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Case No. K25A-01-001 RLG

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

AMERICAN CIVIL LIBERTIES UNION OF DELAWARE, Petitioner Below, Appellant, v. TIM MARTIN, in his official capacity as FOIA Coordinator for the DELAWARE DEPARTMENT OF CORRECTIONS, Respondent Below, Appellee.	)	C.A. No. K25A-01-001 RLG Appeal from Attorney General Opinions No. 24-IB50 and 24-IB52

APPELLEE'S OPENING BRIEF IN OPPOSITION TO APPELLANT'S OPENING BRIEF ON APPEAL

STATE OF DELAWARE
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I. NATURE AND STAGE OF THE PROCEEDINGS

On January 27, 2025, Appellant filed a notice of appeal asking this Court to reverse two determinations by the Chief Deputy of the Delaware Department of Justice ("DOJ") finding that the Delaware Department of Correction ("DDOC") did not violate the Delaware Freedom of Information Act, 29 *Del. C.* Chapter 100 ("FOIA"). DOJ certified the record on March 10, 2025. The Court issued a briefing schedule on March 10, 2025. Petitioner filed an opening brief on March 31, 2025. This is DDOC's Answering Brief.

II. FACTUAL BACKGROUND

Petitioner submitted a FOIA request seeking information about Delaware's incarceration numbers related to voter eligibility on August 19, 2024. (R. at 2-4). Specifically, Petitioner requested, *inter alia*, the names, Delaware State Bureau of Identification number ("SBI numbers"), and dates of incarceration for individuals currently incarcerated within DOC Level 5 facilities with a lead charge of misdemeanor and the same information with respect to individuals incarcerated within DOC Level 5 facilities on a pre-trial detention basis. (R. at 2-4).[1]

[1] It is beyond dispute that this specific information was directed at accessing incarcerated individual's voting eligibility. The FOIA request stated that in prefatory comments and Petitioner's brief asserts it throughout.

On September 18, 2024, DDOC denied the request. (R. at 5-7). In response, Petitioner submitted a Petition dated October 24, 2024 challenging the denial of its voter eligibility FOIA requests. (R. at 8-10). On October 31, 2024, DDOC provided Petitioner with a supplemental response further explaining its denial. (R. at 63-129). Relevantly, the October 31, 2024 supplemental response cited two reasons for non-production of the records. First, DDOC did not have custody of any responsive records as detailed in two supporting affidavits. The first affidavit, submitted by Deputy Chief Jessica Kline, of Planning, Research, and Reentry, explained that DDOC's electronic records database, known as "DACS, while valuable for many purposes, is not equipped with a designated search function that could produce [Petitioner's requested] information." (R. at 125-126). The affidavit continued with:

> Past attempts to produce similar information have necessitated special programming and have often resulted in inaccurate reports. The way information is loaded into DACS, whether through human input or document uploads, combined with the data structure of the database, does not lend itself to the accurate generation of the requested information. Therefore, any report generated would require manual verification for accuracy, often by cross-referencing with the criminal records database of other agencies like DELJIS.

(R. at 125). These representations unambiguously communicate that (1) responsive records do not exist and (2) DDOC's data infrastructure does not support the production of responsive records.

The second affidavit, submitted by Deputy Commissioner Shane Troxler, addressed the substance of a September 18, 2024 meeting between Petitioner and

DDOC. (R. at 129). Deputy Commissioner Troxler's representations clarified that DDOC did not agree to produce records concerning voter eligibility of DDOC inmates nor did DDOC ever represent at that meeting that it was even possible to produce such records. Rather, all that was discussed at the meeting, as represented in Deputy Commissioner Troxler's affidavit, was that DDOC would collaborate with the Delaware Department of Elections ("DDOE") to determine if it was *possible* to create said data record. (R. at 129). As a factual matter, it is not possible for DDOC to create such a responsive record, as asserted in Deputy Chief Jessica Cline's affidavit.

The supplemental response further recited, for the sake of argument, that even if responsive records exist—which they do not—production of the records would still be barred under the statutory exemptions set forth at 29 *Del. C.* § 10002(o)(6) and 29 *Del. C.* § 10002(o)(9).

