

Office of the Crime Victim Ombudsman
Annual Report FY 2016-2017



A MESSAGE FROM THE CRIME VICTIM OMBUDSMAN

It was an historic moment: Governor Nikki R. Haley's Executive Order adopted Recommendation #42 from the Governor's Domestic Violence Task Force in November, 2016. The Recommendation was the result of conclusions drawn by a Steering Committee, chaired by the Ombudsman, that there was no statewide central governmental agency responsible for crime victims in South Carolina.

Recommendation 42 proposed restructuring to streamline the State's multiple crime victim agencies and services. Attorney General Alan Wilson agreed to consolidate, co-locate and coordinate these multiple statewide victim service agencies under his Office, to be called the ***Crime Victim Services Division***.

The new Division is composed of agencies formerly housed in the SC Department of Administration and the SC Department of Public Safety:

The Department of Crime Victim Compensation

formerly the State Office of Victim Assistance

The Department of Crime Victim Services Grants

formerly the Office of Highway Safety and Justice Programs

The Department of Crime Victim Ombudsman

The Department of Victim Service Training, Provider Certification and Statistical Analysis

This new Department will encompass the work of the former OVSEC program, and expand the state's ability to analyze data about crime and resulting victimization.

Attorney General Wilson's stellar team immediately began to develop and implement a Transition Plan, and the new **Crime Victim Services Division** was born.

We are deeply grateful to Attorney General Alan Wilson who accommodated the first statewide central governmental agency to coordinate victim services. With the newly-developed Crime Victim Services Division, South Carolina has organized services and streamlined funds to efficiently and effectively serve crime victims.



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.

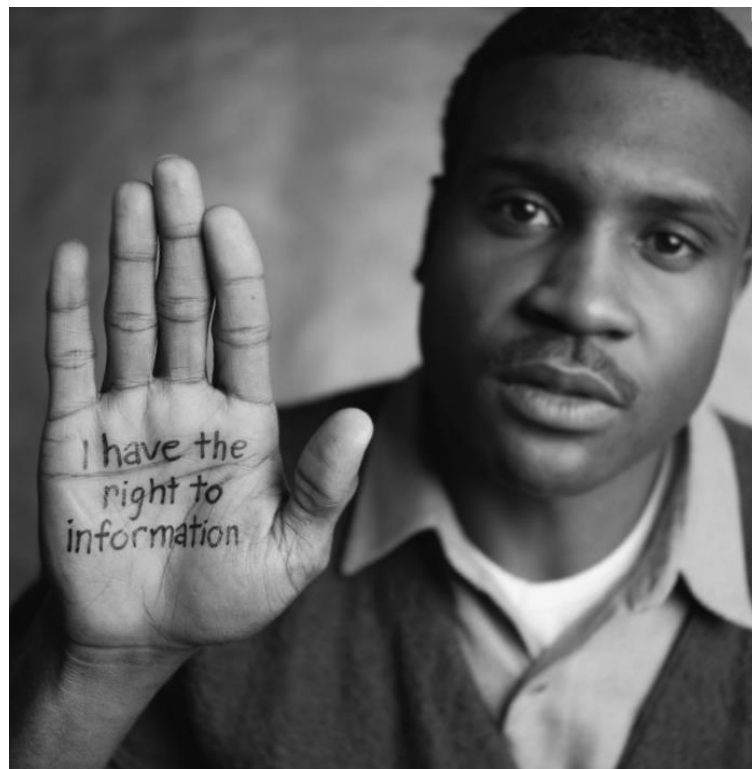
(C) For purposes of this section:

(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 Victim Ombudsman

Established in 1994 by SC Code §§16-3-1620-1690, the Office of the Crime Victim Ombudsman is statutorily defined:

SECTION 16-3-1610. Definitions.

As used in this article:

(1) "Criminal and juvenile justice system" means circuit solicitors and members of their staffs; the Attorney General and his staff; law enforcement agencies and officers; adult and juvenile probation, parole, and correctional agencies and officers; officials responsible for victims' compensation and other services which benefit victims of crime, and state, county, and municipal victim advocacy and victim assistance personnel.

(2) "Victim assistance program" means an entity, whether governmental, corporate, nonprofit, partnership, or individual, which provides, is required by law to provide, or claims to provide services or assistance, or both to victims on an ongoing basis.

(3) "Victim" means a person who suffers direct or threatened physical, emotional, or financial harm as the result of an act by someone else, which is a crime. The term includes immediate family members of a homicide victim or of any other victim who is either incompetent or a minor and includes an intervenor.

SECTION 16-3-1620. Department of Crime Victim Ombudsman.

(A) The Department of Crime Victim Ombudsman is created in the Office of the Attorney General, South Carolina Crime Victim Services Division. The Crime Victim Ombudsman is appointed by the Director of the Crime Victim Services Division.

(B) The Crime Victim Ombudsman shall:

(1) refer crime victims to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, or both, when services are requested by crime victims or are necessary as determined by the ombudsman;

(2) act as a liaison between elements of the criminal and juvenile justice systems, victim assistance programs, and crime victims when the need for liaison services is recognized by the ombudsman; and

(3) review and attempt to resolve complaints against elements of the criminal and juvenile justice systems or victim assistance programs, or both, made to the ombudsman by victims of criminal activity within the state's jurisdiction.

SECTION 16-3-1630. Ombudsman; responsibilities; authority; annual report.

Upon receipt of a written complaint that contains specific allegations and is signed by a victim of criminal activity within the state's jurisdiction, the ombudsman shall forward copies of the complaint to the person, program, and agency against whom it makes allegations, and conduct an inquiry into the allegations stated in the complaint.

In carrying out the inquiry, the ombudsman is authorized to request and receive information and documents from the complainant, elements of the criminal and juvenile justice systems, and victim assistance programs that are pertinent to the inquiry. Following each inquiry, the ombudsman shall issue a report verbally or in writing to the complainant and the persons or agencies that are the object of the complaint and recommendations that in the ombudsman's opinion will assist all parties. The persons or agencies that are the subject of the complaint shall respond, within a reasonable time, to the ombudsman regarding actions taken, if any, as a result of the ombudsman's report and recommendations.

