

## VICTIM SERVICES

### ATTORNEY GENERAL'S VICTIM/WITNESS ASSISTANCE PROGRAM

The criminal justice process can be complicated, confusing and even intimidating for victims and witnesses of crime. Victims and witnesses often have questions about what is required of them as cases move through the judicial system. They have the right to understand the process and to be notified of court dates and case-related proceedings. The Attorney General's Victim/Witness Assistance Program provides case notification and victim services statewide through specially-trained Social Workers and Victim Service Specialists who assist criminal prosecutors.

Delaware's Victim's Bill of Rights entitles victims to be notified of and to participate in the criminal justice process. It requires that they be notified of the following:

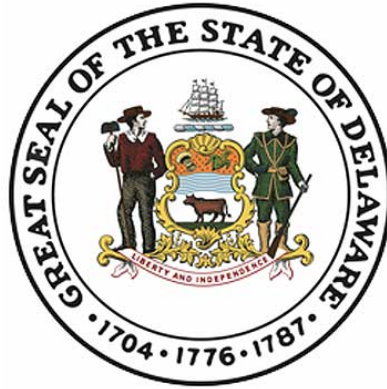
- When a defendant is released on bail, the amount of bail, and any conditions of bail
- Court events, possible plea agreements, outcome of the case, projected prison release dates, and any sentence modification
- If a conviction is reversed on appeal
- Parole and Pardon Board hearing dates
- Procedures to follow if the offender threatens or intimidates them
- If an offender escapes from a correctional facility

Note: if the police recover your stolen property they will keep it as evidence until after the trial.

### VICTIMS' COMPENSATION ASSISTANCE PROGRAM (VCAP)

VCAP helps alleviate the financial burden and distress that crime leaves behind by awarding financial compensation for losses that victims sustain as a result of crime. Financial awards provided by VCAP help recover lost income and pay for medical expenses, counseling services, temporary housing, and other costs that victims may bear. For assistance please contact VCAP at 302 255-1770 or [www.attorneygeneral.delaware.gov/VCAP](http://www.attorneygeneral.delaware.gov/VCAP).

## A GUIDE TO VICTIM RESOURCES IN DELAWARE



### Protecting Victims & Witnesses of Crime

## COURT PROCEEDINGS & ORDERS

### ARRAIGNMENT

A court hearing where charges are read to the defendant and he/she enters a plea of guilty, not guilty, or no contest. This public hearing is held in the court that will later hear the trial. Victims are not required to attend this hearing.

### BAIL REVIEW HEARING

A court hearing to determine if bail should be reduced, should stay the same, or should be increased. This hearing is open to the public. No plea will be taken at a bail review. Victims are not required to attend this hearing. Hearings are scheduled only after the court receives a bail review motion from the defendant.

### CASE REVIEW

A court hearing where the prosecutor and defense attorney discuss the case. The defendant may plead guilty at this time.

### PRELIMINARY HEARING

A court hearing to determine whether there is enough evidence against the defendant to proceed to trial. This hearing is open to the public. Victims are not required to attend unless they receive a subpoena. (See glossary for definition)

### SENTENCING HEARING

A court hearing at which convicted defendants are sentenced for their crimes. Victims may choose to make written or oral statements at this hearing.

### TRIAL

A court hearing where the prosecution calls witnesses and introduces evidence to try to prove that the defendant is guilty of the crime with which he/she is charged. The defendant has the right to introduce evidence of his/her innocence and to have witnesses testify on his/her behalf. A jury or judge will determine whether or not the defendant is guilty beyond a reasonable doubt.

### PROTECTION FROM ABUSE ORDERS (PFA)

A Family Court order that offers protection for most victims of domestic or intimate partner abuse. Protections may include but are not limited to:

- Restraining or no contact order
- Temporary possession of residence, personal property
- Temporary relinquishment of firearms
- Requirement for treatment and or counseling

If you are a victim, additional safety measures may be necessary.

For additional information, call the Victims' Advocacy Center located in the Family Court. If you are in immediate danger, dial 911.

### NO CONTACT ORDERS

A no-contact order requires that the defendant have no contact with the victim or victims in a case. This includes contact in-person, by telephone or mail, or arranging for other people to make contact with the victim on the defendant's behalf. When no-contact orders are issued, a copy of that order and a victim letter are provided to the victim by the Attorney General's office. If you observe a violation of any court order, call 911 and show the copy of the order and the Attorney General's victim letter to the responding police officer.

Learn more about victim services provided by the Attorney General's office by visiting: <http://www.attorneygeneral.delaware.gov>.

Learn more about court proceedings by visiting: <http://courts.delaware.gov>.

Learn more about the Victim's Compensation Assistance Program by visiting: [www.attorneygeneral.delaware.gov/VCAP](http://www.attorneygeneral.delaware.gov/VCAP).

# GLOSSARY

## **CAPIAS**

An arrest warrant issued by a court when a defendant does not appear in court as required.

## **DEFENDANT**

The person charged with a criminal offense.

## **DETAINED**

The defendant is held in prison before trial because he or she cannot raise the amount of bail set by the Court or the Court has denied a request for bail.