Finally, the supplemental response to Petitioner's request also explained that under 29 *Del. C.* § 10002(o)(9), the responsive records, even if they exist or are creatable, are nonetheless exempt under the litigation exemption under FOIA. This statutory exemption is relevant because Petitioner is directly involved in litigation against DDOC related to incarcerated individuals voting rights. (See R. at 95-123). The FOIA request was directed to DDOC when the voting rights case was in active litigation. Both the original FOIA denial and the supplemental response were issued

when the voting rights case was within the timeframe to appeal the dismissal of the case. (R. at 63-129).

***

The second set of FOIA requests were submitted by Petitioners on September 19, 2024, and sought records about DDOC's elderly incarcerated population. (R. at 143-145). Specifically, the request sought the name, SBI number, and dates of incarceration for individuals incarcerated within DOC Level V facilities aged 76 or older as of September 19, 2024. (R. at 143-145). In a series of further requests, Petitioner sought the same categories of information for incarcerated individuals in other elderly age brackets. (R. at 143-145). DDOC provided Petitioner with responsive deidentified information, including the total number of elderly incarcerated individuals in DDOC custody in the various designated age brackets but denied requests that specifically sought the disclosure of the names of elderly incarcerated individuals. (R. at 157-159f). In its response, DDOC cited 29 *Del. C.* § 10002(o)(6) and the same two relevant statutes—11 *Del. C.* § 8513(d) and 11 *Del. C.* § 4322(a)—as grounds for exemption.[2] In a responsive opinion, the Chief Deputy Attorney General opined that DDOC properly denied the FOIA requests seeking the

[2] The DDOC's supplemental response to the FOIA denial also cited 29 Del. C. § 10002(o)(4). However, the Chief Deputy Attorney General's opinion did not discuss this exemption. Accordingly, this ground will not be developed in this responsive brief.

names of elderly incarcerated individuals because said requests triggered FOIA's exemptions under 11 *Del. C.* § 8513(d) and 11 *Del. C.* § 4322(a).

III. ARGUMENT

DDOC has not only carried its burden of proving the applicability of FOIA exemptions and defenses—it has done so with clarity, ample factual support, and in a fashion that is consistent with the great weight of legal authority. The two factually detailed affidavits submitted in conjunction with DDOC's FOIA denial of the requests for voter eligibility information demonstrated that no responsive records exist or are creatable given the design of the DDOC's data infrastructure. FOIA imposes no obligation to create such records, and that even if responsive records did exist, the records would still be exempt from disclosure under multiple statutory provisions. DDOC's denial of Petitioner's FOIA requests seeking voter eligibility records is thus well-supported by the plain language of Delaware's FOIA statute, the express exemptions codified therein, and settled case law interpreting the same. Accordingly, the determination below must be upheld.

The FOIA requests for the names of DDOC's elderly incarcerated population, were also properly denied. Like the voter eligibility FOIA requests, these requests also invoked the applicability of two statutory exemptions and in a well-reasoned opinion, the Chief Deputy Attorney General affirmed the FOIA denial.

Petitioner's brief invites this Honorable Court to rewrite Delaware law by voiding statutory exemptions and expanding the scope of duties owed by public agencies under FOIA. This invitation must be rejected by affirming the well-reasoned determinations below.

A. DDOC is not the custodian of records pertaining to voter eligibility and is not obligated under FOIA to create responsive records.

This Honorable Court must uphold the Chief Deputy Attorney General's determination that Petitioner's request for information about the voter eligibility of individuals in the care and custody of DDOC impermissibly imposes a duty on the DDOC to *create* a responsive record for the sole purpose of satisfying Petitioner's FOIA request. No such duty is enumerated or even suggested under FOIA's clearly expressed statutory scheme. Petitioner's FOIA requests therefore runs afoul of well-established FOIA law and was properly denied by Chief Deputy Attorney General's November 24, 2025 opinion.

