

Office of the Crime Victims' Ombudsman
Annual Report FY 2015-2016



CONSTITUTION OF THE STATE OF SOUTH CAROLINA

ARTICLE I, SECTION 24

Passed January 22, 1998

SECTION 1. SECTION 24 (A). Victims' Bill of Rights

(A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

- (1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute;
- (2) be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped;
- (3) be informed of and present at any criminal proceedings which are dispositive of the charges where the defendant has the right to be present;
- (4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;
- (5) be heard at any proceeding involving a post-arrest release decision, a plea, or sentencing;
- (6) be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;
- (7) confer with the prosecution after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition;
- (8) have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial;
- (9) receive prompt and full restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury, including both adult and juvenile offenders;
- (10) be informed of any proceeding when any post-conviction action is being considered, and be present at any post-conviction hearing involving a post-conviction release decision;
- (11) a reasonable disposition and prompt and final conclusion of the case;
- (12) have all rules governing criminal procedure and the admissibility of evidence in all criminal proceedings protect victims' rights and have these rules subject to amendment or repeal by the legislature to ensure protection of these rights.

(B) Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency responsible for the enforcement of rights and provision of services

contained in this section. The rights created in this section may be subject to a writ of mandamus, to be issued by any justice of the Supreme Court or circuit court judge to require compliance by any public employee, public agency, the State, or any agency responsible for the enforcement of the rights and provisions of these services contained in this section, and a willful failure to comply with a writ of mandamus is punishable as contempt.

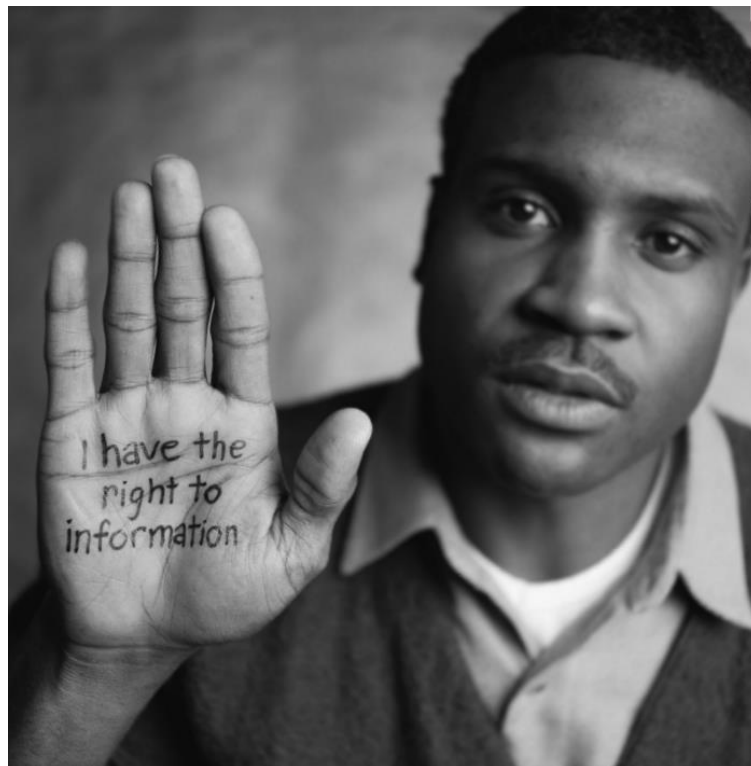
(C) For purposes of this section:

(1) A victim's exercise of any right granted by this section is not grounds for dismissing any criminal proceeding or setting aside any conviction or sentence.

(2) "Victim" means a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime against him. The term "victim" also includes the person's spouse, parent, child, or lawful representative of a crime victim who is deceased, who is a minor or who is incompetent or who was a homicide victim or who is physically or psychologically incapacitated.

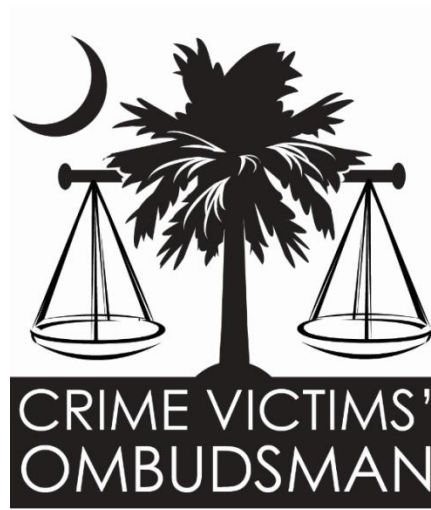
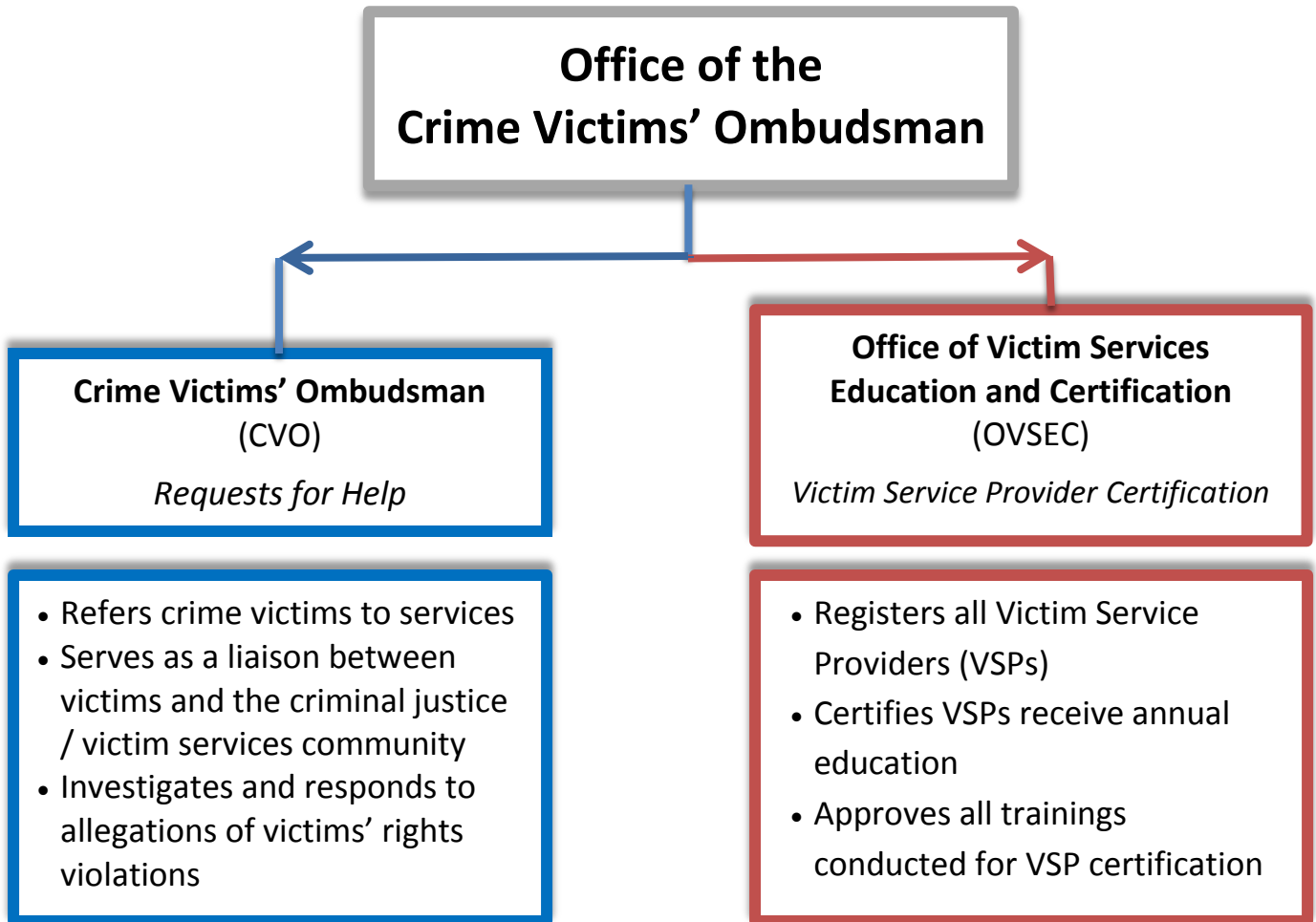
(3) The General Assembly has the authority to enact substantive and procedural laws to define, implement, preserve, and protect the rights guaranteed to victims by this section, including the authority to extend any of these rights to juvenile proceedings.

