



FY 2022 ANNUAL REPORT VICTIMS' COMPENSATION ASSISTANCE PROGRAM

**DELAWARE DEPARTMENT OF JUSTICE
ATTORNEY GENERAL KATHLEEN JENNINGS**

**Victims' Compensation Assistance Program
900 N. King Street, Suite 4
Wilmington, DE 19801
Telephone: (302) 255-1770
Fax: (302) 577-1326**

WWW.ATTORNEYGENERAL.DELAWARE.GOV/VCAP



Dear Fellow Delawareans:

At the Delaware Department of Justice, protecting and serving victims of crime is about more than investigating and prosecuting perpetrators – it is also about supporting victims and their families and helping them along their road to recovery. By providing compensation for financial losses that victims sustain as a result of crime through our Victims' Compensation Assistance Program, ("VCAP"), we are meeting that obligation by helping to alleviate the financial burden and distress that crime leaves behind.

VCAP provides financial awards to help cover the costs of a variety of services that help victims and families rebuild their lives, including lost wages, medical expenses, payment for mental health counseling, funeral expenses, and other financial impacts.

I am proud of the work we are doing at VCAP, and we are always striving to do more. Victims and their families deserve no less.

Thank you for your continued support of this important program.

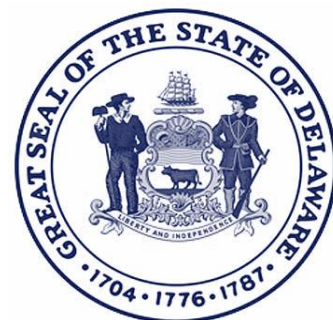
Sincerely,

Kathleen Jennings
Attorney General

HISTORY OF VICTIMS' COMPENSATION

State of Delaware

Delaware's history of assisting victims of violent crime is a long one. The Victim Compensation Fund was established by the General Assembly in 1974 to provide a means of meeting the additional hardships imposed upon the victims of certain crimes by indemnifying those persons for losses sustained as a result of those crimes. Similarly, the legislation created the Violent Crimes Compensation Board to manage the fund, receive and review applications for assistance, and make determinations regarding the awarding of compensation.



In FY 2009, the Violent Crimes Compensation Board faced major changes. The statute was amended and through the efforts of the Joint Sunset Review Committee, the Victims' Compensation Assistance Program was born. Effective July 1, 2010, the newly named program was moved to the Delaware Department of Justice. On May 24, 2011, the Joint Sunset Review Committee voted to release the Victims' Compensation Assistance Program from further Committee review.

The Victims' Compensation Assistance Program is funded from appropriated special funds derived from an 18% surcharge that is levied on all criminal offenses, including motor vehicle offenses. The program is also funded through restitution paid by offenders, probation interest, subrogation reimbursements and a federal grant.

Federal

In 1988, Congress amended the 1984 Victims of Crime Act (VOCA) and established the Office for Victims of Crime (OVC), a federal agency within the U.S. Department of Justice. OVC was established to provide leadership and funding for state and local victim compensation and assistance programs across the country.



Funding for OVC's programs comes from the Crime Victims Fund, which was established by VOCA to support victim services training for advocates and professionals. Fund dollars come from criminal fines, forfeited bail bonds, penalties and special assessments collected from offenders convicted of federal crimes. During Federal Fiscal Year 2020, which ended on September 30, 2021, Delaware's Victims' Compensation Assistance Program was awarded \$1,219,000.00 in federal funds.

THE PROGRAM

The purpose of the Victims' Compensation Assistance Program is to alleviate some of the financial burdens faced by victims, those that are directly related to the specific offense, by providing compensation for certain losses.

The Victims' Compensation Assistance Program serves as an important lifeline, reaching out to victims wherever they are located throughout all three Delaware counties. Applications are received by the office and reviewed by our staff. The Agency manages the program's funds and awards compensation. Funding for the program is generated by a surcharge on fines and penalties imposed by the Courts. No tax dollars are used to fund the program.

WHO CAN GET HELP?

The Delaware Victims' Compensation Assistance Program provides compensation to victims of violent crimes and their families for crime related expenses. You must be a listed victim of a violent crime in a police report or be the Petitioner in a final, active Protection from Abuse Order.

A parent or guardian must apply for anyone under the age of 18. Victims who are unable to apply due to physical or mental limitations, or death, should have a personal representative file on their behalf.

