

OUTREACH AND ADVOCATE EXCHANGE

SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE South Carolina Crime Victim Services Division



**First Quarter
July - September 2020**

The Future of Federal Funding for Victims of Crime Projects

By Director Burke Fitzpatrick



DID YOU KNOW?

October:

Domestic Violence Awareness Month

Breast Cancer Awareness Month

November:

Diabetes Awareness Month

Epilepsy Awareness Month

December: Root

Vegetables and Exotic Fruit Month

Human Rights Awareness

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Beginning October 1, 2020 our division will begin the next of cycle of grant funding to 140 victim of crime projects throughout South Carolina. With this grant funding, 645 full time and 127 part time professionals, mostly victim advocates, will be helping victims everywhere in South Carolina. In all we will be allocating \$35,333,312.

These Victim of Crime Act (VOCA) and Violence Against Women Act projects are federally funded through the Victims of Crime Trust Fund *and that Trust Fund is running out of money.* Several years ago the Fund was flush with over \$13 billion. Today it is estimated to be \$5 billion or less and headed South. Already South Carolina and all other states have seen decreases in our VOCA state award of roughly half since FY2018. This fifty percent decrease from our high funding year could even be worse next year, but we are doing all we can to make sure that doesn't happen.

In the past month Attorney General Alan Wilson joined with over 46 other Attorneys General in asking Congress to amend current VOCA legislation to restore the VOCA Trust Fund. That effort is supported by the National Criminal Justice Association, the National Council on State Governments and many similar organizations with an interest in victims rights and services.

The legislation would increase the Trust Fund by moving settlement agreements between the Dept. of Justice and defendants (often big corporations) now going to the General Fund, to instead, being deposited in the Victims of Crime Trust Fund. This could amount to billions of dollars over just a few years.

The legislation would also help VOCA Compensation programs by increasing the federal reimbursement percentage from 60%, where it is now, to 75%.

Finally, it would give states an extra year to manage and re-allocate money before it has to be sent back to the Federal Government – enabling us to spend every last dime on victim services.

The legislation has wide support from both parties and we are hopeful that it might pass as soon as this calendar year. Of course, national elections seem to overshadow everything so we're keeping our fingers and our toes crossed. Whatever happens, we'll let the victim of crime service provider network in South Carolina know what the future holds as we get word. I have a good feeling and high hopes for 2021!





<https://www.breakthecycle.org>

Don't stay silent. It's time to speak up all month long.

October is National Domestic Violence Awareness Month, which first began in 1981 by the National Coalition Against Domestic Violence as a Day of Unity to connect battered women's advocates across the country.

National Domestic Violence Awareness Month is an annual designation observed in October. For many, home is a place of love, warmth, and comfort. It's somewhere that you know you will be surrounded by care and support, and a nice little break from the busyness of the real world. But for millions of others, home is anything but a sanctuary. The U.S. Department of Justice estimates that 1.3 million women and 835,000 men are victims of physical violence by a partner every year.

Every 9 seconds, a woman in the U.S. is beaten or assaulted by a current or ex-significant other.

Please note: 1 in 4 men are victims of some form of physical violence by an intimate partner.

Being Creative: Meeting the Specialized Needs of Crime Victims

Deputy Director Veronica Swain Kunz

Crime Victim Ombudsman

When we empower victim/survivors by helping them find information and resources through **referrals to other agencies**, we help them build a TEAM of support. None of us can be experts on every topic, but listed below are some great groups that specialize to help some of victims' more **complex** problems. We recommend that you keep a list of these links and the information they contain ready to supply to victims who mention their interest in learning more about the topics below: (click on the links)

Racism and Racial Injustice

From the Center for Racial Justice, we loved these resources for "Talking About Race, Racism and Racialized Violence with Kids."

<https://centerracialjustice.org/resources/resources-for-talking-about-race-racism-and-racialized-violence-with-kids/>

Complex Homicide Cases: The National Center for Victims of Crime recently launched a new training and technical assistance website, which is an invaluable resource for victim advocates, law enforcement, and other providers who serve victims of crime.

The TTA portal is available at www.ncvctta.org, and it houses webinars, training materials, articles, tool kits, and much more. [Scroll down to see resources for Complex Homicide Cases.](#)

Restorative Justice – Meeting with Offenders:

During VRW this year, we were fascinated about a subject presented by **SC Department of Corrections' Karin Ho**. Karin discussed some of South Carolina's Restorative Justice Initiatives, including preparing victims to meet with their offenders, should they wish to, in the Department of Corrections. The article below is a fascinating look at what happened with a Florida family who went through this process: <https://www.themarshallproject.org/20/07/21/they-agreed-to-meet-their-mother-s-killer-then-tragedy-struck-again>

Contact Karin to find out what Restorative Justice programs we have available for South Carolina crime victims at 803.896.1733 or ho.karin@doc.sc.gov.