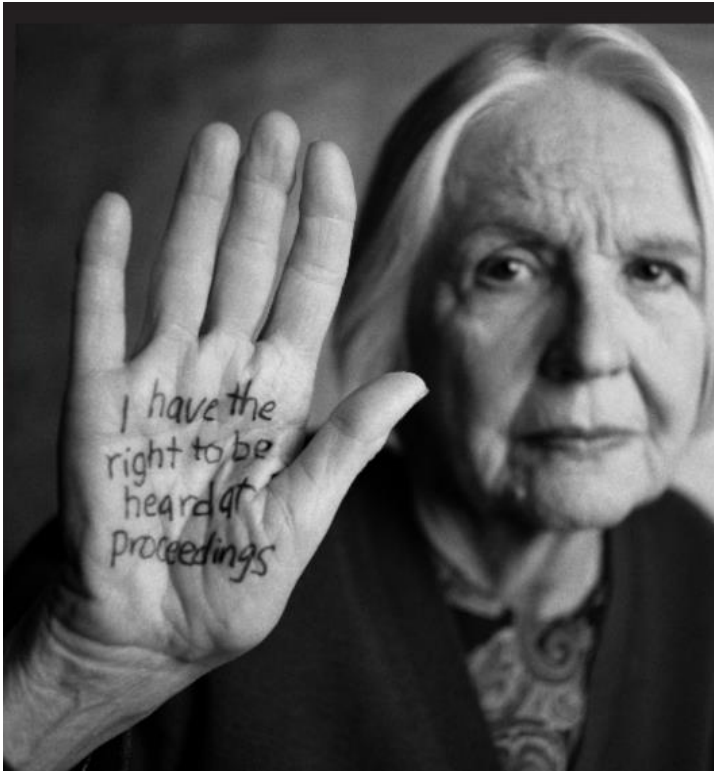
(4) The enumeration in the Constitution of certain rights for victims shall not be construed to deny or disparage others granted by the General Assembly or retained by victims.



South Carolina Crime Victims' Ombudsman Overview

Established in 1996 (SC Code §16-3-1620-1680) the Office of the Crime Victims' Ombudsman is comprised of two divisions with distinct responsibilities:





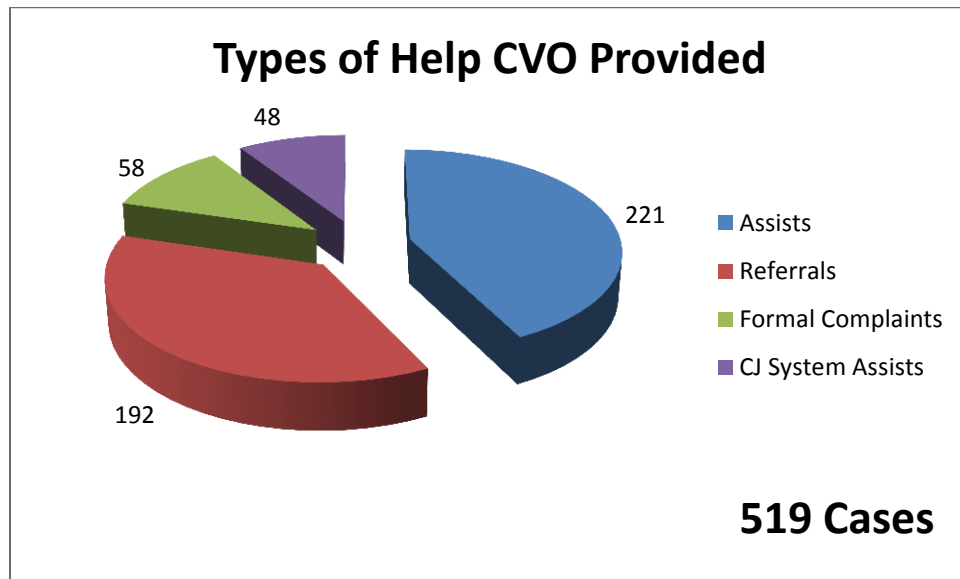
We are problem solvers. We respond to requests from our stakeholders in the victim service community to help them bridge gaps in services by providing resources, training, technical assistance and direct liaison assistance. We also investigate allegations of victims' rights violations from crime victims and, if founded, work with our constituents to resolve the issue and enhance their ability to effectively serve victims.

OUR PHILOSOPHY:

The CVO staff adheres to the philosophy of serving constituents in the most efficient manner and in a way which may prevent or reduce further victimization. Our goals are to:

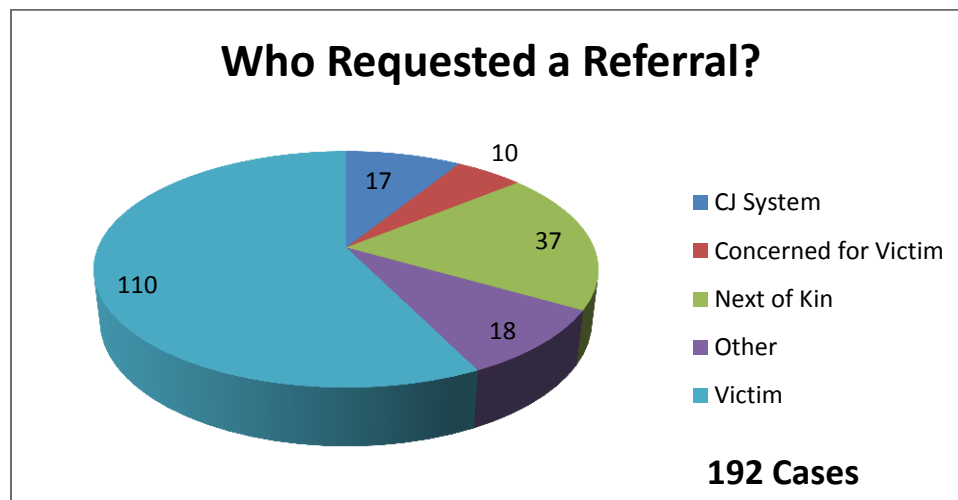
- Efficiently resolve complaints made by crime victims.
- Collaborate with the criminal justice/victim service community to ensure ethical performance and accountability.
- Enhance victim service programs' ability to collaborate within their communities to provide comprehensive, wraparound services to victims of crime.
- Provide oversight of certification and training to VSPs to ensure compliance with South Carolina law.
- Educate the criminal / juvenile justice/ victim service community and the public about crime victims' rights and services to increase their ability to comply with South Carolina law and provide supportive assistance to crime victims.