Here, Petitioner's request for the voter eligibility data is effectively a demand to create responsive records. DDOC is under no obligation to create them for the sole purpose of satisfying a FOIA demand. The statutory purpose of DDOC is described as follows: "to provide for the treatment, rehabilitation and restoration of offenders as useful, law-abiding citizens within the community. To achieve these purposes more effectively in a coordinated and united manner, the Department shall

be completely responsible for the maintenance, supervision and administration of adult detention and correctional services and facilities of the State." 11 *Del. C.* § 6502. The statutory scheme governing DDOC does not authorize it to make determinations about the voter eligibility of the individuals committed to its care. Thus, a request to provide information about the voter eligibility of DDOC's incarcerated population is the equivalent of a request for the DDOC to exceed the boundaries of its statutory purpose and conduct important government business—the application of a complex set of voting laws—which it has no obligation to do as it would not further the aim of its core mission. In fact, if anything, the DDOC cannot create responsive records without encroaching on the main functions of the Department of Elections and State Election Commissioner. See e.g. *Del C*. 15 § 101 to § 8046.

DDOC's data infrastructure system, "DACS," is designed to facilitate the DDOC's main functions relating to the care and treatment of incarcerated persons. It simply cannot produce the requested records. As explained in the Deputy Chief Jessica Kline's affidavit, the "DACS" system is "valuable for many purposes," but it is not "equipped with a designated search function that could produce [Petitioner's requested] information." (R. at 125-126). It further explained that the DACS system "does not lend itself to the accurate generation of the requested information. Therefore, any report generated would require manual verification for accuracy,

often by cross-referencing with the criminal records database of other agencies like DELJIS." (R. at 125-126). In other words, any attempt to even create a responsive record would require the DDOC to avail itself of the services of a third-party government agency. As explained at length above, FOIA does not even require a public agency to manipulate its *own* electronic systems to create responsive records when the system is not equipped to handle that type of record generation. It therefore follows that a public agency targeted by a FOIA request is certainly not required to mine the records of an entirely different public agency in order to satisfy the FOIA request.

Contrary to what is represented in Petitioner's brief, the starting point for interpreting a statute is "its plain meaning, as the words that our legislature has used to express its will are the best evidence of its intent." *City of N. Miami Beach Gen. Employees' Ret. Plan v. Dr Pepper Snapple Grp., Inc.*, 189 A.3d 188, 200 (Del. Ch. 2018). *See also Nelson v. Frank E. Best Inc.*, 768 A.2d 473, 478 (Del. Ch. 2000) (observing it "is well-established that this court must give effect to a statute's plain meaning in order to implement the General Assembly's intent"). That well established rule of law applies with even more force where, as here, the statutes at issue—29 *Del. C.* § 10001-10008—are clear and unambiguous. *See Dir. of Revenue v. CNA Holdings, Inc.*, 818 A.2d 953, 957 (Del. 2003) ("If a statute is unambiguous,

there is no need for judicial interpretation, and the plain meaning of the statutory language controls").

29 *Del. C.* § 10001-10008 are directed at advancing government transparency by conferring upon the public a mechanism "to observe the performance of public officials and to monitor the decisions that are made by such officials in formulating and executing public policy." 29 *Del. C.* § 10001. FOIA requests satisfy this goal by providing "citizens [with] easy access to public records." 29 *Del. C.* § 10001a. The clear language of FOIA's declaration of policy plainly contemplates that the "public records" citizens will have "easy access" to are records that already exist. No short an authority than *Vanella on Behalf of Delaware Call v. Duran*, 2024 WL 5201305, at *6 (Del. Super. Ct. Dec. 23, 2024), *appeal dismissed*, 2025 WL 733246 (*Del*. Mar. 7, 2025), the very case Petitioner places heavy reliance on, recognized this point of law. The Superior Court spoke with unambiguous clarity in its determination that "a public body has no obligation [under FOIA] to create a new record in response to a request." *Vanella on Behalf of Delaware Call v. Duran*, No. K24A-02-002, 2024 WL 5201305, at *6. Imposing such a requirement, as the *Vanella* court reasoned, would conflict with "FOIA's core ai[m]" which is "to provide the public access to the records that a public body *actively relies upon* in making decisions that affect the community. **Records created purely for the purpose of responding to a FOIA request fall outside that aim**." *Vanella on*

Behalf of Delaware Call v. Duran, 2024 WL 5201305, at *6 (Del. Super. Ct. Dec. 23, 2024), *appeal dismissed*, 2025 WL 733246 (*Del*. Mar. 7, 2025).