## **FELONY**

The most serious type of criminal offense, including robbery, murder, and unlawful sexual offenses.

## **MISDEMEANOR**

A less serious type of criminal offense, including terroristic threatening and offensive touching.

## **RESTITUTION**

The money the Court orders a convicted defendant to pay to the victim for losses or damages that resulted from the crime. Restitution is ordered at the sentencing hearing. In most circumstances defendants pay restitution in either full or monthly payments to the Court, which in turn pays the victim.

## **SUBPOENA**

A Court order requiring an individual to appear at a court hearing.

## **VICTIM'S COMPENSATION FUND FINE**

Under Delaware law, a portion of criminal and traffic offense fines (currently 18% of the fine) is paid to the Victims' Compensation Assistance Program (VCAP). This money is made available as compensation to victims of violent crime. Learn more by visiting [www.attorneygeneral.delaware.gov/VCAP](http://www.attorneygeneral.delaware.gov/VCAP) or call VCAP at (302) 255-1770.

## **BAIL**

Money or another type of security the Court requires the defendant to pay to ensure that he/she attends all required Court hearings. Bail can be set in several forms:

- **SECURED**

Money or property the defendant signs over to the Court to cover the amount of bail set by the Judge. This money or property may be forfeited if the defendant fails to appear in Court as required.

- **UNSECURED**

Money or property that does not have to be signed over to the Court by the defendant. If the defendant fails to appear for Court, the unsecured bail amount will be owed to the court by the defendant.

- **CASH SECURED**

Cash bail means that only cash or a money order can be posted. No property will be accepted.

- **UNSECURED WITH CO-SIGNER**

A second person, usually a family member of the defendant, is required to sign the defendant's bond along with the defendant. If the defendant fails to appear for Court, the co-signer is then responsible for the amount of bailed owed to the Court.

- **10%**

In some cases the judge will permit the defendant to post 10% of the amount of the original bail in cash or property.

- **RELEASE ON OWN RECOGNIZANCE**

The defendant is allowed to sign himself/herself out of custody. Although no money or property is at stake, if the defendant fails to appear for his Court, a *capias* can be issued for his or her arrest.

- **RELEASE TO PARENTS/GUARDIAN**

Juvenile defendants may be released to the custody of his or her parents.

- **RELEASE TO HOME CONFINEMENT**

# CONTACT INFORMATION

## **VICTIM SERVICE ORGANIZATIONS**

### **Prevent Child Abuse Delaware**

Statewide.....(302) 425-7490 or 1-866-925-7223

### **Rape Crisis/Contact**

New Castle County.....(302) 761-9100

Kent & Sussex Counties.....1-800-262-9800

### **Survivors of Accident and Murder**

New Castle County.....(302) 654-6833

Kent & Sussex Counties.....1-800-287-6423

### **People's Place**

Sussex County.....(302) 422-8033

### **Child Inc.**

New Castle County.....(302) 762-8989

### **Domestic Violence Hotline**

New Castle County.....(302) 762-6110

Kent & Sussex Counties.....(302) 422-8058

Número para asistencia.....1-800-262-9800

### **Delaware Council on Crime & Justice/Elderly**

### **Crime Victim Program**

New Castle County.....(302) 658-7174

### **DE Legal Helpline**

Statewide.....1-800-773-0606

### **Families in Transition**

Kent & Sussex Counties.....(302) 422-8058

North Kent County.....(302) 678-3886

### **MADD (Mothers Against Drunk Driving)**

Statewide.....1-877-630-6233

## **GOVERNMENT RESOURCES**

### **Adult Protective Services**

(Department of Health and Social Services)

1-800-223-9074

### **Victim Notification System (VINE Program)**

1-877-338-8463

### **Division of Family Services**

(Child Protective Services)

1-800-292-9582 (statewide report line)

### **Victim's Compensation Assistance Program**

(302) 255-1770

### **U.S. Attorney's Office Victim/Witness Program**

(federal cases) (302) 573-6277

### **Board of Pardons**

(302) 739-4111

## **ATTORNEY GENERAL'S OFFICE**

Victim Witness Services Unit/Case Notification

New Castle County.....(302) 577-8500

Kent County.....(302) 739-4211

Sussex County.....(302) 856-5353

Toll Free.....1-800-870-1790

Consumer Protection Unit (ID Theft)

Toll Free.....1-800-220-5424

## **POLICE AGENCY VICTIM SERVICES**

### **Delaware State Police Victim Center**

1-800-VICTIM-1

### **Dover Police Victim Services Program**

(302) 736-7134

### **Georgetown Police Victim Services**

(302) 856-6613

### **New Castle County Police Victims Program**

(302) 395-8135

(Número para asistencia) (302) 395-8117

### **Newark Police Victims Program**

(302) 366-7110

### **Wilmington Police Victims Program**

(Major Crimes) (302) 576-3622

(Domestic Violence) (302) 576-3640

(Número para asistencia) (302) 576-3665

## **COURT INFORMATION**

Victims' Advocacy Centers

New Castle County...255-0420

Kent County.....672-1075

Sussex County.....856-5843