ELIGIBILITY REQUIREMENTS:

- The crime must be reported to law enforcement within 72 hours.
- An application must be filed with VCAP within 1 year of the crime.
- Victims must cooperate with law enforcement agencies.
- Victims must cooperate with VCAP staff and provide all information requested.
- The victim must not have caused or contributed to his/her injury or death.

HOW TO APPLY:

To initiate the claims process, Delawareans can obtain application forms by either calling the Victims' Compensation Assistance Program at (302) 255-1770 or by downloading the application form from the Attorney General's website at www.attorneygeneral.delaware.gov/VCAP.

Victims can now also fill out an online application by visiting <https://ccvcde.org>. To complete the online application, they need (1) access to a valid email address, (2) a police report number or PFA Order Number, and (3) about 30 minutes to complete the application.

WHAT LOSSES MAY BE PAID?

- Burial expenses not to exceed \$2,500.
- Childcare not to exceed the deposit plus 2 months of care by a state-approved or licensed day care provider.
- Crime scene cleanup not to exceed \$1,000.
- Essential personal safety property not to exceed \$1,500.
- Funeral expenses not to exceed \$5,000.
- Loss of past or future earnings, including reimbursement for vacation, sick, and compensatory time, because of a disability resulting from crime-related personal injury.
- Loss of support to the dependents of a victim of homicide.
- Loss of support, not to exceed \$3,000, for victims of domestic violence in certain situations.
- Lost wages of parents or others charged with the care, custody, or guardianship of a victim while providing care to the victim.
- Medical expenses.
- Moving expenses and relocation expenses.
- Psychiatric care and mental health counseling.
- Reasonable expenses, other than counseling of secondary victims where the victim has been killed by the act of a person during the commission of a crime, not to exceed \$1,000.
- Reimbursement for reasonable expenses incurred due to attendance at criminal proceedings as a witness for the prosecution.
- Temporary housing not to exceed \$1,500.
- The cost to change locks and replace items seized as evidence.
- The deductible under a policy of automobile insurance where a motor vehicle is stolen in connection with a crime, not to exceed the amount of the deductible.
- Towing and impoundment expenses incurred as a direct result of a crime.

The Victims' Compensation Assistance Program may only pay crime-related losses not covered by insurance or other sources. Awards cannot exceed \$25,000 unless the victim is deemed by a medical professional to be both permanently and totally disabled.

All losses must be supported by documentation prior to compensation being awarded. VCAP cannot pay for lost, damaged or stolen property or for pain and suffering.

PROGRAM UPDATES

HB 182

House Bill 182 was signed into law on October 20, 2021. This legislative update improved the efficiency and effectiveness of VCAP in the following ways:

- (1) Lifted the statutory employment cap that limited the number of employees VCAP could employ. This update will enable the Department of Justice to augment VCAP staff by utilizing grant or federal funding.
- (2) Codified benefits and more clearly enumerated available benefits and increased the funeral and burial benefit to \$5,000/\$2,500, respectively.
- (3) Made several changes to conform to the current practice, including removing the claims payment process description in § 9005(8) and § 9009, updating the claims application process in § 9009, and removing the reporting requirements in § 9017.
- (4) Amended § 9009(10) to give the Agency specific authority to close inactive claims.
- (5) Updated the list of Advisory Council members to reflect the dissolution of the Sexual Assault Network of Delaware, which became the Delaware Alliance Against Sexual Violence.
- (6) Expanded the population of victims able to be served, including changes to ensure victims of human trafficking are eligible for compensation.
- (7) Extended the deadlines to request reconsideration and file an appeal with the Appeals Board and reorganized the appeals process provisions by placing them all in the same section.
- (8) Changed "offense date" to "sentencing date" in § 9014(c).
- (9) Updated the chapter so that each program is referred to by a consistent name.
- (10) Added defined terms "Executive Director" and "claimant" to the definitions section and further clarified to which category of victims parts of the Code apply.
- (11) Removed the term "incompetent" in favor of adopting a phrase that uses people first language.
- (12) Made technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Introduction of Online Application Portal

On April 26, 2022, in conjunction with National Crime Victims' Rights Week, VCAP officially launched its online application portal. To fill out an online application, victims can now visit <https://ccvcde.org>. To complete the online application, they need (1) access to a valid email address, (2) a police report number or PFA Order Number, and (3) about 30 minutes to complete the application.