The ombudsman shall prepare a public annual report, not identifying individual agencies or individuals, summarizing his activity. The annual report must be submitted directly to the Governor, General Assembly, elements of the criminal and juvenile justice systems, and victim assistance programs.

SECTION 16-3-1640. Confidentiality of information and files.

Information and files requested and received by the ombudsman are confidential and retain their confidential status at all times. Juvenile records obtained under this section may be released only in accordance with provisions of the Children's Code.

SECTION 16-3-1650. Cooperation with the criminal and juvenile justice systems and victim assistance programs.

All elements of the criminal and juvenile justice systems and victim assistance programs shall cooperate with the ombudsman in carrying out the duties described in Sections 16-3-1620 and 16-3-1630.

SECTION 16-3-1660. Grounds for dismissal.

A victim's exercise of rights granted by this article is not grounds for dismissing a criminal proceeding or setting aside a conviction or sentence.

SECTION 16-3-1670. Purpose.

This article does not create a cause of action on behalf of a person against an element of the criminal and juvenile justice systems, victim assistance programs, the State, or any agency or person responsible for the enforcement of rights and provision of services set forth in this chapter.

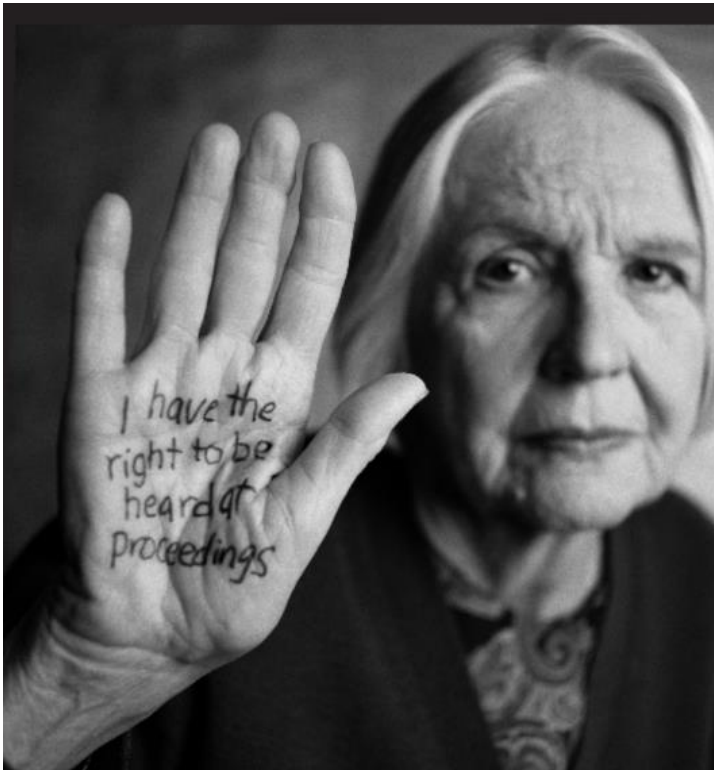
SECTION 16-3-1680. Recommendation of regulations.

The Department of Crime Victim Ombudsman through the Crime Victim Services Division may recommend to the Attorney General those regulations necessary to assist it in performing its required duties as provided by this chapter.

SECTION 16-3-1690. Submission of complaints; appeals.

Complaints regarding any allegations against the Office of the Attorney General, Crime Victim Services Division or any of its affiliated departments concerning crime victim services should be submitted in writing to the Crime Victim Ombudsman, who shall cause a rotating three-person panel of the Crime Victim Services Coordinating Council chosen by him to record, review, and respond to the allegations. Appeal of the three-person panel's response or any decision made by the panel regarding the allegations will be heard by the State Inspector General under the authority provided by the provisions of Chapter 6, Title 1. The State Inspector General shall provide the procedures for this appeal process, including, but not limited to, a written finding at the end of the appeal process, which must be provided to the complainant and to the Attorney General and the Director of the Crime Victim Services Division.

Building a Better Victim Services System



***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.
- 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.

Our Mission:

To ensure that victims of crime are served equitably by the South Carolina criminal justice system and its victim service organizations by providing third-party liaison assistance.

How We Accomplish Our Mission:

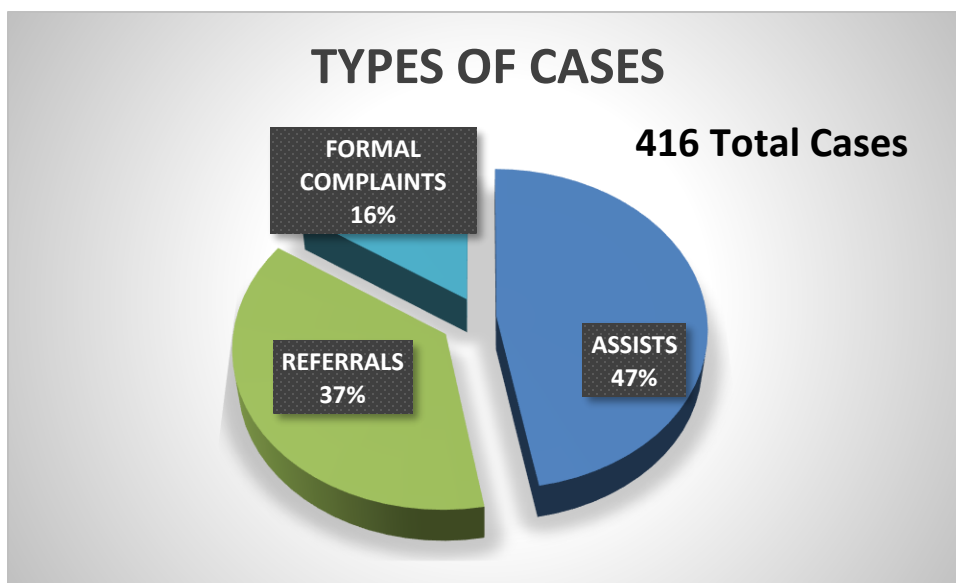
SC Code Section 16-3-1620 (B)

1. Refer crime victims to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, or both, when services are requested by crime victims or are necessary as determined by the ombudsman;