Financial Crime Resource Center – Identity theft, fraud, financial exploitation ... these crimes devastate families, and take time and expertise to solve. In the meantime, what exactly can we advocates do to help victims, or can they help themselves? The FCRC *was established to help victims of financial crime recover their assets and regain control of their lives through partnerships and training. They provide technical assistance to organizations assisting victims with various types of fraud, including identity theft, investment fraud, cyber-crime, and financial exploitation.* <https://victimsofcrime.org/financial-crime-resource-center/>



VICTIM SUPPORT



<http://www.speakersfornurses.com/breast-cancer-awareness-month.html>

In 2014, National Breast Cancer Awareness Month (NBCAM) celebrated its 30th anniversary. Since its inception, NBCAM has been at the forefront of promoting awareness of breast cancer issues and has evolved along with the national dialogue on breast cancer. Today, NBCAM recognizes that although many great strides have been made in breast cancer awareness and treatment, there remains much to be accomplished.

As NBCAM celebrated its 30th anniversary, they remain dedicated to educating and empowering women to take charge of their own breast health by practicing regular self-breast exams to identify any changes, scheduling regular visits and annual mammograms with their healthcare provider, adhering to prescribed treatment and knowing the facts about recurrence.

140 Projects Awarded Grant Funds

by Deputy Director BJ Nelson

Department of Crime Victim Assistance Grants (DCVAG)

Last quarter, DCVAG was in the midst of reviewing grant applications for Victims of Crime Act (VOCA), Violence Against Women Act (VAWA), and State Victim Assistance Program (SVAP) projects scheduled to begin October 1, 2020. At the time staff were writing recommendations for review by the Public Safety Coordinating Council (PSCC) which has the statutory authority to approve subgrants from the Office of the Attorney General. The PSCC met via teleconference on August 10th where Director Burke Fitzpatrick and Deputy Director BJ Nelson presented recommendations. We are pleased to report that the PSCC approved all of the staff's recommendations.

The total Fiscal Year 2020 VOCA award to subrecipients this year is \$33,857,089 with 106 awards being made. The 2020 total VAWA award to subrecipients is \$2,430,659 with 26 grants awarded. The 2020 SVAP award to subrecipients is \$683,250 with eight awards being approved.

Staff continues to provide assistance to agencies during the COVID 19 crisis by approving budget revisions that request PPE (Personal Protective Equipment) and deep cleaning of office spaces. Subrecipients are also continuing to provide vital services to victims of crime with the use of remote technology. Many are using Zoom, GoToMeeting and telemedicine platforms that are HIPPA

approved. It's sometimes awkward, but victims of crime are receiving the services they deserve.

On October 6, 2020, DCVAG will be providing an Implementation Workshop for agencies that received awards for the coming year. This year the workshop will be offered virtually due to COVID 19. Information will be sent in the coming weeks to agencies that received awards on how to sign up for the workshop. However, always feel free to reach out to us for updates on funding or assistance with these vital projects.



Resiliency in a Time of Adversity

by Deputy Director Kim Hamm

Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis (CVST)

I am willing to bet one thing we can all agree on is that we all look forward to living in "precedented" times again. These past several months of 2020 have been ones for the history books, but while surreal, we have adjusted our daily lives and have adapted to a "new normal".

A new normal for office at the Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis (CVST) meant we had to make adjustments to the way we do business. In-person trainings and conferences have

largely become extinct. Our new reality is virtual. Virtual trainings have replaced countless scheduled in-person training events in 2020, and we at CVST have worked with our providers in South Carolina to ensure Victim Service Provider (VSP) credit for applicable training events can be attained.

VSPs are learning and responding in innovative ways. For the first time ever we have basic core trainings being taught to new VSPs in an all-virtual format. We've seen many successes with this transition to virtual reality, such as SCVAN's virtual

"Victims' Rights Week" which shifted from a 3 day in-person training to a weekly virtual conference that spanned the entire summer of 2020 with dozens of training sessions available.

(continued on page 7)



The path to understanding diabetes starts here.

No matter where you are in your fight, here's where you need to be.

Whether you've been newly diagnosed, have been fighting against type 1 or type 2 diabetes for a while, or are helping a loved one, you've come to the right place. This is the start of gaining a deeper understanding of how you can live a healthier life—with all the tools, health tips, and food ideas you need. Wherever you're at with this disease, know that you have options and that you don't have to be held back. You can still live your best life. All you have to do is take action and stick with it.