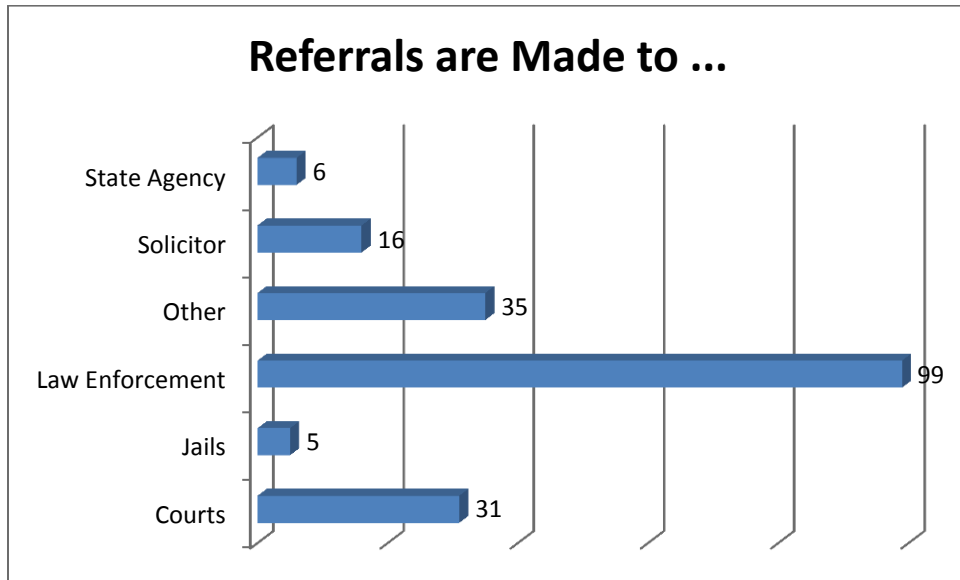
2015 – 2016 Statistics



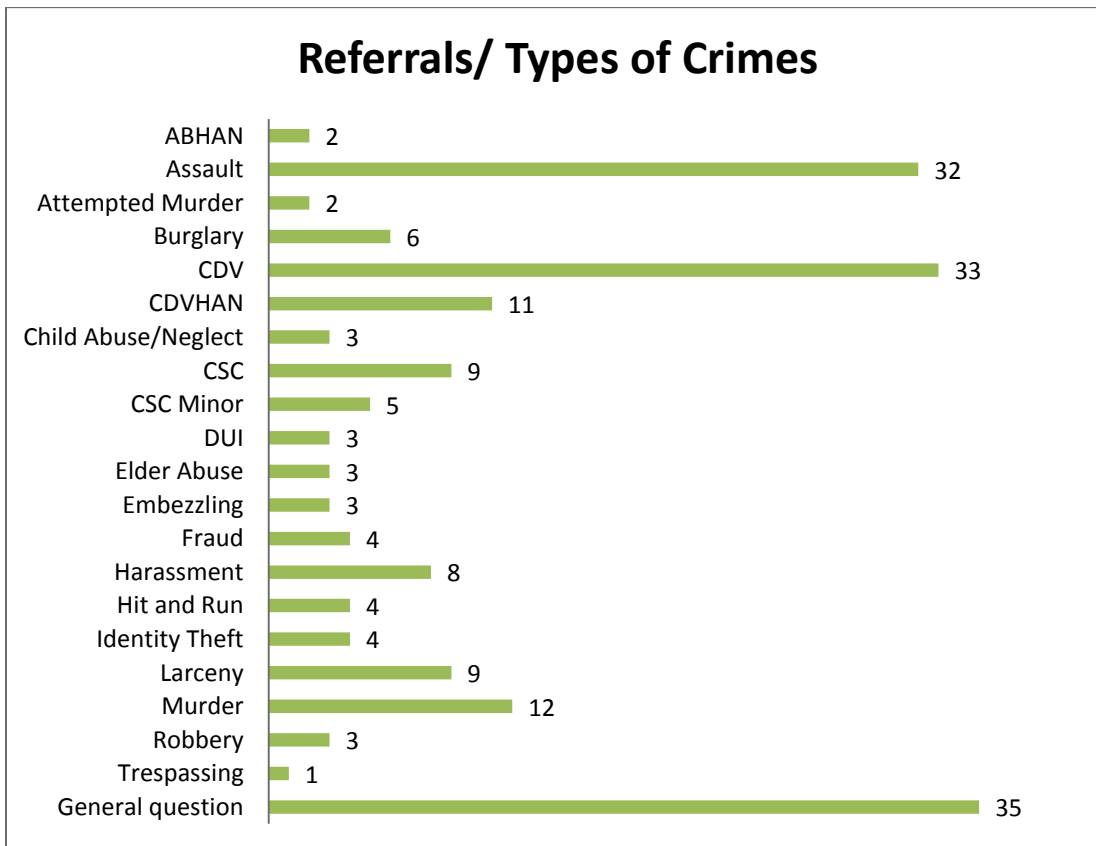
CVO Referrals: Much of CVO's work involves educating crime victims about who is available within their own communities to assist them, and how they can help. We connect crime victims to the expert Victim Service Providers working in law enforcement agencies, Solicitor's Offices, courts, detention centers/jails, State Agencies and in non-profit organizations, to ensure their needs are rapidly and effectively met.

The criminal justice community also calls with requests for research, training or technical assistance to help them improve their services to victims in their communities.





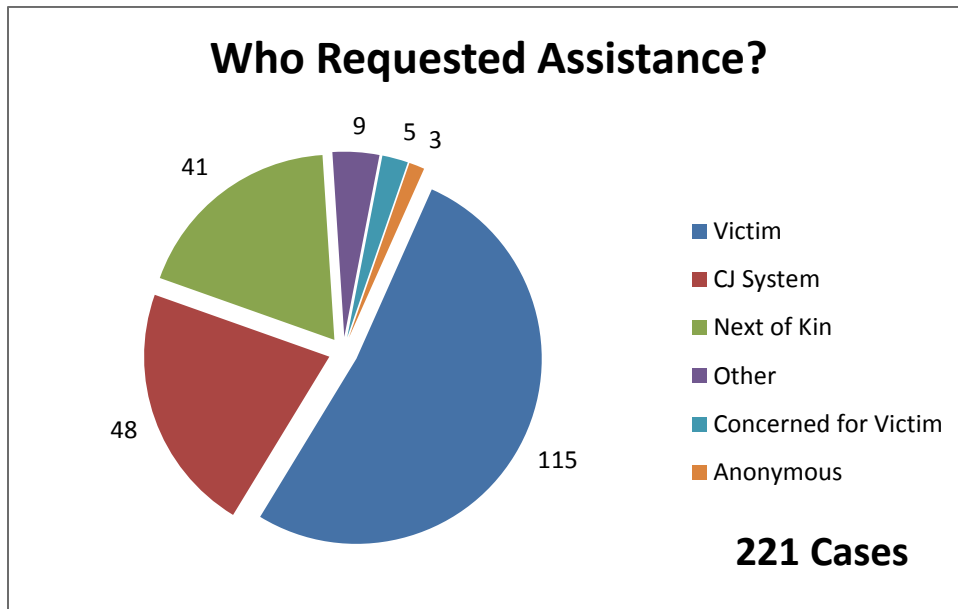
“Other” refers to Non-Governmental organizations, research/studies, laws or other resources.



“Assists” Provided by the Crime Victims’ Ombudsman

When victims call with concerns, we serve as a neutral, third-party liaison to help them solve their problem. Handling any issue in the form of an “Assist” allows the CVO to conduct an inquiry without the necessity of a formal written letter from the victim. Cases are carefully reviewed and a determination may be made to handle a complaint in the form of an “Assist” if it is in the best interests of the victim, taking into account his or her safety and other considerations.

As communication and relationships have strengthened between CVO staff and criminal justice agencies, more cases are being handled as “Assists,” rather than Formal Complaints. Positive feedback from both parties suggests the use of this approach is effective. It is our hope that this continued approach may reduce incidences of victims’ rights violations in South Carolina and improve services provided by the criminal justice system to victims.



CASE EXAMPLES: CVO ASSISTS

Case Summary 1

Crime: ABHAN, Kidnapping (2 charges), Breaking and Entering

Complaint: The Solicitor released an offender without holding a bond hearing, violating victims’ right to be notified, present and heard.

Subject(s) of Complaint: Solicitor’s Office

Scenario: A stranger who lived nearby broke into the victims' home. He immediately attacked and choked an 18-month old baby, and then choked and bit the child's mother as she ran to her baby's rescue.

Relatives pulled the man off his victims. The offender was charged with two counts of kidnapping, ABHAN, and breaking and entering. At the time of this crime, he was out on bond for prior charges, including drugs and accessory to murder.

The victim attended two bond hearings held six months apart. The Circuit Court Judge denied bond both times.

Two weeks later, the victim received a call from the detention center alerting her that the offender was being released. The victim alleges the Solicitor Advocate told her that the Solicitor's office "consented" to this release after a meeting between the Assistant Solicitor, the defense attorney and a judge.

CVO Inquiry: Since the victim, a young working mother, was extremely fearful, confused and trying to cope as best she could, CVO accepted this case as an "assist." The victim felt intimidated and harassed by the offender's family (her neighbors) and needed immediate support and guidance. Her main concern was that the offender would not be permitted to live down the street from her when he was released from prison.

