



# WHAT THE VICTIMS' BILL OF RIGHTS DOES FOR US

Crime victims in Delaware cases have a legal right to know when and how their case is handled. These are listed (by section number in the law) below. To see the exact words, look at the [Delaware Code TITLE 11 Crimes and Criminal Procedure: Victims of Crimes CHAPTER 94. VICTIMS' BILL OF RIGHTS](#)

## **§ 9403. Nondisclosure of information about victim.**

Law enforcement, courts, prosecution and corrections should keep a victim's personal information confidential. The law sometimes allows the court to disclose this information.

## **§ 9404. Victim's interest in speedy prosecution; child victim or witness.**

The court should consider the interest of the victim in going to trial without delay. Child abuse and sex abuse cases shall be expedited.

## **§ 9405. Prosecutor to confer with victim.**

The prosecutor shall discuss major case decisions with the victim. These include: changing or dropping the charge against the suspect, and the offer of a plea bargain.

## **§ 9406. Safety of victim.**

The victim should be able to wait for trial away from people connected to the defendant. If no separate space is available, the court shall provide for safety. Victims must also get numbers to call if they are threatened or intimidated or if there is a violation of bail.

## **§ 9407. Presence at court proceedings; notice.**


A victim can be present at each court date when the suspect has the right to be there (except grand jury hearings.) The victim can have a support person along unless the judge says it could prevent the defendant from having a fair trial. The victim shall be told of the date, time and place of all court proceedings when they have the right to be there.

## **§ 9408. Prompt return of property.**

Once it is not needed for a case, the agency holding the property shall give it back (unless it is forfeited.)

## **§ 9409. Limitations on employer.**

An employer cannot discipline or fire a victim for attending a proceeding if the prosecutor asked that person to come, or the victim went to protect their interests.





**§ 9410. Information from law-enforcement agency.**

Police must give victims written information on this Bill of Rights, social services, referral numbers, information on how the suspect might get out on bail, how to check the status of the arrest and a copy of the crime report.

**§ 9411. Information concerning pretrial and trial matters.**

The Attorney General's Office is also known as the Department of Justice. They must, depending on which court will hear the case, give victims certain information such as the right to talk to the prosecutor before trial, notice of court proceedings, sentencing and other major events in the case.

**§ 9412. Information concerning appeal or post-conviction remedies.**

The prosecutor will tell the victim if the defendant appeals the conviction and how that turns out.

**§ 9413. Information concerning confinement.**

The Department of Correction and the Department of Services for Children, Youth and Their Families shall write and tell the victim when the offender gets out of prison and the date of any Parole Board hearing, as well as the terms of probation and other conditions of release. If there is an escape, the DOC and DSCYF will tell the victim by phone or in person.

**§ 9414. General requirements for information.**

These notices can be done in writing or verbally. It is up to the victim to make sure the contact information is always up to date.

**§ 9415. Presentence report.**

A victim can talk to the court official who writes the Presentence Report. At sentencing, the victim can tell the judge either in person or writing about the harm that the crime did.

**§ 9416. Consideration of victim-impact statement at Board of Parole hearing or Board of Pardons hearing.**

A victim must be told in writing of the right to address the Board of Parole or the Board of Pardons. They must be told what that Board decides about their offender.

**§ 9417. Requirement of state agencies to file annual reports.**

All agencies given duties in the Victims' Bill of Rights must send a report to the Governor and the Criminal Justice Council each year.

**§ 9418. Victims' Rights Fund.**

All fines collected under Chapter 48 of Title 21 go into a Victims' Rights Fund. The money is used to improve victim notification.

**§ 9419. Rights of qualifying neighborhood or homeowners' associations.**

Certain neighborhoods and homeowners associations can receive information on illegal drug activity.

