

# 2013 Annual Report

## VICTIMS' COMPENSATION ASSISTANCE PROGRAM

Delaware Department of Justice  
Attorney General Joseph R. Biden, III



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**[WWW.ATTORNEYGENERAL.DELAWARE.GOV/VCAP](http://WWW.ATTORNEYGENERAL.DELAWARE.GOV/VCAP)**



Dear Fellow Delawareans:

At the Delaware Department of Justice, protecting and serving victims of crime is about much 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, and funeral expenses.

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,

Joseph R. Biden, III  
Attorney General

# HISTORY OF VICTIMS' ASSISTANCE

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## **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 Fiscal Year 2013, Delaware's Victims' Compensation Assistance Program received \$1,270,000 in federal funds.

## THE PROGRAM

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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 pecuniary losses. Compensation is available for the payment of medical and dental expenses, psychiatric care, mental health counseling, prescription medication and eyeglasses, loss of earnings, funeral/burial costs, loss of support, temporary housing and moving and relocation costs. Secondary victims, including the parent(s), spouse son(s), daughter(s), brother(s), or sister(s) of the primary victim, may be eligible to receive mental health counseling for crime related issues.

### EXPENSES FOR WHICH FINANCIAL HELP THROUGH VCAP IS AVAILABLE

- Medical and/or dental expenses
- Mental health treatment or counseling
- Wage or income loss
- Income loss to custodian while providing care to a child victim
- Loss of support for victims and dependents in certain situations
- Funeral and/or burial expenses
- Moving and/or relocation expenses
- Temporary housing
- Change of locks, doors or windows to make the resident safe
- Replacing items seize as evidence by police

### EXPENSES THAT ARE NOT COVERED

- Lost, damaged or stolen property
- Pain and suffering

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## Process

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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](http://www.attorneygeneral.delaware.gov/VCAP).

## What types of crimes may be covered?

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The most common cases for which financial compensation is provided include murder, assault, child abuse, crimes of domestic violence, kidnapping, arson, burglary, and sexual assault or sexual abuse.

