

**Options, services
and hope
for crime survivors.**

HOW WOULD
YOU HELP?

Table of Contents

Message from the Ombudsman	3
How Can the Crime Victim Ombudsman (CVO) Help?.....	7
How We Accomplish Our Mission and Annual Statistics.....	8
Referral Cases and Examples.....	9
Types of Assist Cases and Examples	11
Criminal Justice System Assist Cases and Examples	15
Data and Training	17
Formal Complaints	18
Formal Complaints: Dispositions, Allegations, and Case Examples	19
Ombudsman’s Statutory Authority	26
Victims’ Bill of Rights	28
Crime Victim Ombudsman Staff	29



A Message from the Ombudsman

It all started with a call from a law enforcement officer. He alleged that another county's Clerk of Court refused to accept a restitution payment from an offender for a victim whose case he was handling. After some checking, I was astounded to discover that some counties in our state have no system in place to accept restitution payments from offenders who are not on probation.

How could this be? South Carolina laws are clear. Victims have *a Constitutional right* to "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."

To determine the extent of the problem, we assembled a large and diverse Task Force. For three years, we engaged in a number of activities to determine the gaps at all levels of the criminal justice system including: a statewide survey of criminal justice professionals, and focus groups for advocates, solicitors, judicial, probation and corrections personnel and victims. Surveys, focus groups, discussions and forums across the criminal justice system determined ***the restitution system in South Carolina is broken.***

An analysis of the cost of crime versus the amount of restitution paid to victims is merely a drop in the bucket. Victims suffer from a system with no coordinated effort to enforce this Constitutional right.

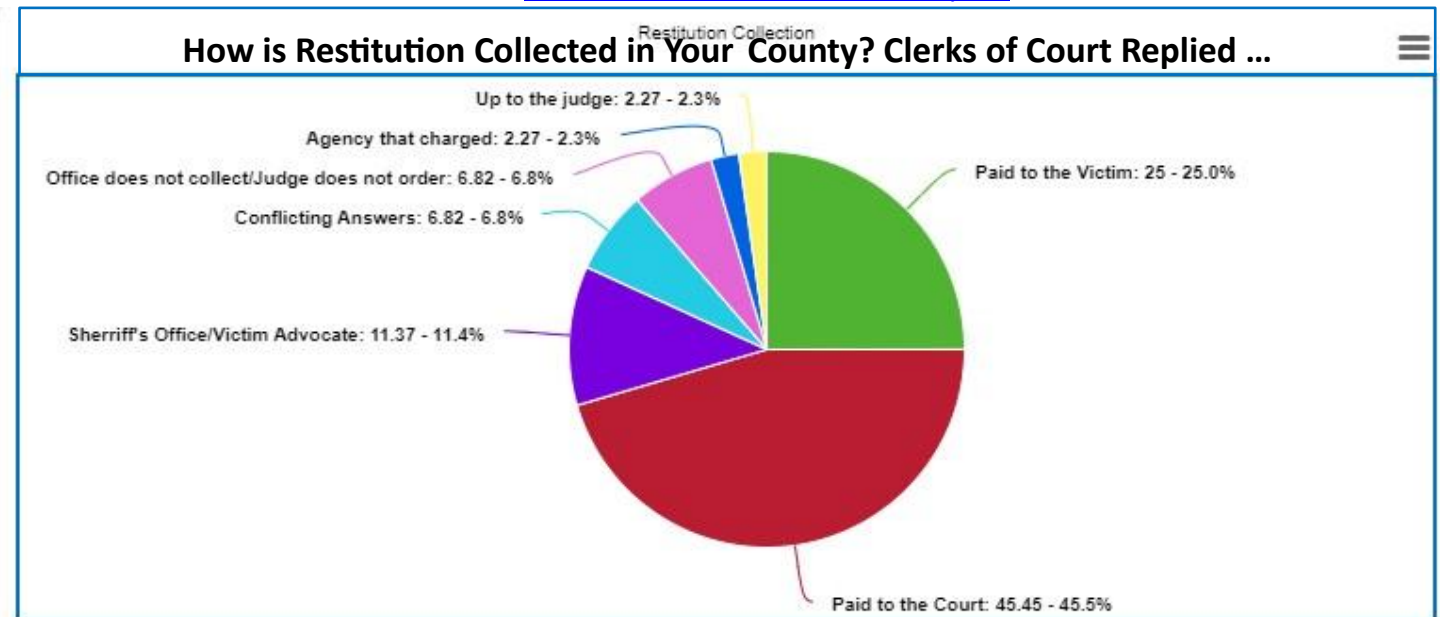
Data was difficult to collect; most were pulled from system-based databases and counted by hand. The need to collect data in a comprehensive and transparent way is crucial since the Task Force's research shows our system suffers because players don't trust others in the criminal justice system to carry out their duties with regard to restitution.