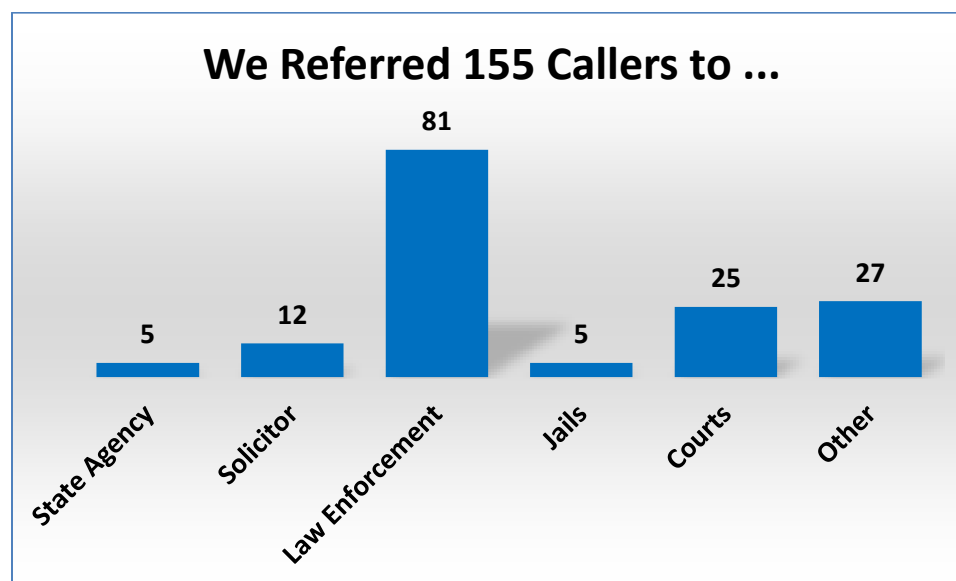
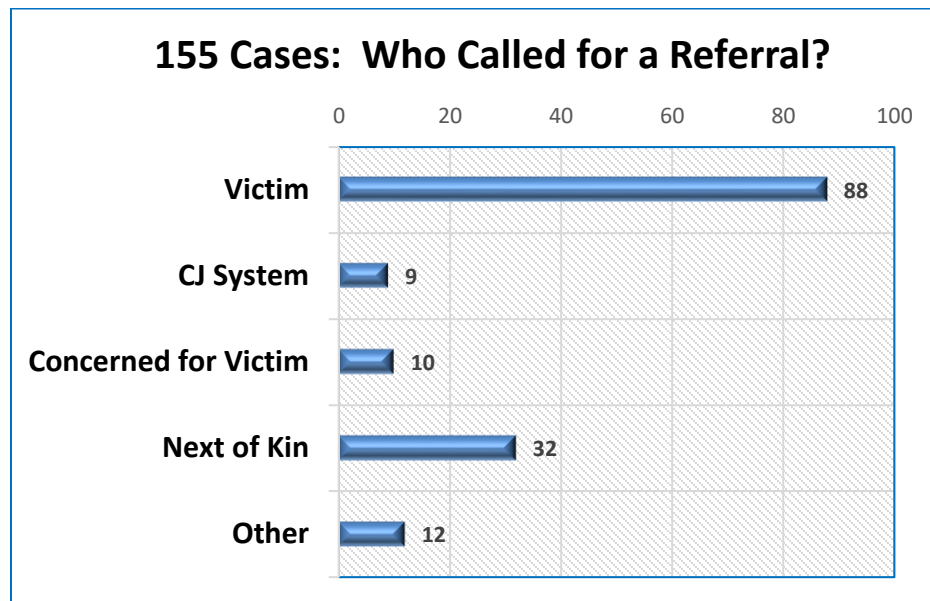
2. Act as a liaison between elements of the criminal and juvenile justice systems, victim assistance programs, and victims when the need for liaison services is recognized by the ombudsman;

3. Review and attempt to resolve complaints against elements of the criminal and juvenile justice systems or victim assistance programs, or both, made to the ombudsman by victims of criminal activity within the state's jurisdiction.

2016 – 2017 Statistics



1. CVO REFERRALS: We serve as the hub of information in the State to help anyone find assistance for crime victims. Much of our work involves educating callers about who in their own community can assist them, and how they can help. We connect victims to the expert Victim Service Providers working in law enforcement agencies, Solicitors’ Offices, courts, detention centers/jails, state agencies and in non-profit organizations to ensure their needs are rapidly and effectively met.

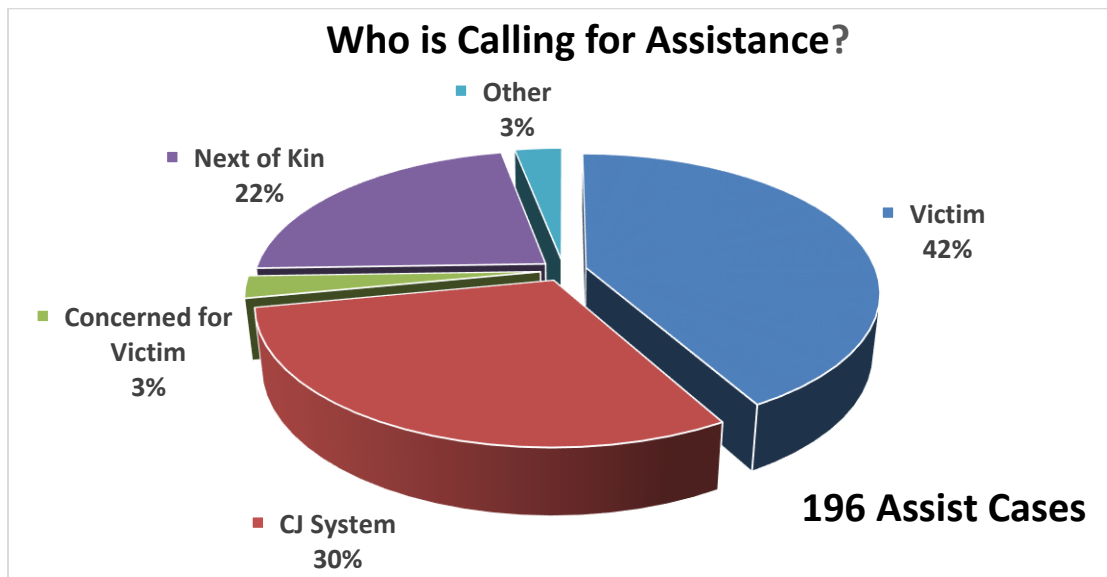


“Other” refers to non-governmental organizations, attorneys, research/studies, laws or other resources.