A public agency satisfies its burden of demonstrating the non-existence of responsive records by submitting a factually supported affidavit. *Jud. Watch, Inc. v. Univ. of Delaware*, 267 A.3d 996, 1012 (Del. 2021). Once a party submits a sufficiently supported affidavit, the court must "accept a public agency's representations regarding whether records exist for FOIA purposes." *Vanella* at *8. An affidavit is sufficient for FOIA purposes if it satisfies a two-fold analysis: (1) it must be made "under oath" and detail "the efforts taken to determine whether there are responsive records and the results of those efforts." *Jud. Watch, Inc. v. Univ. of Delaware*, 267 A.3d 996, 1012 (Del. 2021). Second, an affidavit is factually supported where, as here, the factual assertions set forth in the affidavit align with the conclusions drawn by the public agency regarding the existence or non-existence of responsive records. *Vanella* provides an example of a factually deficient affidavit. The challenged affidavit was rejected by the court because the factual assertions it set forth did not align with the public agency's representation that responsive records did not exist. Specifically, the public agency represented that it need not comply with a FOIA request seeking a simple "roster with names of its troopers" because, according to the public agency, no such responsive record existed. *Vanella* at *9. Yet, as the Court observed, the affidavit submitted in support of this assertion recited

"the opposite." *Vanella* at *9. Rather than demonstrate that the responsive records did not exist and could not be made, it instead detailed that the "[the agency] maintains computer systems that include trooper names, ranks, assignments, and pedigree information." *Vanella* at *9. Given the existence of this critical data, the Court determined that it was possible to utilize the electronic system to produce a trooper roster list. It was on this basis alone—the failure of the affidavit to recite facts aligning with the public agency's FOIA denial—that the Court ruled against the public agency's FOIA denial. Had the affidavit recited facts which aligned with the FOIA denial, the Court would have applied the general rule requiring it to "accept a public agency's representations regarding whether records exist for FOIA purposes." *Vanella* at *8.

Notably, the court's ruling in *Vanella* is far from a departure from well-settled FOIA practice. Rather, it memorializes long-standing government practice under FOIA and its reasoning and holding is entirely in line with similar FOIA rulings in scores of federal cases. In terms of the former—that is, long standing government practice under FOIA—the great weight of published Attorney General Opinions on this issue aligns squarely with the position advanced by the *Vanella* opinion. For example, in *Del. Op. Att'y Gen.* 25-IB13 (2025), a FOIA petitioner sought "various data records related to insurance claims and complaints in Delaware" from the Delaware Department of Insurance. The FOIA request was denied, *inter alia*, on the

grounds that "the Department has no records responsive to the FOIA request because the databases and their respective metadata which house Department data are owned, managed, and operated by third parties." *Del. Op. Att'y Gen. 25-IB13* (2025). As here, the FOIA denial was accompanied by a factually detailed affidavit naming the databases, their capabilities, and their control by a third party. The Chief Deputy Attorney General affirmed the denial, explaining that "[t]he Department is not obligated under FOIA to provide records it does not possess or control. On the basis of this sworn evidence, we find that the Department did not violate FOIA by denying access to the requested records." *Del. Op. Att'y Gen. 25-IB13* (2025).

Importantly, *Del. Op. Att'y Gen. 25-IB13*, explained above, was issued weeks after the *Vanella* opinion was issued and cites to *Vanella* in support of its analysis. It therefore represents only the most recent extension of a long line of similarly reasoned FOIA opinions. This is a point the *Vanella* opinion specifically raised and cited to by way of a string citation in a footnote to the opinion, which collected cases with highly similar fact patterns to this case. Before setting forth the string citation with cases supporting the view that FOIA does not require a public agency to create new responsive records, it observed the following: "The Attorney General has consistently recognized [this] principle, **which in the Court's view is supported by the text of FOIA**." *Vanella on Behalf of Delaware Call v. Duran*, 2024 WL 5201305, at *9 (Del. Super. Ct. Dec. 23, 2024), *appeal dismissed*, No. 25, 2025,

2025 WL 733246 (Del. Mar. 7, 2025). *See generally, Del. Op. Att'y Gen.* 18-IB34, WL 3947262, at *2 (2018); *Del. Op. Att'y Gen.* 06-IB10, WL 1779491, at *2 (2006); *Del. Op. Att'y Gen*. 05-IB19, WL 2334347, at *5 (2005); *Del. Op. Att'y Gen*. 02-IB18, WL 32100328, at *1 (2002).[3]

B. Voter Records under 29 *Del. C.* § 10002(o)(6).

Even if this Honorable Court rules that responsive records in relation to voter records do exist or are creatable, it must still uphold the denial of Petitioner's request for an independent reason: any responsive records are exempted from the definition of "public records" under 29 *Del. C*. § 10002(o)(6).