No one agency has comprehensive oversight of how the restitution process is carried out. The result is a system that doesn't communicate across agencies and oftentimes allows victims to fall through the cracks.

Ten recommendations for change were developed through the Task Force's research, focusing on notification, processing, requesting, ordering, enforcing and collecting restitution in South

Carolina. Most notably, **we believe it is necessary to establish an oversight department to encourage accountability and transparency.** The Department would collect data, establish a clearinghouse of information, serve as a focal point for agencies, provide reports to the legislature and the public, provide training to criminal justice system personnel, create awareness, and maintain public information on restitution for South Carolina citizens. The members of the Task Force strongly encourage the decision makers in our state to repair our broken restitution system and restore it, and the victims it is Constitutionally mandated to serve.

See the details on our website at [Restitution Task Force Final Report](#)



Paid to the court: Allendale, Cherokee, Clarendon, Colleton, Dillon, Fairfield, Florence, Georgetown, Hampton, Horry, Kershaw, Lexington, Marion, McCormick, Oconee, Pickens, Richland, Spartanburg, Sumter, Union

Paid to the Victim: Aiken, Anderson, Barnwell, Beaufort, Berkeley, Charleston, Darlington, Greenwood, Lancaster, Marlboro, Williamsburg

Sherriff's Office/Victim Advocate: Bamberg, Calhoun, Newberry, Saluda, York

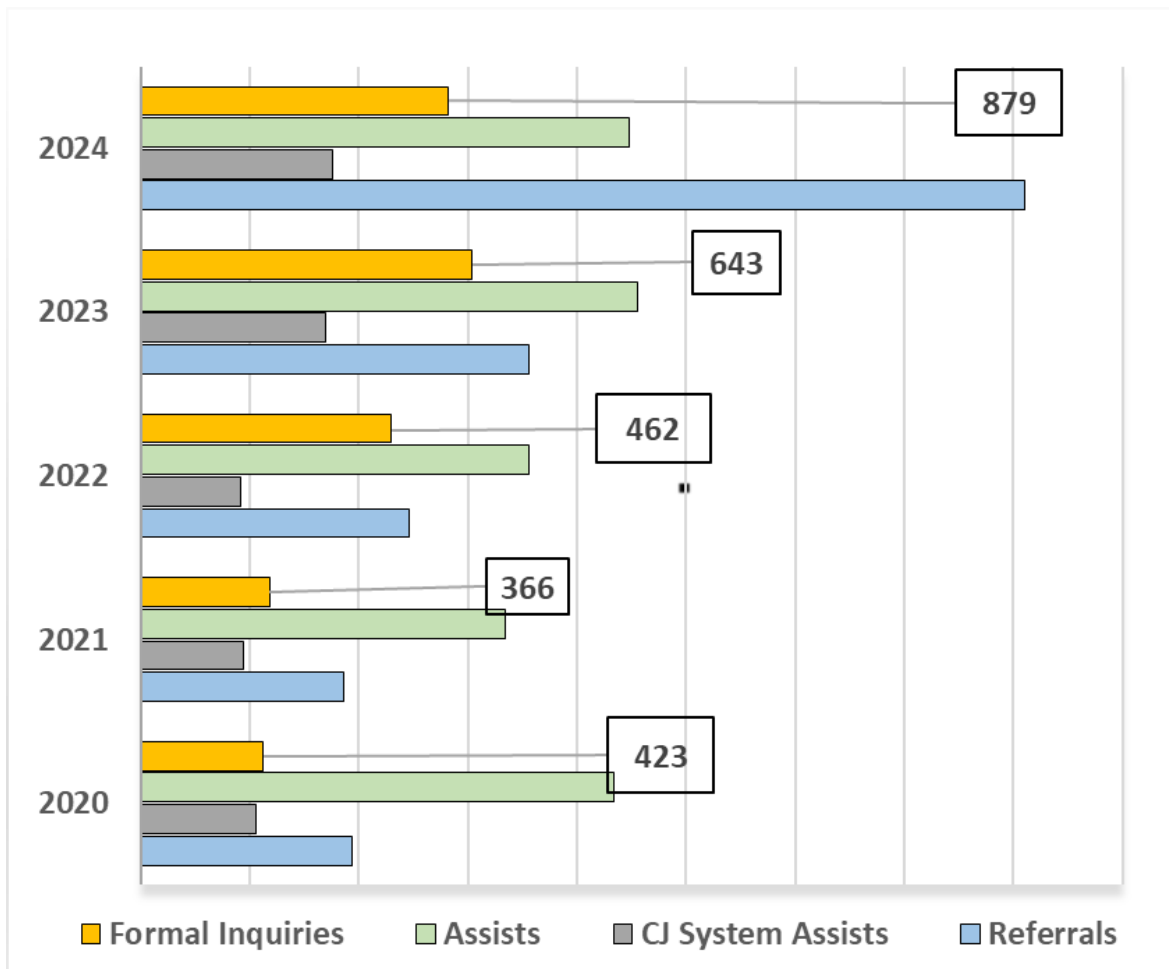
Conflicting Answer: Abbeville, Dorchester, Greenville

Office does not collect/judge does not order restitution: Jasper, Laurens, Lee

Agency that charged: Edgefield

Up to the judge: Orangeburg

CVO CASELOAD INCREASE/DECREASE



CVO had a very busy and productive year. Owing to our growing caseload, we hired another Victims’ Rights Compliance Specialist, Eron Schoolcraft, who has extensive experience as a LEVA and is also an expert in child welfare in Michigan. Thanks to the hard work of the CVO Team, we tackled an unprecedented **879 requests for assistance** this year.