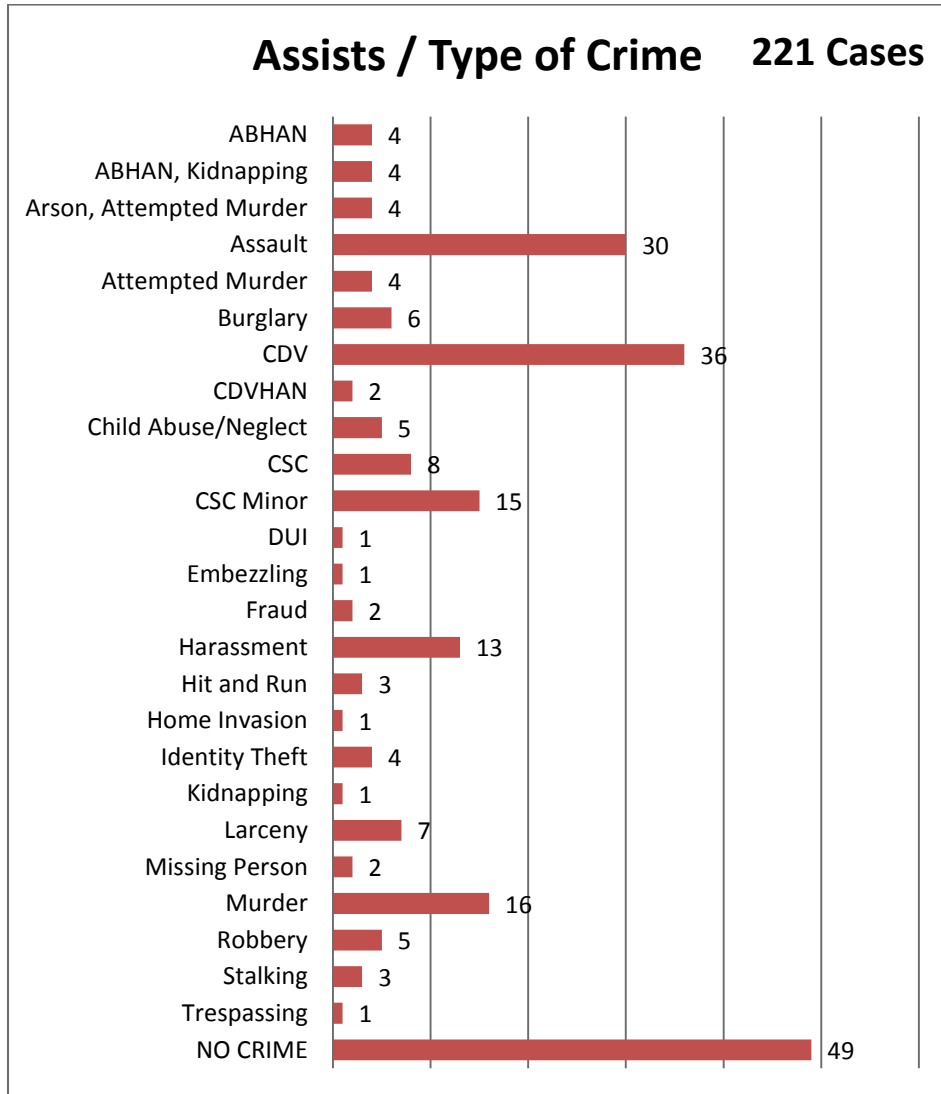
CVO contacted the Solicitor Advocate who verified that no bond hearing was held and the offender was released with the Assistant Solicitor's "consent." According to the Advocate, a negotiated plea agreement was reached: the offender would plead guilty to breaking and entering and would face a likely imposition of "substantial" sentence (7 years). The Assistant Solicitor, who no longer worked for the office, agreed to allow offender to leave prison "to take care of family matters" until the time of his sentencing. Notes in the file indicated that since the offender would be monitored by a GPS tracking device, it was deemed "safe for the offender to be released." Apparently, no bond hearing was held, and the victims were denied their constitutional right to be notified, present and heard. On the day of his release, the offender moved home, right down the street from his victims, where he stayed for **five months** until his guilty plea. He was sentenced to 7 years' jail time with 5 years' probation.

CVO spoke to the Solicitor who assured us that the Assistant Solicitor no longer worked for them, and that it was difficult for him to understand or explain what happened. He said his office "occasionally" consents to release offenders without holding a bond hearing, and the former prosecutor's notes reflected that the victim's wishes were "heard during prior bond hearings." He explained that his jurisdiction handles 1,920 bond modification requests per year. However, because the request to modify the bond was the product of plea negotiations between the assistant solicitor and defense attorney, the request did not pass through their Bond Unit for the standard notification protocols. When asked why the offender was released from prison at all since he was facing a seven year prison sentence, the Solicitor said he did not know and admitted it was unusual.

The Solicitor agreed that this case was not handled adequately. He also agreed to work closely with SC Department of Probation Pardon Services (SCPPPS) to help ensure that the offender did not live down the street from the victim when he was released.

CVO spoke to the Probation office to affirm the Solicitor’s communication. The Probation agent was concerned that the offender owned the home down the street, and would therefore be able to be released there. CVO conducted research with the County register of deeds, proving that the home did not belong to the offender. CVO maintained close communication with the victim, the Solicitor and PPP.

The Solicitor maintained contact with the victim’s family and apologized for their ordeal on behalf of his Office. He continued to follow up with probation and the offender was not released to the victim’s neighborhood.



Assist Case Summary 2

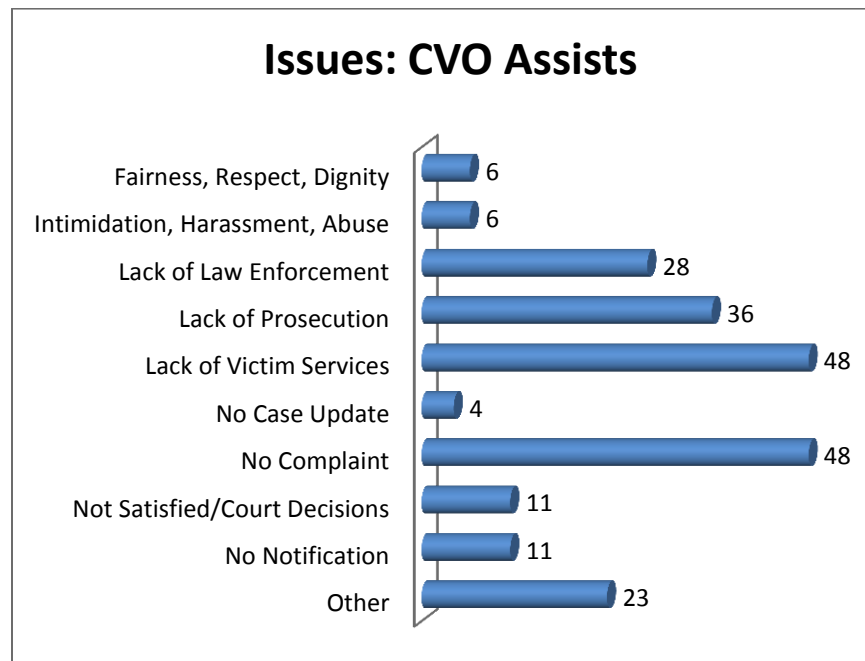
Crime: Grand Larceny

Complaint: The victim was not notified of a bond hearing

Subject(s) of Complaint: Solicitor/ Detention Center

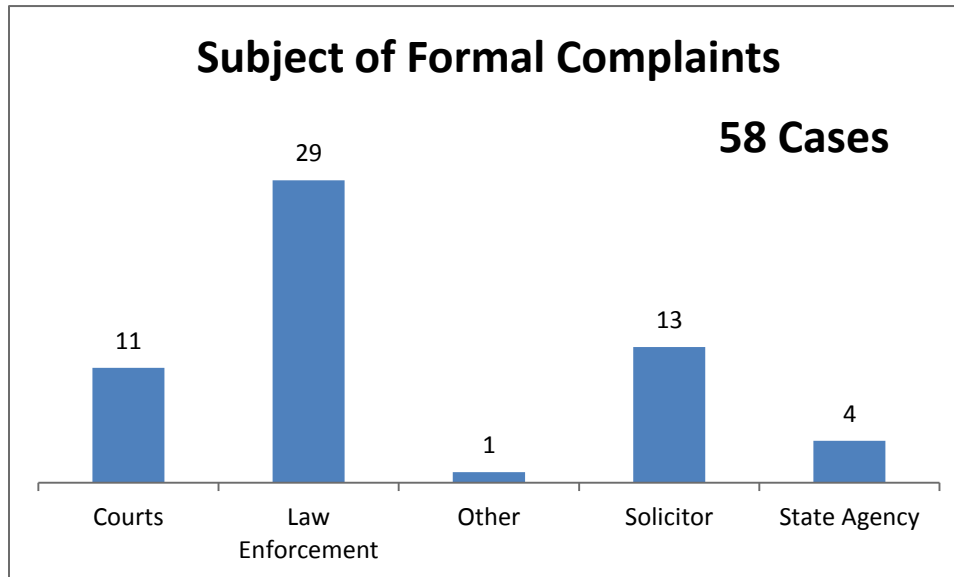
Scenario: A man worked for the victim and stole over \$25,000 of jewelry from her. He was also out on bond for hit and run. When law enforcement went to arrest the offender, they found him with an underage girl who had been reported missing. Law enforcement arrested him, and added a charge for child endangerment.