Under 29 *Del*. C. § 10002(o)(6) "[a]ny records specifically exempted from public disclosure by statute or common law" are beyond the definition of "public record" for FOIA purposes. To that end, two statutes—11 *Del*. C. § 8513(d) and 11 *Del*. C. § 4322(a)—bar the production of responsive records. The first statute, 11 *Del*. C. § 8513(d), bars the disclose of the requested records because the records are

[3] In terms of federal FOIA cases, court reporters across the country are replete with FOIA cases issuing similar holdings than the one drawn in *Vanella* and the Delaware Attorney General Opinions cited. A representative example illustrates the point. In *N. L. R. B. v. Sears, Roebuck & Co.*, the United States Supreme Court ruled that FOIA "does not compel agencies to write [responsive records] in cases in which they would not otherwise be required to do so. It only requires disclosure of certain documents which the law requires the agency to prepare or which the agency has decided for its own reasons to create." *N. L. R. B. v. Sears, Roebuck & Co.*, 421 U.S. 132, 161–62, 95 S. Ct. 1504, 1522, 44 L. Ed. 2d 29 (1975).

"criminal history" records. Under 11 *Del. C.* § 8502, "criminal history record information" is defined as:

> … "Criminal history record information" shall mean information collected by state or federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations or other formal criminal charges and any disposition arising therefrom, sentencing, correctional supervision and release. "Criminal history record information" shall include the names and identification numbers of police, probation, and parole officers, and such information shall not be within the definition of a "public record" for purposes of the Freedom of Information Act, Chapter 100 of Title 29. Pursuant to the provisions of this subchapter, upon application the State Bureau of Identification shall release to members of the news media, and to individuals and agencies as defined by this subchapter, a random number that is unique and permanent to each arresting officer as a surrogate for the officer's agency or department-issued identification number. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.

Del. C. 11, § 8502.

A different section of the relevant statutory chapter then speaks with clarity on this issue: "Dissemination of criminal history record information, by any person or agency other than the Bureau or its designee is prohibited."[4] 11 *Del. C.* § 8513. "Dissemination" shall mean the transmission of criminal history record information, or the confirmation of the existence or nonexistence of such information. *Del. C* § 8502. Under the subsection, "[a]ny records specifically exempted from public

[4] 11 *Del. C.* § 8513(d) contains two limited exceptions but both are irrelevant here.

disclosure by statute or common law" are excluded from the definition of "public records" under FOIA. Two statutes—11 *Del. C.* § 4322(a) and 11 *Del. C.* § 8513—are precisely the type of statutes contemplated by FOIA in this instance. Under 11 *Del. C.* § 8513(d), "[d]issemination of criminal history record information, by any person or agency other than the Bureau or its designee is prohibited." Recall that Petitioner's FOIA request is directed at obtaining the number of incarcerated individuals with a lead charge of misdemeanor along with the names of each incarcerated individuals who fit that categorical description. (R. at 2-4). The same information is requested with respect to individuals incarcerated within DOC Level 5 facilities on a pre-trial detention basis. (R. at 2-4). Compliance with the request would thus require DDOC to not only create records that do not exist, but compliance would also require DDOC to create records about the dispositions of incarcerated individuals charges, sentencing information and "correctional supervision." These are the exact categories of information that 11 *Del. C.* § 8502(4) forbids disseminating. *See also Del. Op. Att'y Gen*. 19-IB26 (2019) (explaining that 29 *Del. C.* § 10002(o)(6) exempted DDOC from complying with a FOIA request for the names and charges of pre-trial detainees).