American Diabetes Association

National Call Center
1701 North Beauregard Street, Alexandria, Virginia 22311

1.800.342.2383

www.diabetes.org

DCVC: The Payer of Last Resort

by Deputy Director D. Scott Beard

Department of Crime Victim Compensation (DCVC)

If you have ever heard someone from DCVC speak about the compensation fund, the benefits provided by law and the process for obtaining compensation, you probably heard our staff use the phrase “payer of last resort.” What does that mean? Simply put, if there is any other source of reimbursement for losses incurred by crime victims, that source must be used first before DCVC can compensate a victim. The compensation fund is limited and must only be used as a safety net for victims of crime in South Carolina.

DCVC is a statutory agency, meaning we are guided by state law in how we do our work and process claims. Following are the statutes that guide us in recovery and savings of funds when other sources are available to pay. (note: each statute is followed by my commentary in bold)

SECTION 16-3-1250. Subrogation of State to right of action accruing to claimant, victim, or intervenor.

Payment of an award pursuant to this article subrogates the State to the extent of the payment to any right of action accruing to the claimant or to the victim or intervenor to recover losses resulting from the crime with respect to which the award is made, except that subrogation shall not reduce the financial recovery by the victim, claimant, or intervenor to less than one hundred percent of actual losses or expenses. The subrogation amount must be

reduced if there is a jury award or judicial award in a bench trial, which results in a loss to the victim, claimant, or intervenor. Subrogation shall not be reduced if the action is terminated other than by a jury award or judicial award in a bench trial.

This Statute allows DCVC to subrogate benefits to another financial recovery by the victim. In other words, if the victim/claimant gets an insurance settlement, wins a civil suit, or has some other financial recovery, this law gives DCVC the right to be repaid for essentially paying out the same costs the recovery is set up to cover. This means the victim cannot be paid twice for the same loss. This goes along with our position as payer of last resort.

SECTION 16-3-1260. Reimbursement of State by convicted person for payment by Office of the Attorney General, South Carolina Crime Victim Services Division.

- (A) payment of benefits to, or on behalf of, a victim or intervenor, or eligible family member under this article creates a debt due and owing to the State by a person as determined by a court of competent jurisdiction of this State, who has committed the criminal act.

Injuries to victims are caused by perpetrators. DCVC uses its revenues to pay for the costs of those injuries. But the real cost should be borne by the perpetrator. This section basically says by DCVC paying the cost of the victimization created by the perpetrator of the criminal victimization, a debt is created for the perpetrator to repay DCVC.

- (B) The circuit court, when placing on probation a person who owes a debt to the State as a consequence of a criminal act, may set as a condition of probation the payment of the debt or a portion of the debt to the State. The court also may set the schedule or amounts of payments subject to modification based on change of circumstances.

This section allows state court judges to order defendants to pay DCVC back as a condition of probation if DCVC has already paid benefits to the victim.

- (B) The Department of Probation, Parole and Pardon Services shall also have the right to make payment of the debt or a portion of the debt to the State a condition of parole or community supervision.

This section gives DPPP the right to collect restitution on behalf of DCVC when the offender is on parole or community supervision.

- (C) When a juvenile is adjudicated delinquent in a Family Court proceeding involving a crime upon which a claim under this article can be made, the family court, in its discretion, may order that the juvenile pay the debt to the Office of the Attorney General,

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www.epilepsyfoundation.org

Epilepsy is the fourth most common neurological disease and affects people of all ages.

There are 150,000 New Cases of Epilepsy Every Year. 3.4 million People in the United States Live with Active Epilepsy. 1 in 26 People in the U.S. Will Develop Epilepsy at some point in their lives. Epilepsy is a condition of the brain causing seizures.

A seizure is a disruption of the electrical communication between neurons.

Someone is said to have epilepsy if they experience two or more unprovoked seizures separated by at least 24 hours or after one seizure with a high risk for more.

Facts About Epilepsy And Seizures

65 MILLION: Number of people around the world who have epilepsy.

3.4 MILLION: Number of people in the United States who have epilepsy.

1 IN 26 people in the United States will develop epilepsy at some point in their lifetime.

BETWEEN 4 AND 10 OUT OF 1,000: Number of people on earth who live with active seizures at any one time.

End of Fiscal Year 19-20 Agency Stats

By Assistant Deputy Director Ethel Douglas Ford

Department of Crime Victim Compensation (DCVC)

During FY19-20, DCVC paid out over \$6.3 million in claims. Please see listed below the end of the year DCVC statistical data:

DCVC Claims Received

DCVC Claims Received:

Crime Victim Compensation Claims Received: **2,802**

Adult Sexual Assault Claims Received: **900**

Anonymous Sexual Assault Claims Received: **132**

Child Sexual Assault Claims Received: **2,602**

Child Physical Assaults Claims Received: **656**

Total Claims Received: 7,092

Note: Some of the claims were only received through 03/19/2020 due to COVID-19

Total Number of Payments:

The total number of payments made on DCVC claims were **8,211**

Victim Support and Advocacy - Intake Service:

Total Incoming Calls: 8,573

Status Calls: **6,505**

Referrals: **1,075**

General Info: **713**

Application Requests: **256**

Other/Misc. Calls: **24**

Total Walk-in Crime Victims Assisted: 66

Total Outgoing Mail: 10,235

Eligibility Services

The staff in this section processed **2,302** DCVC crime victim compensation claims.