2. CVO “ASSIST” CASES

Crime victims call for our help when they believe something has “gone wrong” in their case. 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 us 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. **67% of Assist cases are requests for help from crime victims or their loved ones.** These cases are more involved than referrals and can take anywhere from a few phone calls, to months and a number of meetings to resolve.

As communication and relationships have strengthened between CVO staff and criminal justice agencies, more cases are being handled as “Assists,” rather than Formal Inquiries. 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.



“Other” includes people with non-criminal issues, (civil issues, family court, offenders) lawyers, educators, therapists, students.

CVO “ASSIST” CASE EXAMPLES:

Case 1: Caller was very angry and alleged that he was assaulted by a coworker, had missed work and had unpaid medical bills. He said he was not given an application for victim compensation since the small municipality does not have a VSP. We confirmed that the town does not have their own LEVA, but do utilize county LEVAs. After a number of calls, we spoke to the investigator about this case. The caller was involved in mutual combat and was armed with a Crown Royal bottle: both parties were charged with assault. We explained to the caller the statutory definition of what a victim is and is not, as well as restitution. We advised him to speak to an attorney regarding his criminal charges and about a potential lawsuit for damages.

Case 2: Caller’s son was murdered by two men who were in the country illegally. The men received life sentences. When the caller contacted the local jail, an employee told him that ICE picked up the prisoners. The victim claimed the detention center employee was rude. We reviewed the ICE detainee list and could not locate the offenders, but after checking with the Department of Corrections Victim Services Unit, they were quickly located. They advised that the ICE detainee list was not regularly updated and was sometimes inaccurate. We provided this information to the victim, and encouraged him to work closely with Victim Services at the Department of Corrections. We advised him to register with SAVIN to stay updated about the offenders’ status. We also provided training to the Detention Center Notifiers about victims’ rights.

Case 3: A victim of domestic violence said she report her assault to a police department and an officer went to arrest her husband, but they couldn’t find him. She was upset that her husband “was not charged” and claimed police refused to give her an incident report. She said a lady at the front desk told her to fill out a “release of information” form and that it would take up to two weeks to obtain an incident report. The victim was in the middle of a divorce and she wanted to take the report to a lawyer. We contacted the police station and discovered the victim could pick up the incident report the next day, and that police were seeking a warrant for her husband’s arrest.

Case 4: A mother called to report that her special needs child was being bullied at school and she alleged neither law enforcement nor the school district were helping her. She said the district knows about criminal activity in the schools and nothing was being done. She hired an attorney and feels that someone should pay for her son's loss of time in school and his injuries.

We contacted the local LEVA for information. She stated she gave the mother an incident report and referred her child to the Child Advocacy Center for counseling. The School Resource Officer reviewed the video from the school and no one was seen assaulting her son. There was no suspect in this case. We advised the victim to work closely with law enforcement if there is any new information or evidence and they will be happy to revisit the case. We also advised her to work with her attorney to determine if civil remedies were available to her.

CVO “CRIMINAL JUSTICE SYSTEM ASSISTS”

We love to help all our colleagues in the criminal justice / victim service community by providing information, advice, research and technical assistance. We also help mediate issues between coworkers or agencies to improve collaboration in providing services to victims.

Examples:

- Numerous requests for research: laws regarding privacy and confidentiality of victim records, victims’ rights, statutes and opinions, criminal procedure, crime data
- Distributed resources (videos, powerpoint presentations, etc.) to increase educational opportunities for requesting agencies;
- Connected advocate with specialized group to secure services for people with disabilities who are sexually assaulted;
- Connected advocate with attorney and translator during an emergency for human trafficking victim;
- Helped a county navigate a situation where a longtime VSP was a dual-office holder;
- Advised VSPs about ways to negotiate with employers, schools, landlords, creditors on behalf of victims;
- Consulted with VSPs about decisions regarding bond/probation revocation, emergency OOPs, how to prove threshold of threat;
- Mediated conversations between LEVAs and solicitors;
- Assisted Judge who wished to encourage law enforcement officers to better identify DUI offenders who are arrested with children in the car;
- Assisted numerous Solicitors in explaining plea agreements/ sentencing limits to victims;
- Worked with Coroner after advocate reported he was rude to survivors of homicide victim;
- Advised new court employees who were unsure if they should send Victim Impact Statement forms to victims;
- Consulted with numerous advocates about rationale and logic of criminal charges;
- Assisted Solicitor who was concerned that victim information was available publicly through a website;
- Collaborated with nonprofit attorney working with child advocacy center to help mother secure emergency custody from father, who is a high-ranking law enforcement officer in another state. When child disclosed father’s abuse, he took child from school on a trip across numerous states and was still at large.

Criminal Justice System Assists: Ethical Questions

- **Victim is in jail on other charges, has serious injuries, and wishes to speak to investigator about felony. Is it unethical to help her?**

Passing the information along to law enforcement about this inmate would not be unethical. It would also be helpful to notify the detention center's health services about her injuries.

- **Offender with multiple victims, but charges were brought on only a few. Do we notify the other victims for the plea hearing and sentencing?**

Legally, since the victims' specific cases are not being adjudicated, VSPs have no duty to notify unlisted victims. However, because they are victims who reported crimes against this offender, they have a vested interest in seeing that he is held accountable for his actions. Victims have the constitutional right to be treated with respect and dignity. We believe it is best practice to notify victims who express interest in attending plea hearings when possible. Additionally, some judges allow other victims to provide victim impact statements during pleas. We advised the VSP to refer these victims to victims' rights attorneys should they wish to speak at sentencing to ensure their interests are upheld.