In a similar vein, 11 *Del. C.* § 4322(a) does not permit DDOC to disclose "supervision history and all other case records obtained in the discharge of [the DDOC's] official duty" other than to designated entities which include the Board of

Parole, the Board of Pardons, the Attorney General and the Deputies Attorney General. Since Petitioner is not the Board of Parole, the Board of Pardons, or the Attorney General, DDOC is barred from producing to Petitioner the case records it has on its incarcerated populations.[5]

C. Litigation exemption under *Del.* C. § 10002(o)(9).

Even if this Honorable Court rules that responsive records do exist or are creatable, it must still reject Petitioner's request for another independent reason: any responsive records are exempted from the definition of "public records" under 29 *Del. C.* § 10002(o)(9). This exemption is known as the litigation exemption. Put simply, FOIA does not—and has never—required a public body to collaborate with an adversary fishing for information to weaponize for litigation purposes. To read

[5] 11 *Del. C.* § 4322(a) the statute states the following:

> …the supervision history and all other case records obtained in the discharge of official duty by any member or employee of the [Department of Corrections] shall be privileged and shall not be disclosed directly or indirectly to anyone other than the courts as defined in § 4302 of this title, the Board of Parole, the Board of Pardons, the Attorney General and the Deputies Attorney General or others entitled by this chapter to receive such information.

Del. C., § 4322 (West).

the statute otherwise, is to read out the litigation exemption enumerated at 29 *Del. C.* § 10002(o)(9).

The rationale underpinning the exemption "addresses a practical reality: when parties to pending litigation against a public body seek information from that public body relating to the litigation, they are doing so not to advance 'the public's right to know,' but rather to advance their own personal stake in the litigation." *Am. C.L. Union of Delaware v. Danberg*, 2007 WL 901592, at *4 (Del. Super. Ct. Mar. 15, 2007). The exemption is properly invoked in circumstances where the protentional for litigation is more than an "idle threat." *Id*. Its application is contingent on the satisfaction of a two-prong test: the (l) litigation must be likely or reasonable foreseeable and (2) there must be a 'clear nexus' between the requested documents and the subject matter the litigation." *Id*. Objective indicators that litigation is "likely or reasonably foreseeable" include "previous or preexisting litigation between the parties." *Id*.

Here, the first prong is satisfied here due to the recently dismissed case in which Petitioner represented a party suing the DDOC over voting rights of incarcerated individuals. The case was dismissed for want of standing, a defect Petitioner could aim to cure by way of its FOIA requests. (R. at 4). Importantly, the FOIA request seeking records related to voting rights was denied during the appeal window for the dismissed voting rights case. In an attempt to evade the coverage of

the litigation exemption, Petitioner repeatedly gestures at a supposed "agreement" it made with the DDOC wherein Petitioner agreed not to appeal the dismissal of the case but the "agreement" did not germinate into a binding or enforceable agreement to forego litigation over voting rights. The second prong of the litigation exemption is also satisfied because the entire case which was recently dismissed on standing grounds was centered on voting rights; the FOIA requests seek records related to incarcerated individual's voting rights. Accordingly, the FOIA requests are covered by the litigation exemption and were properly denied.

D. Elderly Voters under 29 *Del*. C. § 10002(o)(6).

Petitioner's second set of requests on appeal seeks the names, SBI numbers, and dates of incarceration for DDOC's elderly incarcerated population. These requests were denied because compliance with the requests would compel DDOC to provide Petitioner with criminal history record information and information about the supervision history and other case records of incarcerated individuals. Both categories of information are barred from disclosure under 11 *Del. C.* § 4322(a) and 11 *Del. C.* § 8513. Both statutory schemes are explained in detail above and will therefore not be recited again for the sake of brevity. As noted above, the two statutes bar the disclosure of criminal history record information and information obtained from an inmate's supervision history and other case record information. Therefore, DDOC is not permitted to disclose the requested information.

IV. CONCLUSION

For the reasons stated above, the DOJ did not err as a matter of law in upholding DDOC's denials of Petitioner's FOIA requests. DDOC is simply not equipped with the mechanisms nor authority to create accurate voter lists as required by the petitioners request. As the voter information request was at the heart of recently dismissed lawsuit that within the timeframe of an appeal, DDOC was justified in its denial under the litigation exemption. If, for the sake of argument, DDOC could create a list as contemplated by the petitioner in either of its requests, it would still be barred from doing so by the exemptions expressed in 11 *Del. C.* § 4322(a) and 11 *Del. C.* § 8513. DOC respectfully requests that the Court uphold the DOJ's decisions in this matter and grant DOC such further and other relief as this Court may deem just and appropriate.

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