Restitution and Subrogation

Restitution Collected:

\$73,243.00

Subrogation Collected:

\$70,112.08

Unclaimed Restitution Collected:

\$236,513.99

Total Amount of Restitution, Unclaimed Restitution and Subrogation Collected:

\$379,869.07

As a result of tracking cases and working with attorneys and solicitor's offices and advocates across the state, the agency was able to prohibit payment on various claims in which reimbursement was provided to victims by other means. As a result, we were able to not pay on a number of claims; thereby, saving the agency **\$443,900.27**

HIV/nPEP Prophylaxis (Non-Occupational Post-Exposure Prophylaxis - nPEP):

- Adult population total number of claims received: **36**

- Adult population total amount paid: **\$96,051.29**

- Adolescent/Pediatric total number of claims received: **13**

- Adolescent/Pediatric population total amount paid: **\$23,404.57**

Total number of Adult and Adolescent/Pediatric of claims received: 49

Total amount paid on Adult and Adolescent/Pediatric claims: \$119,455.86

Claim Negotiation:

(July 1, 2019 - April 1, 2020)

Claim negotiations is not guaranteed and is on a case by case basis. For this fiscal year, **\$12,110,831.46** of crime related bills were identified and successfully negotiated. This provides much needed assistance to crime victims.

DCVC Training and Publication Items Distributed:

- Training Events Conducted: **24**
- Out of the **24** trainings conducted, **6** were specifically for Law Enforcement Agencies
- Participants Trained: **553**
- Out of the **553** trained, **77** were Law Enforcement Officers and **2** Victim Advocates

Total Publication Items Distributed: 5,596

DCVC Auditing Section:

Victim Assistance Fines, Fees and Assessment Fund:

- Total Audits Conducted: **9**
- Total Audit Complaints: **0**
- Total Audit Inquiries: **59**
- Total Budgets Monitored/Desk Audits Performed: **331**

Total Audit Funds Recoupment: \$45,356.01

Total Budget Funds Recoupment: \$12,500

Total Audit and Budget Recoupment Amount: \$57,856.01



<https://nationaldaycalendar.com/national-human-rights-month-december/>

December recognizes National Human Rights Month. This month and every month to follow, everyone in the United States is encouraged to come together and stand up for equality, justice, and the dignity of all humans. December is a time to honor the Universal Declaration of Human Rights, an international document stating the fundamental rights and freedoms to which all human beings are entitled.

These rights include freedom from discrimination, the right to equality, and the right to be considered innocent until proven guilty.

National Human Rights Month is about acknowledging that people are people, plain and simple. If we take the time to learn about other cultures, we will begin to see things from their perspective and be able to better understand them as real people.

DCVC: The Payer of Last Resort

by Deputy Director D. Scott Beard

Department of Crime Victim Compensation (DCVC)

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Victim Services Division, Department of Crime Victim Compensation, as created by this article, as an adult would have to pay had an adult committed the crime. Any assessments ordered may be made a condition of probation as provided in Section 63-19-1410.

This section gives DJJ the right to collect restitution on behalf of DCVC when appropriate including as a condition of probation.

(D) Payments authorized or required under this section must be paid to the Office of the Attorney General, South Carolina Crime Victim Services Division. The Director of the Office of the Attorney General, South Carolina Crime Victim Services Division, together with the Deputy Director of the Department of Crime Victim Compensation,

shall coordinate the development of policies and procedures for the South Carolina Department of Corrections, the Department of Juvenile Justice, the South Carolina Office of Court Administration, the Department of Probation, Parole and Pardon Services, and the South Carolina Board of Probation, Parole and Pardon Services to assure that victim restitution programs are administered in an effective manner to increase payments into the fund.

This section gives DCVC authority to work with other state agencies and come up with a plan to assure restitution programs are administered in an effective manner to increase payments into the fund. As you may know, DCVC is now working with other state agencies through a restitution task force.

(E) Restitution payments to the Office of the Attorney General, South Carolina Crime Victim Services Division, Department of Crime Victim Compensation, Victim Compensation Fund may be made by the Department of Corrections from wages accumulated by offenders in its custody who are subject to this article, except that offenders'

Restitution payments may be collected by SCDC when incarcerated offenders are ordered to pay, minus enough expenses for their basic necessities in prison.



The Leaves Are Falling!



hello fall.



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