- **Law enforcement discovered wrongfully-convicted murderers still in jail. Years later, how do they approach surviving family members of victims about the wrongful conviction?**

This difficult subject must be handled with extreme sensitivity since it is likely this information will revictimize the surviving family members. We advised law enforcement to ask the family to gather together and meet in a place where the family is comfortable. We advised them to be completely transparent and honest with their findings, and offer a full explanation about what led them to this conclusion. Offer them open access to law enforcement after the meeting to answer remaining questions they might have, and allow the VSP to work closely with them to provide support and resources as requested.

- **Juvenile stole from farmer, and farmer shot him (non-lethal). Juvenile was charged with theft. Item stolen was marijuana, and farmer was charged with growing it. Who is the victim?**

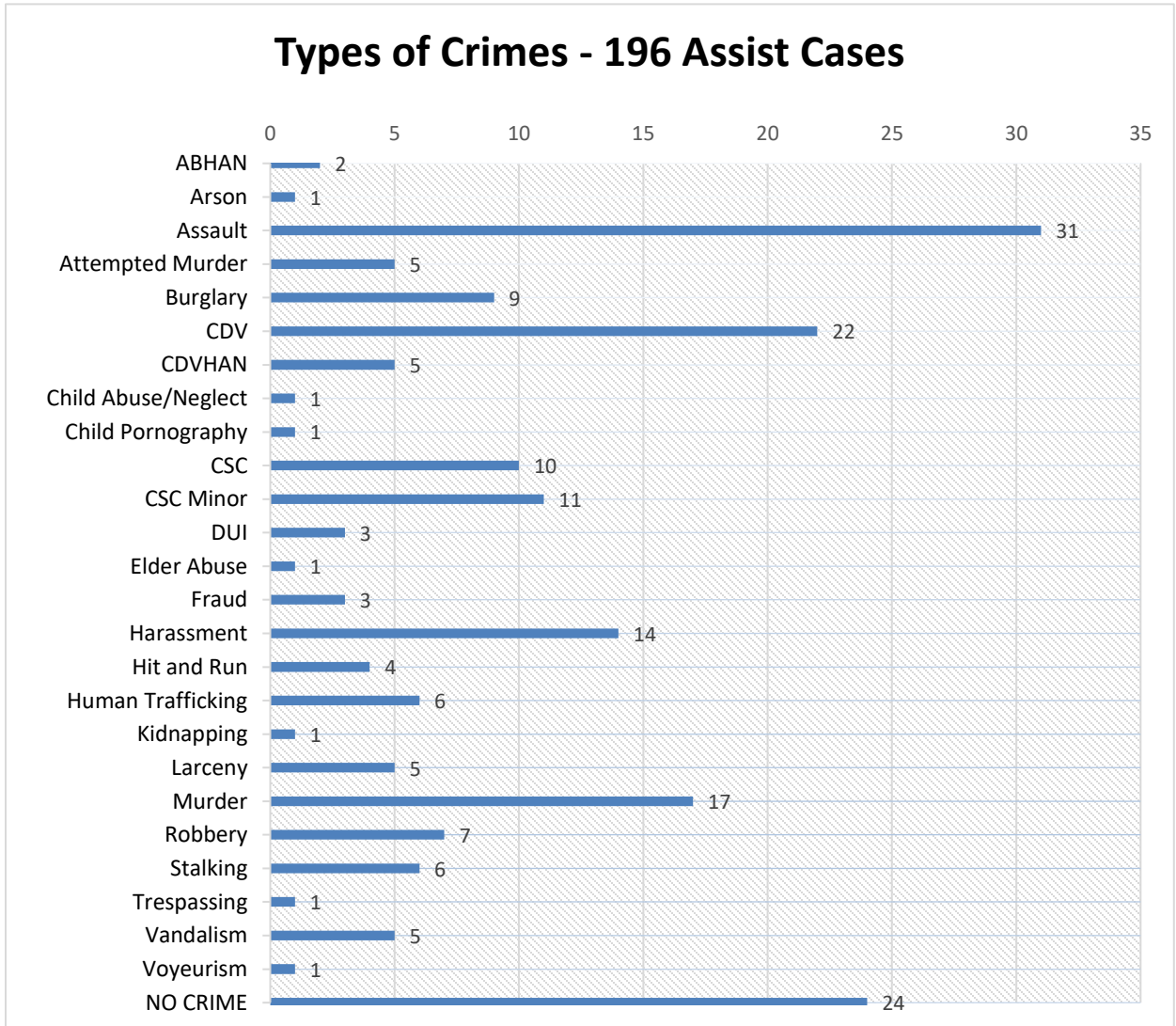
The juvenile is a victim of attempted murder; the farmer is a victim of theft; however, both are also offenders in this incident. SC Code §16-3-1510 (1) states: "*Victim*" also does not include any individual who was imprisoned or engaged in an illegal act at the time of the offense. Compensation would not be provided to either "victim"; however, notification of all court proceedings should be made to both parties as witnesses.

- **An adjudicated juvenile sex offender plays football one high school. His victim attends another high school. Victim wants to attend the game held at his school and wants the offender to be kept away. Solicitor and parole agent verify he's in treatment and is compliant with all requirements. Does the victim have the right to keep him from playing at this game?**

After discussing the issue with DJJ Victim Services, we agreed it was fair for the offender to play any game at his school, but he should not play in or attend games at the victim's school.