CVO Inquiry: Law enforcement immediately connected with CVO and explained that the offender was booked in for Grand Larceny, with a “hold” put on him for additional warrants. One booking officer decided to wait to send the paperwork over to Victim Services (for notification) until the other warrants come in, and then send them all at once. The County’s policy is to immediately send paperwork to Notifiers, despite additional pending charges. If other charges are expected, they put a note on the original paperwork saying, “pending charges will be coming.” He took complete responsibility for the error, retrained his employee on the county’s policy, and sent a message throughout the entire detention center staff so the error will not be repeated.



“No Complaint” includes requests for information, resources or technical assistance from the victim services or criminal / juvenile justice community. **“Other”** are requests for help from people who, after investigation, are deemed criminal offenders, or whose issues do not rise to the level of a crime (example: child custody issues, people complaining about being “victimized” by creditors, or teachers at school). All Assist cases involve CVO fully investigating to verify that all assistance available to the individual has been provided.

Formal Complaints

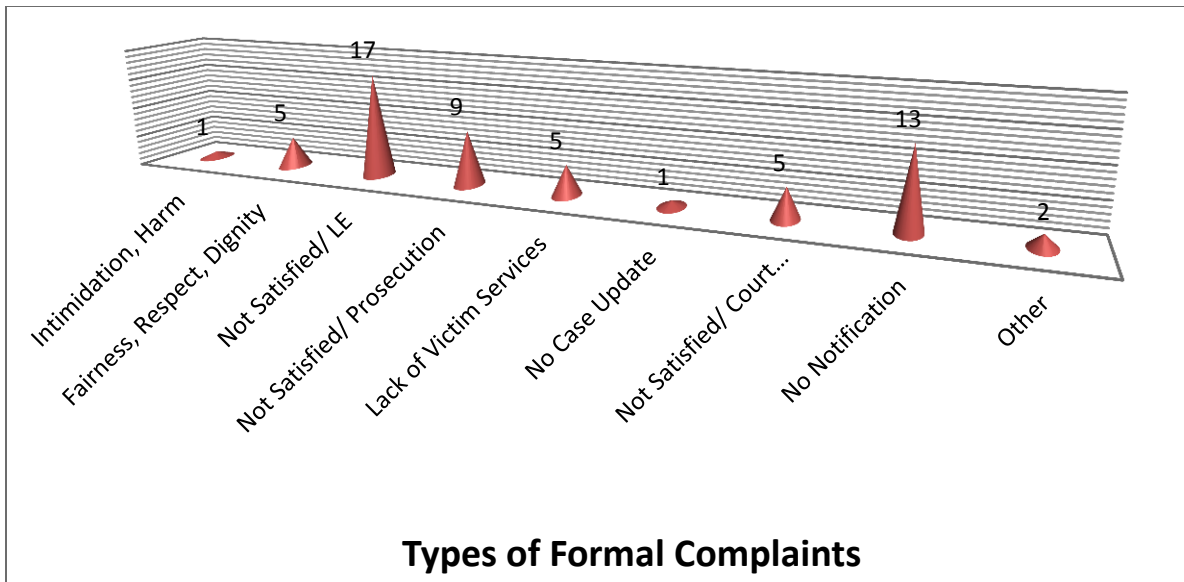


A crime victim may file a Formal Complaint* against any entity, individual and/or victim service programs in the criminal and/or juvenile justice system, or non-profit victim/survivor service group:

- Law Enforcement:** All Sheriffs' Departments
All City and Town Police Departments
All Campus Public Safety/Police Departments;
- Solicitor:** All Solicitors and their staff
**All City Prosecutors and their staff
- Courts:** All Circuit, Magistrate and Municipal Judges, their clerks and staff
- Detention Centers/Jails:** All Detention Center staff charged with notifying crime victims about offenders' releases /transfers/escapes
- State Agency:** Any state agency mandated by law to provide victim services, i.e., Attorney General's Office, Department of Corrections (DOC), Probation, Parole and Pardon Services (DPPPS), Department of Public Safety (DPS), State Office of Victim Assistance (SOVA) and Department of Juvenile Justice (DJJ)
- Other:** All non-profit agencies that provide victim services; therapists, attorneys, etc.

*Please note that one case can include complaints against multiple agencies.

**In the larger municipalities in SC, city prosecutors may handle criminal cases in summary court.

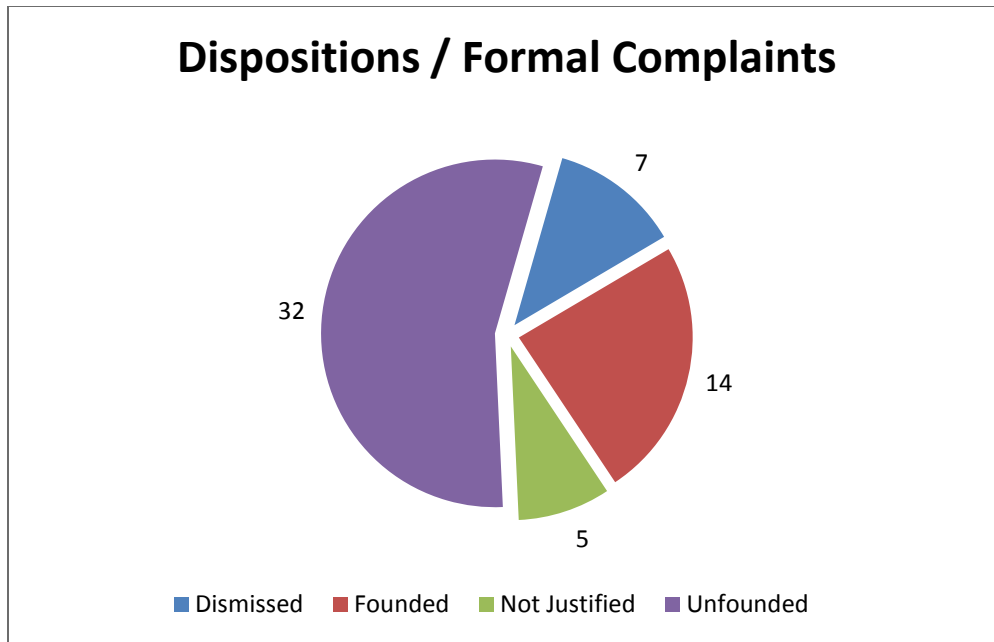


The number of **complaints** per fiscal year is always more than the number of **Formal Cases opened** by the CVO because a victim(s) may have several complaints for the same criminal event, yet only one case is opened by the CVO. For example, a victim may have a complaint about not having been notified by a magistrate about a hearing, and the victim may also complain that they were not notified by the detention center about the offender’s release. One case would be opened, but with two complaints against two separate agencies.

The guidelines for each of the Dispositions are as follows:

- Founded** The reported acts or part of the reported acts occurred.
- Unfounded** The acts did not occur or the acts did occur but were within the scope of authority for that individual, agency or entity.
- Not Justified** There was insufficient evidence to prove or disprove the reported acts occurred.
- Dismissed** The case was withdrawn due to lack of victim participation.

Of these **58** Formal Complaints, **32** were **Unfounded**, **7** were **Not Justified**, **14** were **Founded** and **5** were **Dismissed**. Formal Complaints can take up to three months to investigate, necessitating an average of 40 contacts (calls, emails, letters) with the agency(ies) in question. The vast majority of complaints CVO receives are deemed “Unfounded” because crime victims do not clearly understand the responsibilities an agency has to them. For example, we regularly hear from crime victims who believe an offender should serve more jail time than s/he received. We explain that that it is the proper role of the judge to determine sentencing, and that neither CVO nor the victim can change a judge’s determination.



“Formal” Case Examples

Case Summary 1

Crime: Homicide

Complaint: The Solicitor did not confer with the victim before disposition of a case.

