concerns, struggling with deadly addictions, entrenched in the cycle of poverty, who have lost loved ones to senseless gun violence, who are committed to great citizenry after incarceration, and those who are looking to interact with our partners to meet the basic needs of their everyday lives, is why I do this work. I also connect individuals with my network of elected officials, legislators, attorneys, professional stakeholders, and business leaders to meet in the margins. Getting proximate to the people and action is the foundation for change. The DOJ CEU allows me to fulfill a part of my life's mission. That is MY WHY.

# 2022 DOJ PHOTO CONTEST WINNER



# JENNIFER SINGH

HERRING POINT, LEWES



## **Employee Recognition Cookouts**

Designed to celebrate the DOJ's most important asset, its employees, the ERCs are annual events in which years of service and outstanding achievements are publicly acknowledged. The ERCs provide AG Jennings an opportunity to tell employees face-to-face how much their work is valued and that they contribute to a cause that matters.

Organized and hosted by Deputy Chief of Staff Tyneisha Jabbar-Bey, the Employee Recognition Cookouts of 2022 were a raving success. Games, prizes, a DJ, and the most epic dance contests of the century made the events fun for all.

This year's Western theme was a departure from our past events, but many rose to the challenge and pulled out their best Western attire. We are looking forward to next year's events!

Although we celebrate once a year, your hard work and dedication are appreciated year-round. **Thank you!!!**











# QUESTIONS? 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

ANTI-BULLYING: (800) 220-5414

DOMESTIC VIOLENCE: (800) 799-SAFE

[ATTORNEY.GENERAL@DELAWARE.GOV](mailto:ATTORNEY.GENERAL@DELAWARE.GOV)

PARA ASISTENCIA EN ESPAÑOL: (877) 851-0482