

# VICTIMS' RIGHTS IN DE: OVERVIEW & UPDATES

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# Goals

1

Overview of  
Victims' Bill of  
Rights

2

Identify key  
updates

3

Examine impact  
on day -to -day  
advocacy

4

Clarify  
compliance  
responsibilities

5

Partner for effective  
collaboration within  
systems

# Before we get started...

We won't be diving into personal or active cases.

We're not lawyers, so nothing here is legal advice.

Policies are still evolving, so expect updates as things move forward.

# Lastly...

This training event is supported by the Criminal Justice Council through VOCA Assistance Grants 15POVC -23-GG-00393-ASSI & 15POVC-22-GG-00721-ASSI, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice.

*The opinions, findings, and conclusions or recommendations expressed throughout this presentation are those of the contributor and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

# Common Victims' Rights



**Victims            Witnesses**

**Victims were a forgotten part of the puzzle - seen as witnesses rather than someone affected by the crime**

**Victims had no voice**

**Nationally, Crime Victims' Rights Movement began to change that**

# History of Victims' Rights in Delaware

1980



Victim  
Services  
begins within  
the Delaware  
Department  
of Justice

1982



Passage of the  
first *federal*  
victims' rights  
legislation

1992



Delaware's  
Victims' Bill of  
Rights was  
established

2000, 2009,  
2015, 2021



Attempts  
were made to  
update or  
expand VBR

# Victims' Bill of Rights Committee

**Summer  
2023**

●  
June - SCR 99  
passed

July - VBR  
Committee  
members  
appointed

**Feb  
2024**

●  
VBR  
Committee  
Final Report  
was issued

**Jan  
2025**

●  
SB17 was  
introduced

**Aug  
2025**

●  
Governor  
Meyer signed  
SS1 for SB17 &  
SB139 into law

“

We are better serving [victims] by trying to get it right by modernizing for the first time in way too long, and again, there have been people who've been advocating for decades and bless you for what you do.

”

~ Senator Bryan Townsend,  
Bill Sponsor



August 20, 2025

# Many, many thanks to...

- Bill sponsors
- VBR Committee Members
- Colleagues who presented info/data
- Legislative Aides
- Legislative Research Analysts
- Legislative Drafting Attorney
- All who advocated for the bill
- Legislators who voted for the bill
- Governor for signing



*thank you*

# VBR Committee Subgroups

**Victim Safety**

**Rights of  
Special Victims**

**Victim's  
Compensation &  
Administration**

**Victim's Rights  
to Information &  
Notification  
Procedures**



**Agencies listed  
in the Victims'  
Bill of Rights  
work within the  
criminal justice  
system.**



# Delaware Code, Title 11, Chapter 94

## Big Picture & Notable New Rights:

- Victim Advocate
- Immigration
- DNA/Biological Evidence
- Filing a Complaint
- Victims' Agency



# New definitions

**NEW**

Crimes defined by category

Individuals w/cognitive  
disability

Representative of the Victim

Victim Advocate

Victim Services

Victim Services Agency

Victim Services Professional

# Victim Services

Crisis Intervention services,  
including crisis hotline

Emergency assistance:  
food, shelter, housing,  
clothing, financial, legal

Orientation to CJ system &  
court proceedings; legal rights  
& protections, CJ process

Trauma -informed counseling

Legal advocacy & assistance

Assistance understanding &  
completing civil court documents

Assistance with VCAP application

Assistance with safety planning

Support during any meeting,  
process, or proceeding necessary

# Victim Advocates



**Right to have a victim advocate present at:**

- **medical exam**
- **police reporting & interview**
- **trial prep**
- **court appearances, hearing for a PFA or SVPO, trial, or sentencing**
- **hearing of Board of Parole or Board of Pardons**

# Police & the VBR



**Maintain victim/witness confidentiality**

**Victims have right to be safe**

**police shall provide information about what  
to do if being threatened, harassed**

**Victims to receive victim copy of report and notice of  
victim services**

# Police & the VBR



**Police agencies will have a VBR  
compliance position**

**Provide notice of rights of victim & how to file a  
non -compliance to the VBR**

**Victims may review portions of body worn  
camera, including victim statements**

# Rights re: DNA/Biological Evidence

To be informed of:

- location of samples/kit
- status of DNA testing
- if DNA profile is entered into state or national DNA Index Systems
- if there is a DNA match
- of intent to destroy it