Subject of Complaint: Solicitor’s Office

Scenario: A man’s father was killed by a police officer. A surviving son called to complain that a hearing was held on the previous day and the charges were dropped against the officer. The caller claimed “[he] was told that the final hearing would be delayed.” He did not attend the hearing, and did not understand why the charges were dropped.

CVO Inquiry: CVO contacted the Solicitor. The deceased had a large, extended family who hired a private attorney to represent them in the case. The family had chosen one representative, another brother, to serve as the family spokesperson. The Solicitor notified the private attorney and the family spokesman of the hearing. CVO contacted the family spokesman and attorney. Both verified that they had ample notice of the hearing, but had decided not to share the information about the hearing with other family members. CVO explained this to the complainant.

Relevant Law

S.C. Constitution, Article I, Section 24 (A)

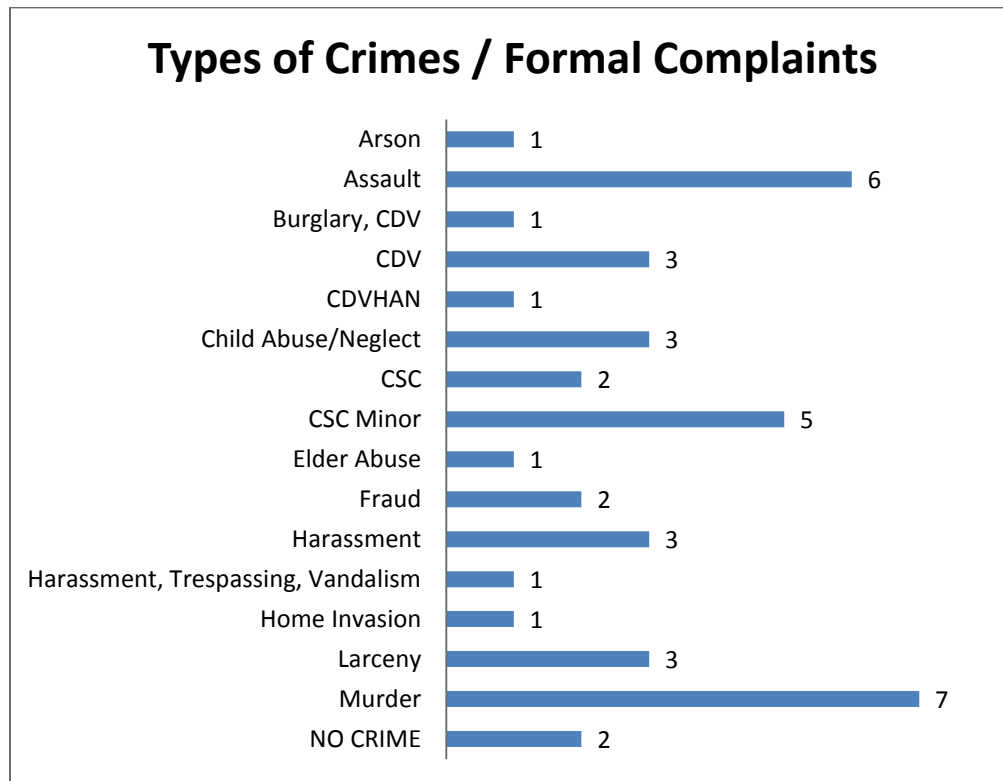
(A) To preserve and protect victims’ rights to justice and due process regardless of race, sex, age, religion, or economic status, **victims of crime have the right to:**

(3) **Be informed of and present** at any criminal proceedings which are dispositive of the charges **where the defendant has the right to be present;**

(5) **Be heard at** any proceedings involving a post-arrest release decision, a **plea, or sentencing.**

(7) **Confer with the prosecution,** after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition.

The complaint against the clerk's office was **Unfounded.**



Formal Case Summary 2

Crime: Criminal Sexual Conduct with a Minor

Complaint: The Solicitor did not confer with the victim before disposing of a case.

Subject of Complaint: Law Enforcement, Solicitor's Office

Scenario: A male juvenile was dating a young girl and discovered she had been sexually assaulted repeatedly by her grandfather. The girl finally reported the rapes to law enforcement.

Law enforcement came to the boy's home and asked his mother's permission to speak to her son as a potential witness. She gave her permission. During the investigation, the son admitted

that he, too, had been a victim of sexual assault by the same offender. Neither her son nor law enforcement revealed this information to the boy's mother.

A few weeks later, the prosecutor asked to interview the boy at school, causing him to miss his school bus. Since he was experiencing a great deal of anxiety about his involvement in the ongoing criminal matter, he finally confided everything to his mother. The offender had been released on bond before the mother was aware that her son was a victim. The family was not notified about the bond hearing, nor were they provided with information about crime victim benefits.

The victim's mother contacted CVO for assistance.

CVO Inquiry: CVO contacted law enforcement. The officer knew the victim's family since they were neighbors. However, the officer had been undergoing some difficult personal circumstances that, he admitted, caused him to "drop the ball" and neglected to talk to the mother about her son's disclosure of sexual abuse.

CVO contacted the prosecutor. The prosecutor was unaware that the mother did not know her son was a victim in this case. The prosecutor admitted that it was not the policy of their office to question a minor victim without advance notification of a parent.

Relevant Law

SC Constitution, Article I, Section 24 (A)

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(3) **be informed of and present at any criminal proceedings** which are dispositive of the charges where the defendant has the right to be present;

(5) **be heard at** any proceedings involving a post-arrest release decision, a plea, or sentencing.

(7) **confer with the prosecution**, after the crime against the victim has been charged, **before the trial or before any disposition** and informed of the disposition.

Findings and Recommendation:

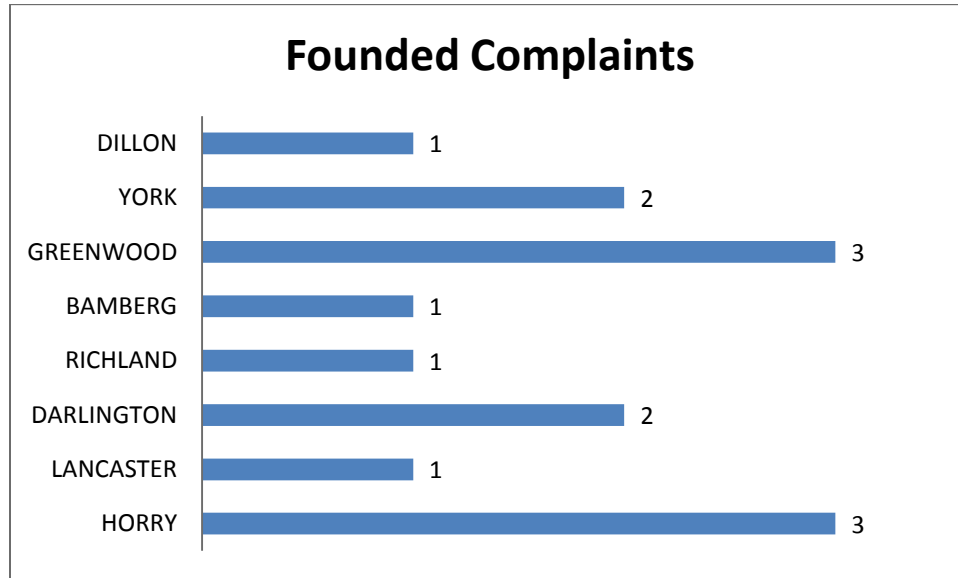
The law enforcement officer realized the gravity of his mistake and apologized to the mother. CVO believes it was an error that would not be replicated in the future. The victim's mother was satisfied with the outcome.

The Solicitor's Office apologized to the mother and assured her this would not happen in the future. The Solicitor's Office agreed that any parent should be notified and informed of the child being a victim or a witness, and be included in the criminal justice process. They confirmed that parents are entitled to be informed under SC Victims' Rights laws, and should have been notified about the bond hearing. They also confirmed their understanding of victims' need for support, including counseling, to assist children throughout the court process. The Solicitor's office followed up with "emails to their staff and law enforcement requesting

that all of their officers are reminded of the need to always immediately inform parents or guardians of a child under 18 years of age who is a victim or a witness in a criminal case.”

The complaint against the Solicitor’s office was **Founded**.

The complaint against law enforcement was **Founded**.



Formal Case Summary 3

Crime: Larceny

Complaint: The Solicitor’s Office did not confer with the victim, the victim was not present and heard at sentencing; the Solicitor’s Office did not request restitution.