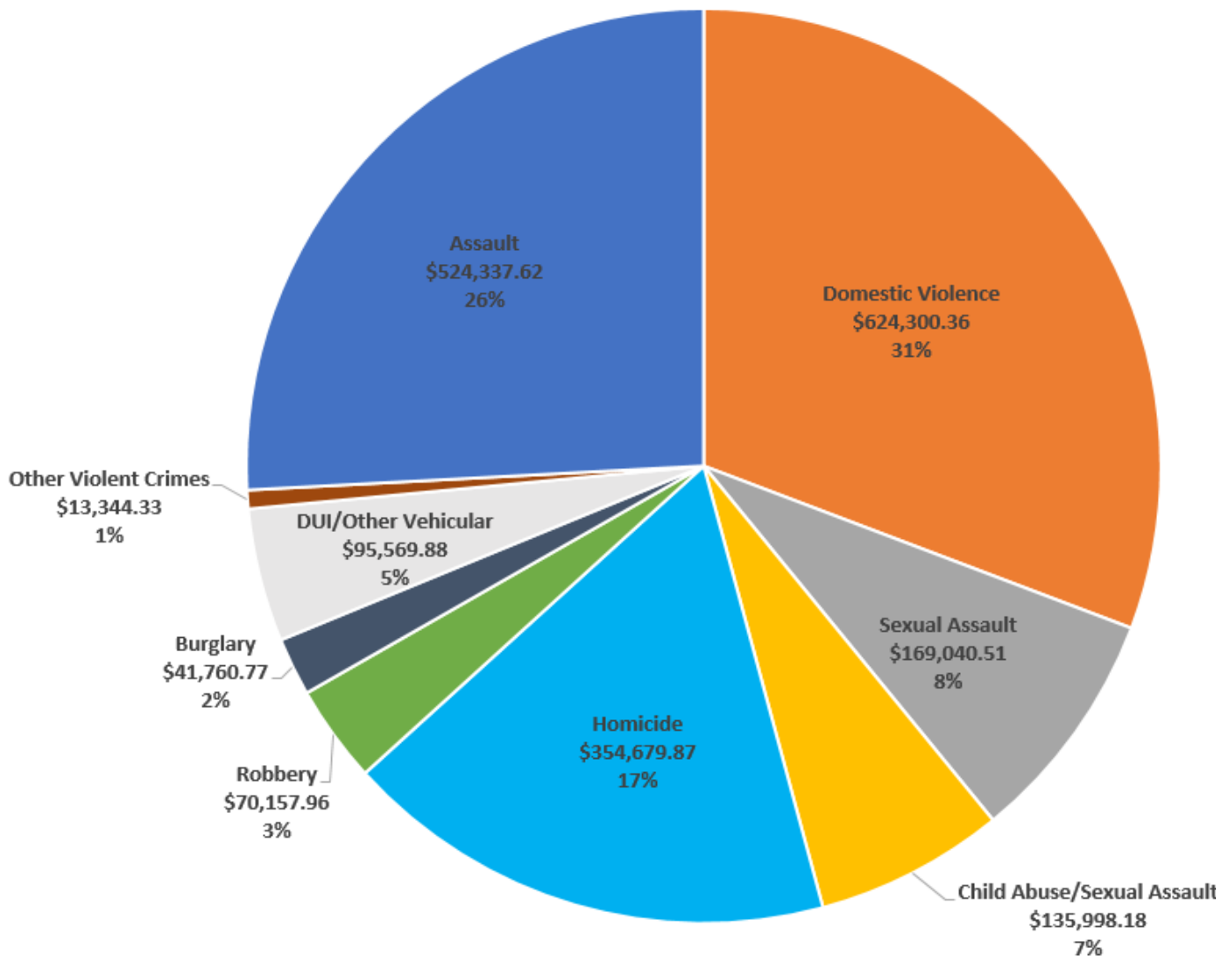
FINANCIAL AWARDS

For the fiscal year ending June 30, 2022, the Victims' Compensation Assistance Program rendered 1,996 payments to and on behalf of victims of crime totaling \$2,029,189.48.

DETAILED EXPENDITURES - FY 2022

State Funds: Victim Claim Payments	\$1,068,266.29
Federal Funds: Victim Claim	\$960,923.19
Total Claim Payments	\$2,029,189.48
Administrative Costs	\$587,164.84
Total Expenditures	\$2,616,354.32
Victims' Compensation Fund Balance	\$3,993,164.47

PROGRAM SPENDING BY CRIME TYPE



PROGRAM SPENDING BY BENEFIT