May designate a victim advocate to receive this info

# Immigrant Victims

**Cannot be detained for immigration violation (civil matter)**

**Cannot be turned over to federal agency without a warrant**

**Witnesses cannot be detained for immigration violation absent a warrant**



# Prosecution & the VBR

**Confidentiality**

**Expeditious disposition of criminal case**

**Confer with the Prosecution**

**Right to make a Victim Impact Statement**

**(Codifies many existing practices.)**



# Prosecution & the VBR

## Right to Information & Notification:

- date/time/place of proceedings
- notice of victims' rights
- what to do if threatened or harassed
- charging decisions
- if DOJ chooses not to pursue charges  
& the legal basis for the decision
- specifics of sentencing orders
- any appeal or hearings
- decisions from any appeal or hearings



# Courts & the VBR



- **Speedy trial**
- **Info regarding time/place/date of proceedings**
- **Right to make a victim impact statement**
- **Notification about applications for parole or pardon, including time/date/place of any hearing with the Board of Parole or Board of Pardons**

# Courts & the VBR



## **Safety:**

- **Separate waiting area for victims and witnesses;  
if unavailable, then other safeguards**
- **Victims may express safety concerns to the court  
and request reasonable measures to ensure their  
safety**

# Dept. of Correction & the VBR



**Victim may request:**

- **terms of probation**
- **terms of parole**
- **defendant's compliance/non-compliance with sentence, probation, or parole**

# Dept. of Correction & the VBR



**Victim will receive notification of:**

- **Defendant's release date**
- **Release to a community based program**
- **Offender escape**
- **Hearing date with Board of Parole or Board of Pardons**

# Youth Rehabilitation Services & the VBR

## **Victim may request:**

- **terms of probation**
- **defendant's compliance/non - compliance with sentence, probation, or parole**

## **Victim will receive notification of:**

- **Defendant's release date**
- **Release to a community based program**
- **Offender escape**

# Complaints

**NEW**

May be filed by:

Victim

Someone acting on their behalf

# Enforcement

DOJ enforces compliance

Police, DOJ, DOC must designate supervisor to receive complaints, provide written summary of investigation, if found in compliance how to appeal

## Remedies

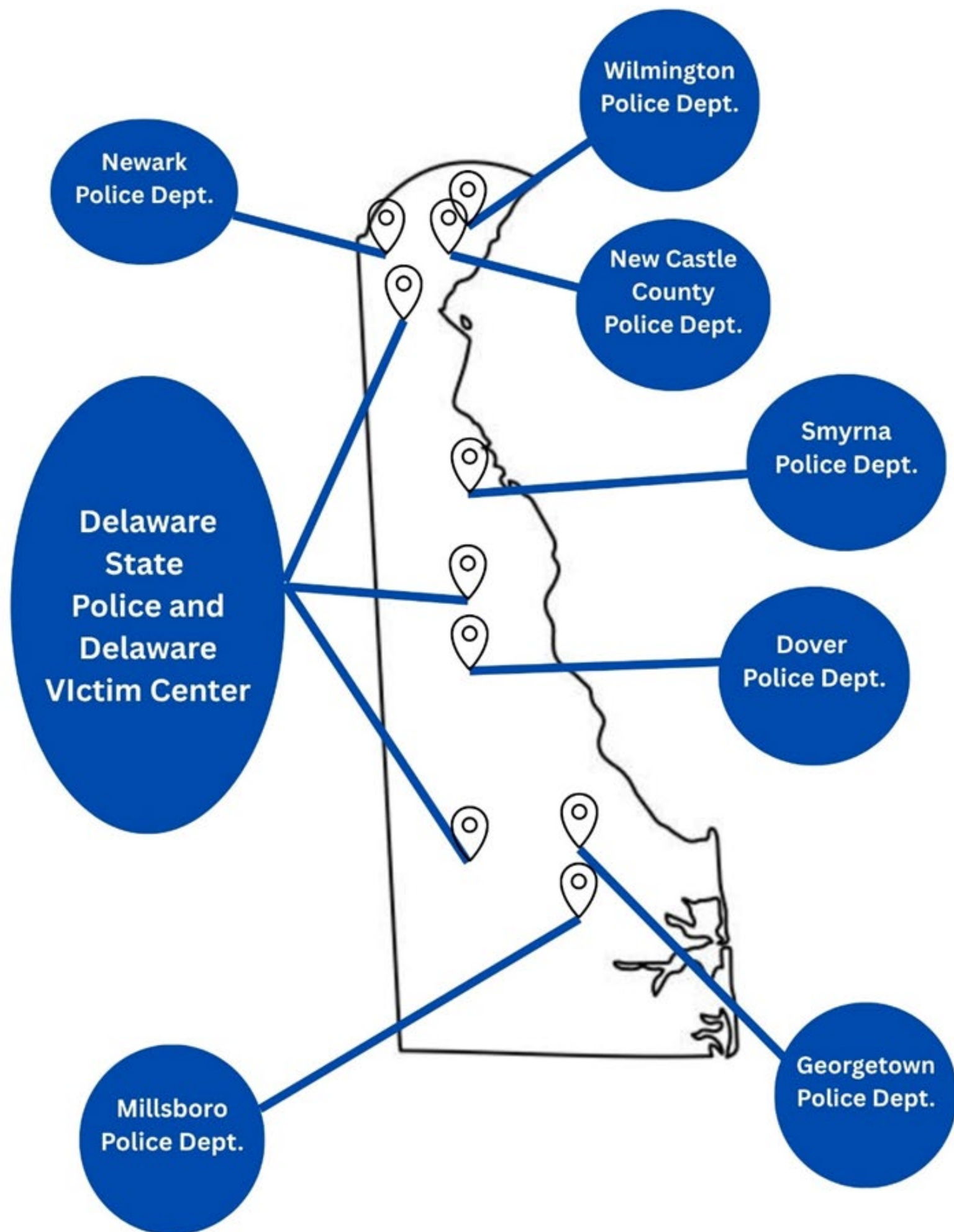
No claim for damages may be made against gov't employees or agencies