Subject(s) of Complaint: Solicitor’s Office

Scenario: A relative stole a woman’s car. Law enforcement eventually arrested the offender, recovered the car, placed it in impound and contacted the victim. The car’s tires were gone. The victim said she could not afford to pay impound fees, and was waiting for restitution to be paid so she could afford to either have it towed or put tires on it. The offender pled guilty, but the victim was neither notified, present or heard at the hearing. The Assistant Solicitor called the victim four days later to tell her about the guilty plea. The Assistant Solicitor did not request restitution. The victim called CVO for help.

CVO Inquiry:

CVO contacted the Assistant Solicitor and Victim Service Provider. The VSP sent us copies of the Victim Impact Statement signed by the victim requesting \$4,000 in restitution. The victim was also given the following options for notification:

____ Notify me of any hearings in this case as I wish to be present at any proceedings, and wish to be informed as to the disposition of this case.

____ Notify me of any hearings in this case, although I do not wish to be present.

____ **Do not** notify me of any future hearings. I do not wish to be notified of future hearings and do not wish to participate in the disposition of this case.

The victim checked the second box.

The victim stated to CVO that she did not understand how the words were any different between options 1 and 2. She alleges she did not know exactly where her car was stored, and she did not have the money to get it out of storage. She also said “her family was broken” over this incident, since a relative was the defendant.

Communication with the victim made it clear to us that she required extra time and assistance to clearly understand the intricacies of the criminal justice process. The victim alleged she never spoke to the Assistant Solicitor throughout the course of her case until after disposition.

Relevant Law

S.C. Constitution, Article I, Section 24 (A)

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- (5) **be heard** at any proceedings involving a post-arrest release decision, a plea, or **sentencing**.
- (7) **confer with the prosecution**, after the crime against the victim has been charged, before the trial or before any disposition and informed of the disposition.
- (9) **receive prompt and full restitution** from the person or persons convicted of the criminal conduct that caused the victim’s loss or injury, including both adult and juvenile offenders;

SC Code §16-3-1515 (B) A victim who wishes to receive restitution must, within appropriate time limits set by the prosecuting agency or summary court judge, provide the prosecuting agency or summary court judge with an itemized list which includes the values of property stolen, damaged, or destroyed ... This information may be included in a written victim impact statement.

SC Code §16-3-1550 (G) The circuit and family court **must** address the issue of restitution as provided by statute.

Findings and Recommendations:

CVO received a letter from the Assistant Solicitor’s supervisor stating that the VSP was out of town on vacation and that the prosecutor mistakenly believed that the victim was aware that the plea hearing would be held during that term of court. Additionally, because the victim checked box #2, he believed she did not wish to be present for the plea; therefore, he did not believe any specific time notification was necessary. As to the issue of restitution, the prosecutor stated the Sheriff’s Office notified the victim that her car was in the impound lot. After speaking to the victim four days after the plea hearing, he discovered the victim did not retrieve the vehicle from the impound lot, so “he felt it was not lawful to request restitution.” The supervisor stated he had spoken to the Assistant Solicitor about the four day delay in notifying the victim of the plea results and would “reiterate the importance of proper and timely victim notification.”

CVO is aware of the overwhelming numbers of cases handled by Solicitors’ Offices, and the critical lack of Victim Service Providers to assist victims who have serious problems arising at the prosecutorial stage. This case illustrates the importance of communicating with victims. In this instance, the Solicitor’s Office could have helped solve one of the most critical needs of individuals living in rural areas: transportation. Instead, this victim was left without the means to get her car out of impound, or to simply replace the tires. The impact of the loss of transportation is usually staggering to anyone.

There was no indication that the Solicitor ever conferred with the victim throughout the handling of this case.

CVO considers it to be **unfair** that the victim was shut out of the criminal justice process simply because the Solicitor’s Office relied solely upon a box checked on a form that was likely misunderstood by the victim. The absence of an Advocate to notify the victim is an unacceptable excuse.

It is clear that the issue of restitution **MUST** be addressed by the circuit court, and this right was denied to this victim of crime. CVO appreciated the Solicitor’s acknowledgement of reiterating the importance of timely notification to his/her prosecutor. CVO conducted victims’ rights training and Assistant Solicitors from this circuit attended. Additionally, CVO provided referrals to this victim to private attorneys who would file a Writ of Mandamus mandating the Solicitor’s Office comply with victims’ legal rights.

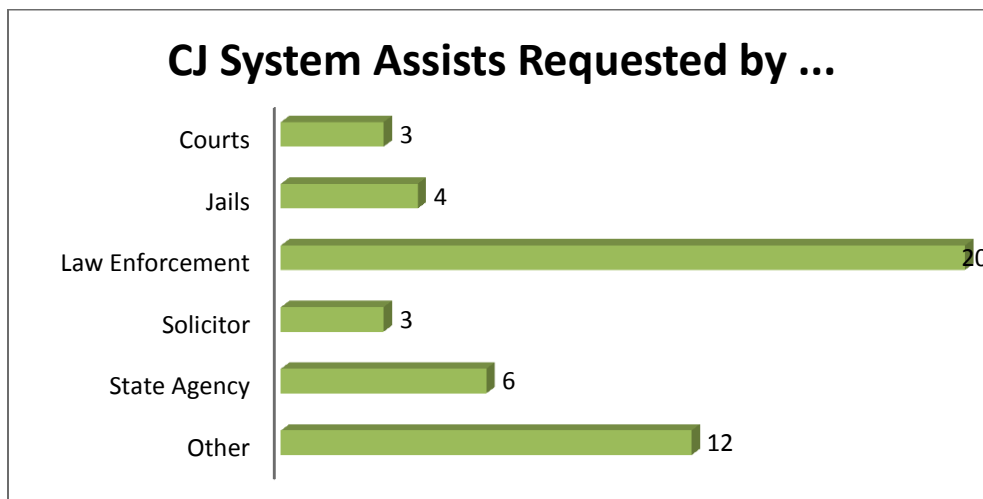
The complaints against the Solicitor’s office were **Founded.**



Criminal Justice System Assists

48 Criminal Justice/ Victim Service Professionals called CVO this year to request assistance. We provided technical assistance to law enforcement, judges and court staff, prosecutors, detention centers and non-profit VSPs via:

- Information, legal research;
- Referrals to resources (i.e., legal services, translators, sample policies, best practices/procedures, groups that provide food/clothing/ furniture for victims);
- Confidential consultation with VSPs who are concerned that supervisors are violating victims' rights;
- Clarification about victims' legal rights and the statutory requirements of the agency to victims;
- Liaison services among victim service groups through joint meetings to help problem solve and close gaps in services in a region or county;
- Train and mentor supervisors to ensure they utilize their VSP appropriately and effectively; and
- Advice about how to handle unusual situations.



* "Other" means non-profit Victim Service Providers, therapists, attorneys

Case Examples: Criminal Justice System Assists:

Scenario 1: Law enforcement requested information about laws that to keep victim's name confidential and out of the media. Chief unsuccessfully asked TV reporter to keep victim's name confidential. Offender is deceased, but Chief believes others might attempt retribution and victim's family desperately wants name remain confidential and. CVO provided written information regarding victims' constitutional right to be free from intimidation, harassment and abuse. This information proved to be enough for this media station to maintain the victim's confidentiality.

Scenario 2: A sexual assault survivor was put on a course of HIV medication until offender’s test results were conducted. A month later, the drugs were making her sick and law enforcement told the VSP that they had to get a circuit court judge to issue an Order to get lab results released. CVO collaborated with the Solicitor to get the lab results released immediately to the victim.

CVO Training:

- 1,277 Victim Service and Criminal Justice professionals were trained by CVO this year.
- 155* VSPs completed CVO’s online training: “Crime Victims’ Rights and Services.” (Locate this training on www.CVO.SC.GOV) (*Increased from 80 VSPs last year.)

Together We Stand.



Crime Victims’ Ombudsman **Office of Victim Services Education and Certification (OVSEC)**

South Carolina is the only state in the Nation that has elevated the level of professionalism of South Carolina Victim Service Providers (VSPs) by requiring them to complete annual specialized training to serve their constituents. OVSEC was established by statute in 2008 in SC Code §16-3-1620(C). Housed in the Office of Crime Victims’ Ombudsman, OVSEC establishes certification and continuing education requirements for victim service providers, and is authorized to promulgate regulations requiring VSPs to maintain their mandatory minimum certification requirements. Private, nonprofit and public victim assistance programs are mandated to ensure that all victim service providers employed in their respective offices are certified through the Office of Victim Services Education and Certification.