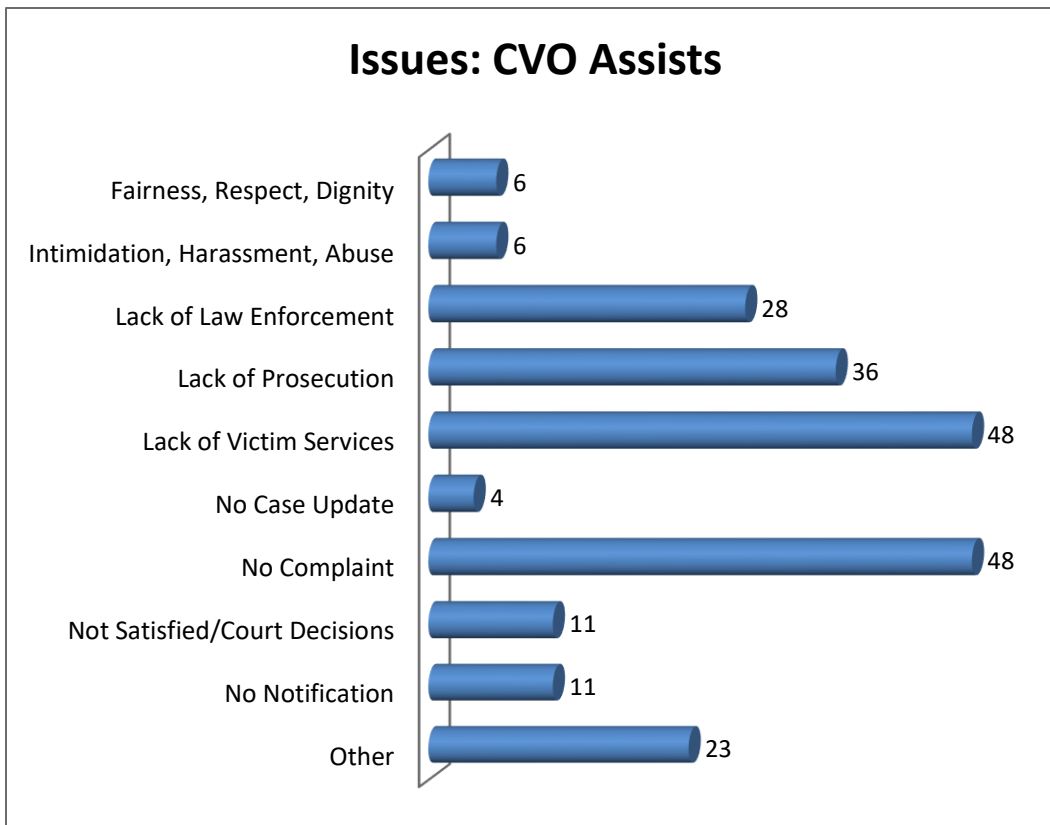
CVO DATA

We collect all types of data in every case: type of caller, county, agency involved, type of complaint, crime involved, and how we resolved the issue.



“No Crime” indicates either a general request from the victim services’ community about “all crimes,” or from someone who has a civil issue or who is not referring to any crime.

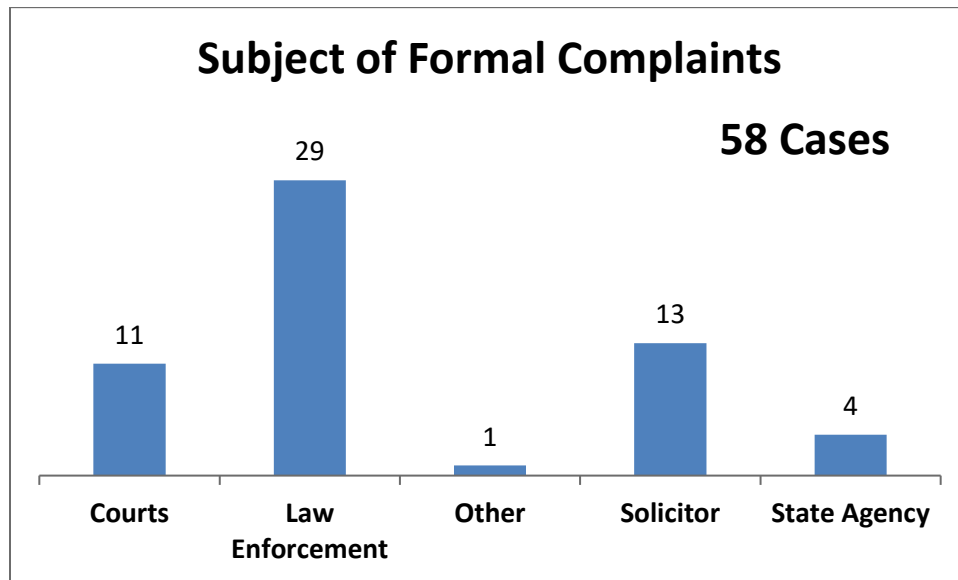
Issues: CVO Assists



“**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 offered.

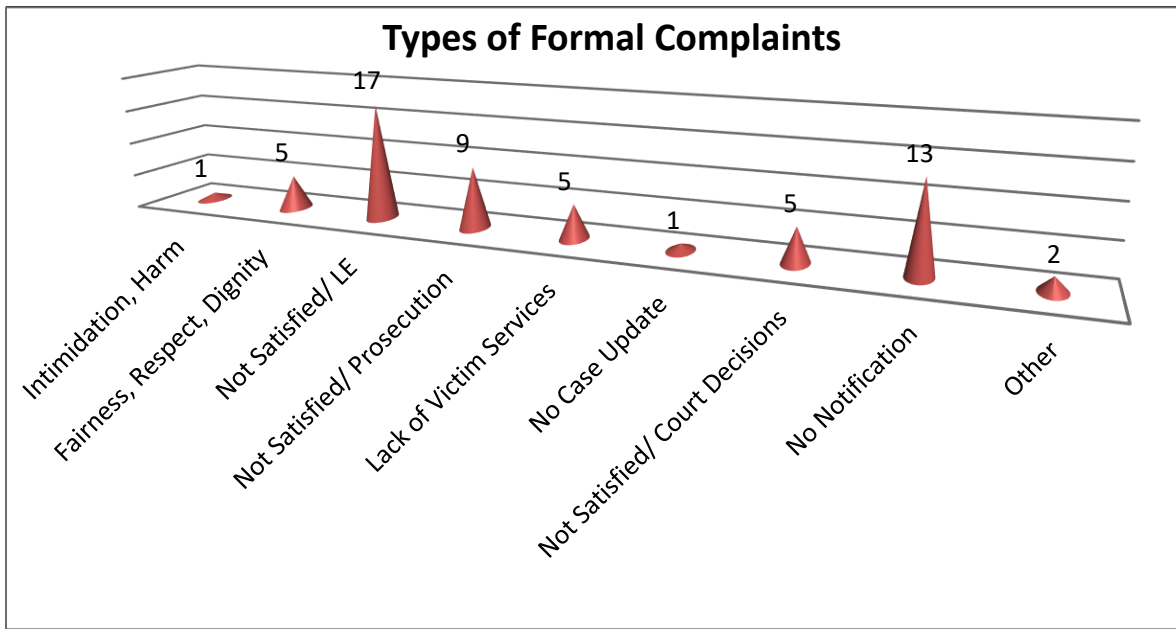


Formal Complaints



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.