Victims may request a court order to make agency comply

## Limitations

Non-compliance does not cancel plea deals or case outcomes

Defendants have no standing to object based on victims' rights obligations



# Police Based Victim Services Units

**Delaware Victim Center  
1-800-VICTIM -1**

**Covers police agencies without  
in-house victim service units**

**Or**

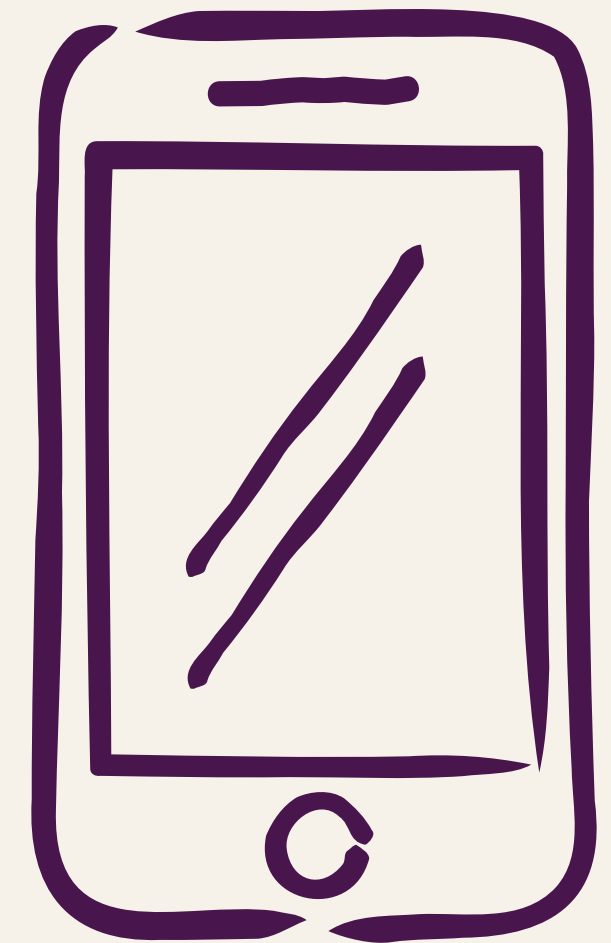
**Call non-emergency line & request  
connection to victim services**

# Prosecution: DOJ/AG's Office

New Castle County: 302 - 577-8500

Kent County: 302-739-4211

Sussex County: 302-856-8353



Helpful to provide case number, Court location, or names to get to the right unit