OVSEC STATISTICS

- **3,321** VSPs and Notifiers training and certification records maintained
 - **1,567** VSPs (law enforcement, solicitors, state agencies, non-profits)
 - **705** Basic VSPs (within 1st year of employment)
 - **1,473** Notifiers/Support Staff (Detention Centers, Courts)
- **337** Non-Compliant (did not meet training requirements)
- **445** New VSP/Notifier Applications (252 last year)
- **472** New Continuing Education Records Created
- **302** New Training Accreditation Applications Reviewed (225 last year)

What Does OVSEC Do?

1. Provide oversight of training, education, and certification of victim assistance programs;
2. With approval of the Victim Services Coordinating Council (VSCC), promulgate training standards and requirements;
3. Approve training curricula for credit hours toward certification;
4. Provide Victim Service Provider certification; and
5. Maintain records of certified victim service providers.

A Victim Service Provider (VSP), according to S.C. Code §16-3-1400, is a person:

- (a) who is employed by a local government or state agency and whose job duties involve providing victim assistance as mandated by South Carolina law; or
- (b) whose job duties involve providing direct services to victims and who is employed by an organization that is incorporated in South Carolina, holds a certificate of authority in South Carolina, or is registered as a charitable organization in South Carolina, and the organization's mission is victim assistance or advocacy and the organization is privately funded or receives funds from federal, state, or local governments to provide services to victims.

Mandatory Training for Victim Service Providers (VSPs)

Everyone providing services to crime victims, as defined in SC Code §16-3-1400, must complete annual training.

- New VSPs are required to complete the 15-hour basic certification requirements within one year from date of employment.
- All VSPs are required to obtain 12 hours of continuing education annually to maintain certification throughout their employment.
- All Victim Notifiers/ Support Staff working in **Detention Centers** and **Courts** must complete a 2-hour course regarding Victims' Rights and Statutes within one year from date of employment, and complete the same course every other year throughout their employment.
- VSPs and Notifiers/Support Staff must complete their annual training **by December 31st**.
- Up to 12 additional hours can be carried over to the following year's certification requirement for VSPs once the current year's requirement has been completed. VSPs must request that extra hours carry over in writing via e-mail, fax or letter by the deadline set by OVSEC.

VSP and Training Accreditation Applications are available online! Register as a VSP, or have a training reviewed and approved for certification at www.OVSEC.SC.GOV.

VSP Basic Training Requirements:

15-hour **Basic Certification** requirements consist of:

1. *SC Victims' Rights/Compliance/Statutes* **3 hours**
2. *Compensation Fund/SOVA* **1 hour**
3. *Ethics/Confidentiality* **2 hours**
4. *Criminal Justice System/Court Procedures* **2 hours**
5. *Case Management* **2 hours**
6. *Communication* **2 hours**
7. *Specialized Training* **3 hours**

Approved Trainings, Training Requirements and Accreditation Standards may be found on OVSEC's website at: <http://www.OVSEC.SC.GOV>.

Types of Trainings

Accredited Trainings are submitted in advance to OVSEC by the agency/organization sponsoring the training. VSPs must sign OVSEC's official sign-out sheets in order to receive credit for attending an

accredited training. Approved accredited trainings are listed on our website at <http://www.OVSEC.SC.GOV/training.html>.

Non-Accredited Trainings are victim service related, but sponsoring organizations have not submitted them to OVSEC for Accreditation. Trainings may be conducted in other states or online, but must still contain content which may be approved for VSP Credits by OVSEC. VSPs may apply for OVSEC credits for these Non-Accredited trainings by submitting a *Non-Accredited Certification Request* online at www.OVSEC.SC.GOV and attaching all required documentation (proof of attendance, agenda and training information) in order to receive credit up to 30 days after a training.

CVO Special Initiative: Governor R. Nikki Haley's Domestic Violence Task Force

Governor Haley established the Domestic Violence Task Force by Executive Order in 2015-2016. Five Working Groups were developed, and the Task Force adopted 50 recommendations to comprehensively address the cultural issues surrounding domestic violence within the criminal justice system, victim and offender services, and community awareness, education and outreach.

CVO participated in the Government Resources Working Group, which was chaired by Veronica Swain Kunz, Director. Two Working Group Recommendations were adopted by the Task Force:

Recommendation 41: Uniform Supplementary Schedule for Victim Services Funding

Problem: Act 141 funds are the fines, fees, forfeitures, and other funds obtained from criminal convictions and directed to counties and municipalities for victims' services, including within law enforcement, solicitors' offices, detention centers, and courts. However, it is extremely challenging to determine the amount of total funding any one local entity receives, spends, or carries forward. Current law requires that counties and municipalities include a supplementary schedule showing the amount of victim services funds collected and how they were expended as part of their annual financial audit – See Sections 14-1-206(E), 207(E), and 208(E). However, a Phase I study indicated that five counties and 112 municipalities did not submit a schedule to the Treasurer's Office. While SOVA is authorized to conduct audits of victims' services funds, counties and municipalities are not required to submit schedules to SOVA. In 2007, the Legislative Audit Council recommended that a standardized format for supplementary schedules be developed, but that has not been done. The lack of uniformity in supplementary schedules required to be submitted by counties and municipalities make it impossible to ascertain with certainty how funds are being spent.

Solution: The Task Force recommends that it coordinate with stakeholders to develop a standardized form for Act 141 funds and a manner for consistent, uniform reporting and auditing. *It is important for funding to always be tied to accountability.*

Progress: A Uniform Supplementary Schedule for Act 141 funds was developed and approved by stakeholders. Legislation was proposed to statutorily mandate the use of uniform supplementary schedules to report victim services funding received and spent across the State.

Recommendation 42: Streamline Funding for Victim Services

Problem: In South Carolina, there are multiple funding streams for victims' services that are housed at multiple state agencies interfacing with victims, making it difficult to direct federal, state, and other funds towards a concerted effort against domestic violence. Given that the 2014 Restructuring Act requires that two victims' services agencies (CVO and SOVA) be moved with reports due in January 2016, it is timely to analyze whether administrative alignment or consolidation of victims' services agencies/divisions and their funding streams is feasible and/or desirable by state/local government services providers as well as by independent/nonprofit stakeholders. A longstanding Legislative Audit Council Report from 2007 also found, "There is no central agency responsible for the provision of victim services in South Carolina," describing them as "inherently fragmented" contributing to "unequal delivery of services and duplication of services".

Solution: The Task Force recommends that it continue to meet with and bring in all local, state, government, and nonprofit entities to develop consensus of what – if any – restructuring would look like. The Task Force recognizes that more than just domestic violence related issues would be affected and therefore also recommends expanding the stakeholder group to all victim related efforts, which is the only way to gain recommendations for meaningful, long-term reform.

Progress: Numerous stakeholder meetings were held to develop a consensus for restructuring the fragmented statewide victim services system. A plan was developed and legislation was proposed to streamline crime victim services by co-locating victim compensation (State Office of Victim Assistance), CVO and the victim services grants division of the SC Department of Public Safety.

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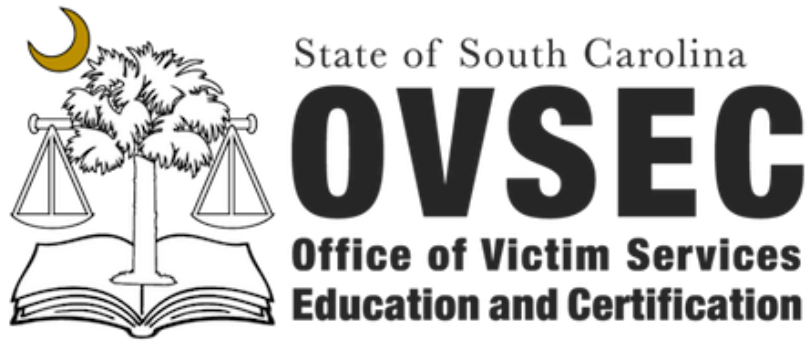
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We, in the Office of the Crime Victims' Ombudsman and OVSEC, welcome any feedback, comments, concerns or questions regarding this Annual Report and/or the services we provide. Please feel free to contact us at any time at **803-734-0357**.



Crime Victims' Ombudsman and OVSEC

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