In carrying out the inquiry, we request information and documents from the agencies to help us determine whether or not the entity violated the victim’s legal rights. This decision is called a “Disposition.”

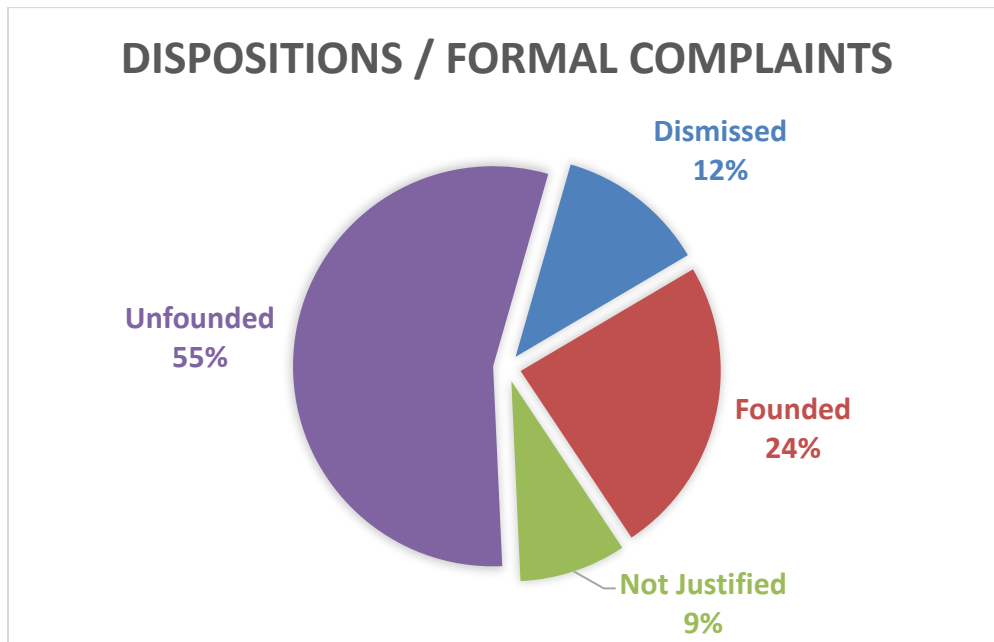
The guidelines for each of the Dispositions are as follows:

- 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 months to investigate, necessitating an average of 40 contacts (calls, emails, letters) with the agencies in question.

The vast majority of complaints CVO receives are deemed “Unfounded” since many crime victims do not clearly understand the duties or 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.

Following each inquiry, we issue a report to the complainant and the agencies that are the object of the complaint and make recommendations that, in our opinion, will assist all parties. The agencies that are the subject of the complaint respond regarding actions taken, if any, as a result of the ombudsman’s report and recommendations.



“Formal” Case Examples

Case Summary 1

Crime: Homicide

Complaint: Next of kin was not notified of a bond hearing

Subject of Complaint: Detention Center

Scenario: Victim’s son was killed, and multiple juvenile defendants were arrested. Mother alleged she was not notified of one offender’s bond hearing.

CVO Inquiry: After extensive investigation and numerous meetings, we determined that one juvenile was taken out of the county to a neighboring juvenile detention facility to await the bond hearing: all others were at Department of Juvenile Justice. When transferring the one defendant back to the original jurisdiction, law enforcement did not notify the victim about the bond hearing. The juvenile defendant was not “checked in” at the jail but was taken directly to the bond hearing. The Detention Center Notifiers were not aware of the bond hearing and therefore could not notify the victim.

Relevant Law

SC Constitution, Article I, Section 24 (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:**

(4) be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail;

Section 16-3-1525 (D) ... The law enforcement officer detaining the juvenile, regardless of where the juvenile is physically detained, retains the responsibility of notifying the victims of the pretrial, bond, and detention hearings, or pretrial releases that are not delegated pursuant to this article.

Section 16-3-1525 (H)(2) Before bond hearings, the [Summary Court, Family Court, Circuit Court] Judge must ask the facility having custody of the defendant to verify that a reasonable attempt was made to notify the victim sufficiently in advance to attend the proceeding. If notice was not given in a timely manner, the hearing must be delayed for a reasonable time to allow notice.

OUTCOME:

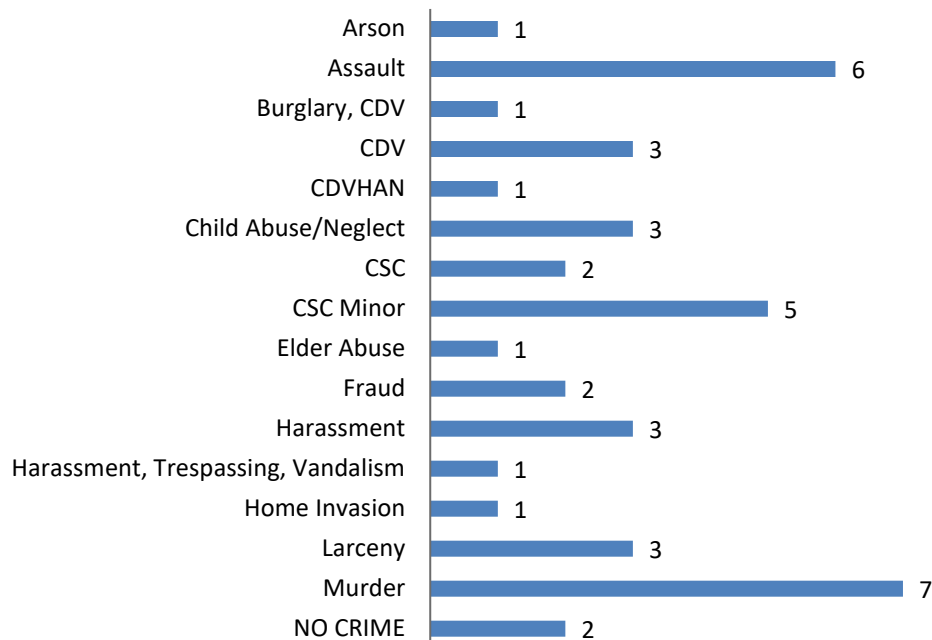
The Sheriff overseeing the Detention Center implemented the following based upon the Ombudsman's recommendations:

- Thoroughly reviewed relevant statutes and internal procedures;
- Instituted an effective and clear policy;
- Provide training to all law enforcement staff;
- Shared information and clarified policies with Summary Court judiciary and staff;
- Notified CVO regarding the above actions taken in accordance with SC Code §16-3-1630

The complaint against the Detention Center was **FOUNDED**.



Types of Crimes / Formal Complaints



Formal Case Summary 2

Crime: Criminal Sexual Conduct with a Minor

Complaint: Law Enforcement Officers violated victims' right to be free from intimidation, harassment or abuse.

Subject of Complaint: Law Enforcement

Scenario: Caller complained that he went to his son's graduation and saw his young daughter's offender, a twice convicted child sex offender, was also attending (his own child's graduation). Victim asked school officials and law enforcement providing security to immediately remove the offender. All authorities were aware of the offender's conviction for crimes against his daughter, but replied that "he was allowed to be there." Law enforcement requested the victim and her family leave the event. One week later, the offender was arrested once again for a sexual assault of a young child.

CVO Inquiry: After months of communication and research, we determined that 1) the offender was not on any type of state supervision at the time of the incident; 2) the judge neglected to write "no contact with victim" on the sentencing sheet, so no contempt of court charge was available as a remedy. We discussed the issue thoroughly with law enforcement, the superintendent of the school district, the prosecutor, private attorneys and victim advocates, both state and national. We were surprised to discover that law enforcement and school officials broke no South Carolina laws.

OUTCOME: We advised the Judge about the consequences of neglecting to improperly document “no contact” on the sentencing sheet. We also advised law enforcement officials about this young victim’s right to be free from intimidation harassment and harm and requested a response about what changes, if any, would be made in future instances. Before we received a reply, both the Chief of Police and town Mayor were arrested for violent crimes. We referred the victim’s family to private attorneys for potential civil remedies.

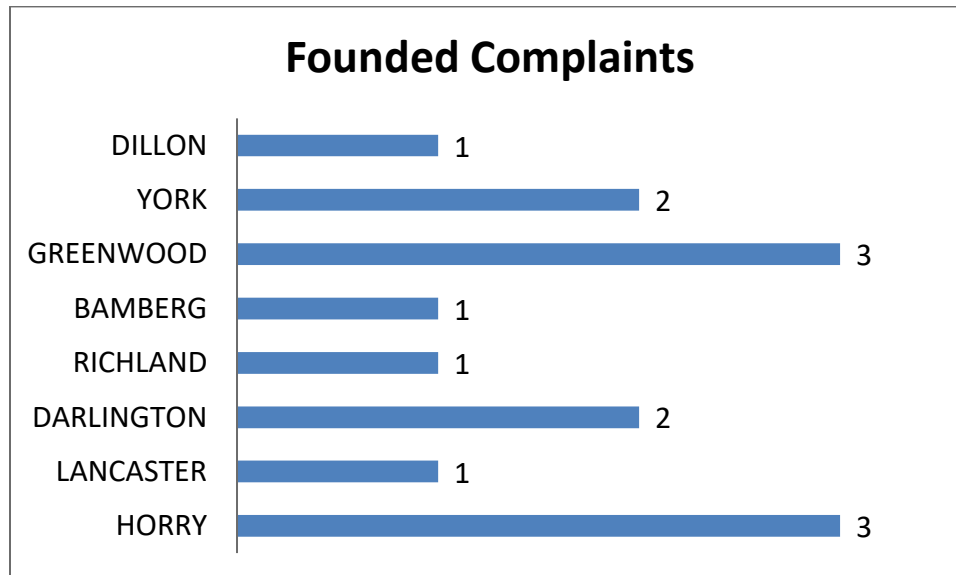
Relevant Law:

SC Constitution, Article I, Section 24 (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;

CVO noted that the Bill of Rights, Section 24(A)(1) states victims have “the right to be free from intimidation *throughout the criminal justice process.*” This victim and her family were no longer involved in the criminal justice process, and South Carolina has no law prohibiting sex offenders from being on school property. In this case, law enforcement did not technically violate victims’ rights; therefore:

The complaint against law enforcement was **Not Justified.**



CVO Training:

- Crime Victim Ombudsman staff trained 1,277 Victim Service and Criminal Justice professionals 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 Victim Ombudsman STAFF

Veronica Swain Kunz Deputy Director

VKunz@SCAG.gov

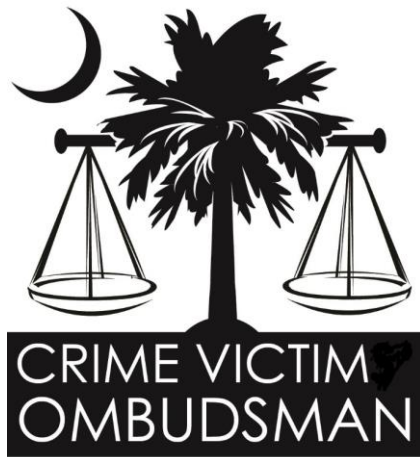
Lena Grant Program Assistant

LGrant@SCAG.gov

Faith Santiago Program Assistant

FSantiago@SCAG.gov

We 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**.



Department of the Crime Victim Ombudsman
Division of Crime Victim Services
South Carolina Attorney General Alan Wilson

Mailing Address:

1205 Pendleton Street
4th Floor
Columbia, SC 29201

Phone Numbers:

803.734.0357 Main number
803.734.1428 Fax
888.238.0697 Toll Free

Email: CVO@SCAG.GOV

Website: www.CVO.SC.GOV