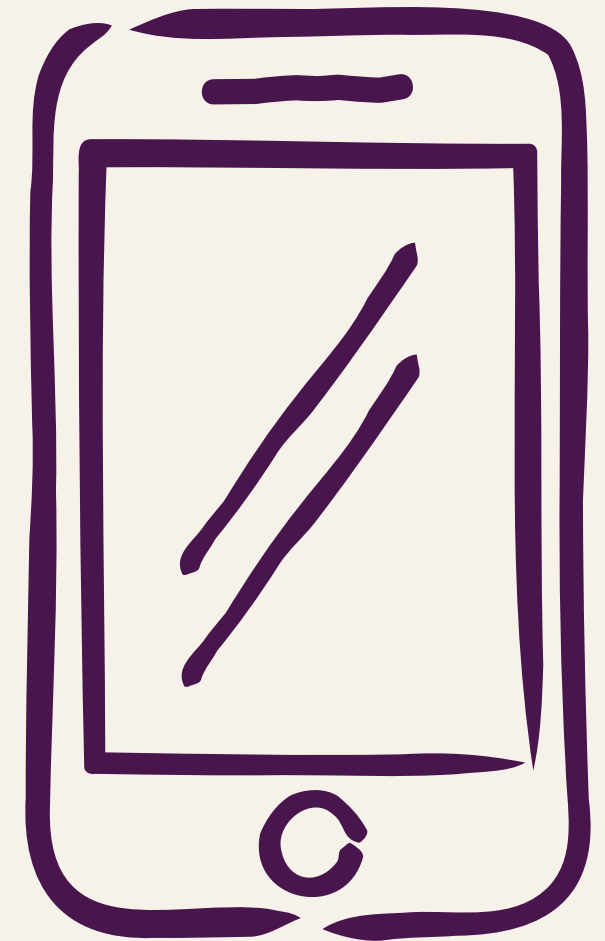
# Department of Correction offenders

- adult

Victim Services: 302-857-5440

Central Offender Records: 302-857-5490

Main: 302-739-5601

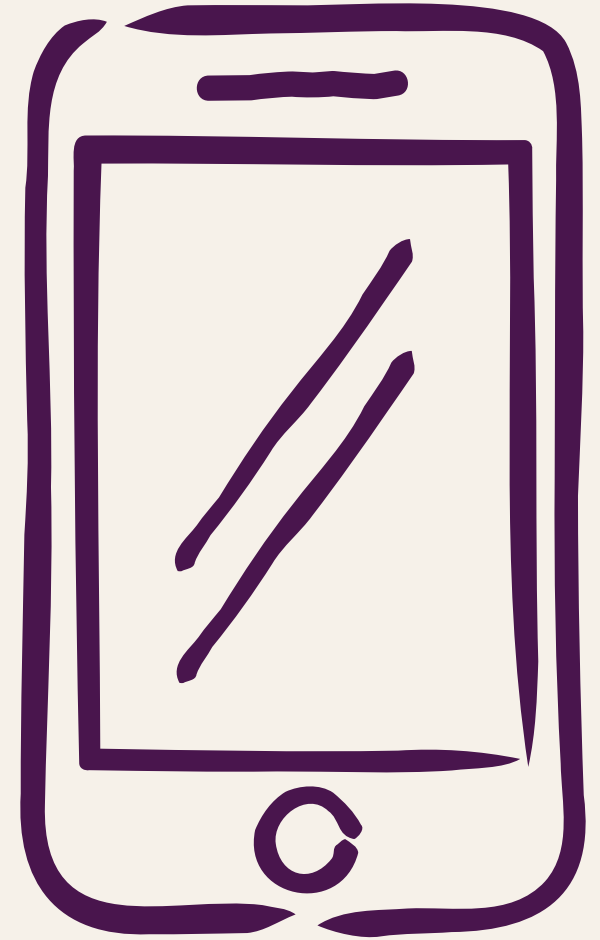


# Youth Rehabilitative Services

Phone: 302- 633- 2660

Additional contact information:

[https:// kids.delaware.gov/ youth-rehabilitative-  
services/ community- services- probation- and- aftercare/](https://kids.delaware.gov/youth-rehabilitative-services/community-services-probation-and-aftercare/)



# Interagency Collaboration



Victim Service Professionals prioritize warm referrals for victims as they navigate the system.

Any concerns please contact victim services at the appropriate agency.

| Source                       | When               | Type of Info                                              | How                           |
|------------------------------|--------------------|-----------------------------------------------------------|-------------------------------|
| Law Enforcement              | At first report    | Rights, services, safety, compensation, complaint process | Print/verbal/<br>electronic   |
| Victim Services Professional | Before Interviews  | Limits of Confidentiality                                 | Verbal                        |
| DOJ/Prosecutor               | During Prosecution | Case updates, rights, safety, proceedings, sentencing     | Written/verbal/<br>electronic |

| Source             | When            | Type of Info                                  | How            |
|--------------------|-----------------|-----------------------------------------------|----------------|
| Court              | During hearings | Scheduling, safety measures, advocate access  | Written/verbal |
| DOC/DSCYF          | Post sentencing | Release, parole, escape info                  | Written/verbal |
| DELJIS/DOJ Website | Ongoing         | Rights summary and statewide victim resources | Print/Online   |

# Limitations of Confidentiality



System Based Advocates  
need to disclose the limits to  
their confidentiality

Integrity Institute/OVC Fellow  
*Victims' Rights Policy Template  
and VSU Initial Contact Script  
Template*

# Educating Victims on their Rights



- **Weave Rights Education Into Every Contact**
- **Have handouts and information**
- **Partner With System      -Based Advocates**

# Empowering without Giving Advice



- Use ‘can,’ ‘may,’ or ‘have the right to’ instead of ‘should’ or ‘must.’
- Reinforce choice and control — every victim’s situation is unique.
- Always pair information with a referral to the appropriate source.

*Examples for educational purposes and do not constitute legal advice.*

*Advocates provide general information and connect victims with qualified legal professionals for specific guidance.*

THANK  
YOU!





Questions?