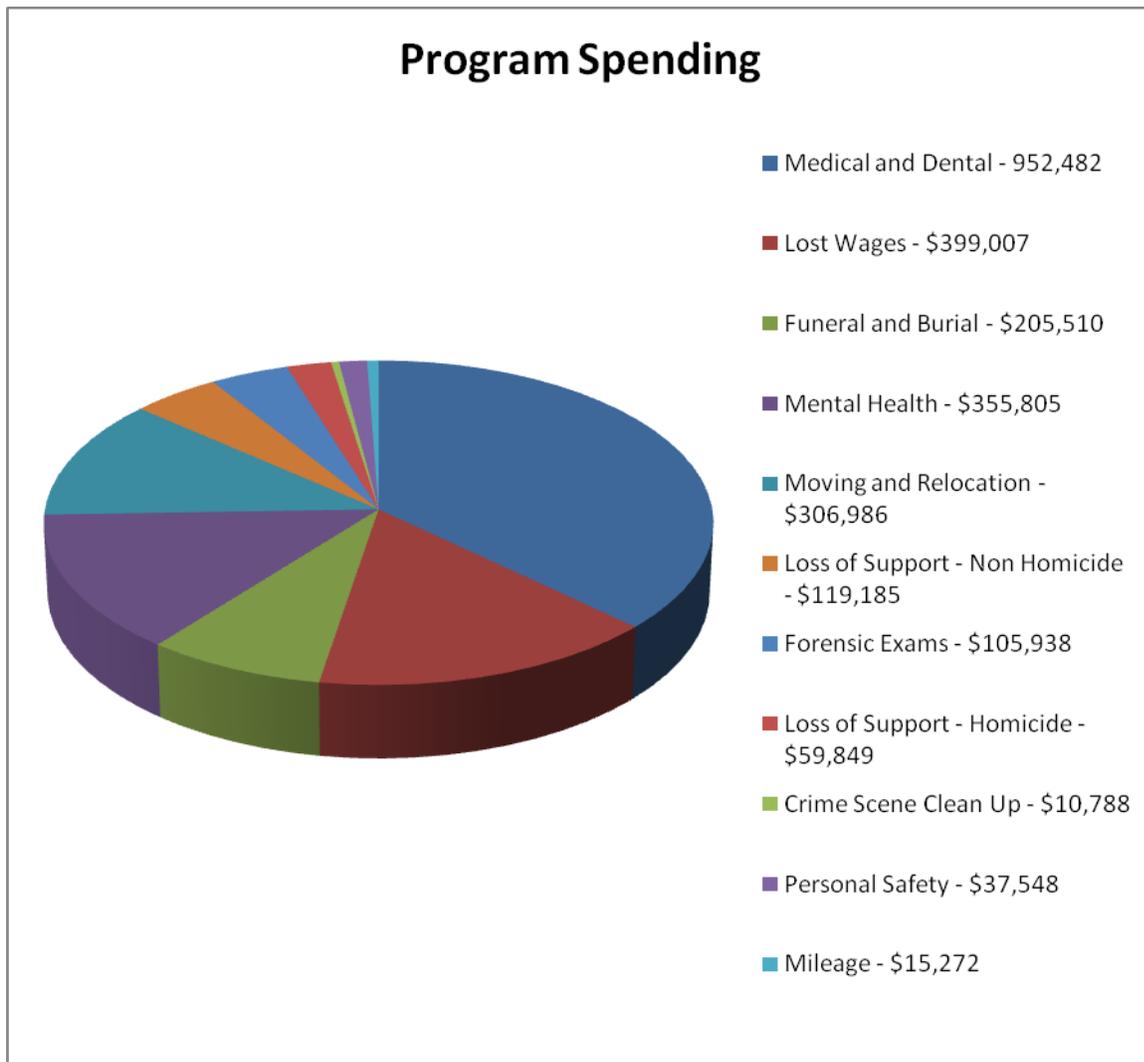
### TO BE ELIGIBLE FOR COMPENSATION

- The crime must be reported to law enforcement within 72 hours (unless the requirement is waived by VCAP)
- The claim must be filed with VCAP within 1 year of the crime (unless the requirement is waived by VCAP)
- The victim must cooperate with law enforcement agencies in the apprehension and prosecution of the perpetrator
- The victim must cooperate with VCAP staff and provide all information requested
- The victim must not have caused or contributed to his or her injury

## FINANCIAL AWARDS

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For the calendar year ending December 31, 2013, the Victims' Compensation Assistance Program received 1,333 applications and awarded \$2,568,370 to victims and their families. The Victims' Compensation Assistance Program approved 77 percent of the applications received.



## DETAILED EXPENDITURES – 2012 AND 2013

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FISCAL YEAR	2012*	2013*
State Victim Claim Payments	\$2,526,279.86	\$1,367,913.34
Federal Victim Claim Payments	\$824,084.15	\$1,178,633.48
Total Claims Payments	\$3,350,364.01	\$2,546,546.82
Administrative Costs	\$676,300.00	\$676,300.00
Total Claims w/ Admin Costs	\$4,026,664.01	\$3,222,846.82
Epilogued to Other Programs	\$655,000.00	\$0.00
Total Expenditures	\$4,681,664.01	\$3,222,846.82

## DETAIL – REVENUE VS EXPENDITURES

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FISCAL YEAR	2012	2013
Average Monthly Expenditures	\$335,555.33	\$268,570.57
Average Monthly Revenue	\$151,850.69	\$166,417.13

## ANNUAL APPLICATIONS RECEIVED

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2012	2013
1209	1333

\*Calendar year data overlaps two State Fiscal Years

## RECENT DEVELOPMENTS AND LEGISLATIVE INITIATIVES

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- In the FY 2013 Budget, the General Assembly established the Victims Compensation Assistance Program Review Committee (“Committee”) in Section 108(b):

*Recognizing a systemic problem in the financial stability of the Victim Compensation Assistance Program, the General Assembly hereby establishes the Victim Compensation Assistance Review Committee. The Chair of the Committee shall be the State Court Administrator or her designee. The Committee shall also include the following membership: the Director of the Criminal Justice Council or her designee, the Division Director of Public Health, Department of Health and Social Services, or her designee, a member of the Office of Management and Budget, a member of the Office of the Controller General, and the Chief of Staff of the Department of Justice. The Committee shall review the expenditures and cost drivers of the program to include, but not limited to the approval process, the process to determine the qualifications of the claimants, the appropriateness of the reimbursement rates and potential or existing areas of fraud and abuse by claimants. The Committee shall provide a report to the Joint Finance Committee by January 7, 2013. The report shall include their analysis on the above items and recommendations for financial stability while maintaining the core mission of the program.*

The final report was submitted to the Joint Finance Committee on January 7, 2013. The comprehensive report outlined ways to increase revenue as well as changes to the structure of the Agency.

Following the recommendations of the Committee, HB 166 was introduced and enacted during the 147<sup>th</sup> General Assembly. HB 166 contained several provisions. The first two sections of the legislation transferred authority for issuing new regulations from the Victims’ Compensation Assistance Program Advisory Council to the Agency itself. This change is consistent with the authority of other state agencies and independent boards and commissions. The Advisory

Council endorsed this change with the understanding that the Agency would allow the Advisory Council to have prepublication review of any proposed regulations.

Another section of the legislation addressed the Victims' Compensation Assistance Program Appeals Board and would allow the Appeals Board to deliberate outside the presence of the victim. Appeals hearings are emotional and may contain sensitive psychological and medical discussions. Hearings may also address whether the victim was an eligible victim and involve credibility issues. All of the above, discussed in the presence of the victim, has the potential for further victimization and that was not the intent of the statute.

Finally, the legislation addressed the very significant issue of revenue. It modified the VCAP statute to provide for a minimum \$10 assessment, per charge, to be paid to the Victims' Compensation Assistance Program, or the current 18% surcharge, whichever is greater. For example, in a hypothetical case resulting in a \$25 fine, the 18% surcharge is calculated at \$4.50. Under HB 166, the Victims' Compensation Assistance Program would receive the minimum \$10 assessment.

- During the 147<sup>th</sup> General Assembly, SB 105 was introduced and enacted. This legislation was the result of recommendations made by the Joint Sunset Committee and provided that the Executive Director of the Victims' Compensation Assistance Program would no longer be required to submit a financial disclosure report to the Public Integrity Commission.