Successful Collaborations with Agencies to Improve Victim Services

Some of our efforts improve the criminal justice system for future victims:

- A state agency representative advised us that a group representing criminal defendants was contacting victims to ask them questions about cases. We helped the agency formulate an addition to their Victim Notification letters to advise victims that they were not required to speak to lawyers.

- The USC School of Law conducted a large study about how restraining orders were being handled. CVO organized a meeting between Court Administration and USC law professors to develop a plan to correct the issues uncovered by the study.
- Court Administration agreed to 1) update the Magistrate’s Bench Book, incorporating proposed changes to language for Restraining Orders; and 2) advised Chief Magistrates about:
 - a. Incorrect information about Restraining Orders posted on county websites and within courthouses;
 - b. Incorrect processes and procedures that have been observed regarding the handling of Restraining Order cases.
- The Attorney General’s Office plans to launch an Address Confidentiality Program within CVO. Plans include hiring at least two full-time equivalent employees to develop the Program in year one.
- This year, **Christina Toler and Sarah Beth Coe** began conducting their own victims’ rights trainings to help agencies educate incoming staff due to high turnover rates.

I am very proud to be a part of the Victim Services community, and it gives me great pleasure to present the *South Carolina Crime Victim Ombudsman’s Annual Report for 2023-2024*, which is mandated by S.C. Code Section 16-3-1630. We are available to answer any questions you may have about this Report, or about South Carolina’s crime victim services system.

Thank you for all you do to help others!



Veronica Swain Kunz
South Carolina Crime Victim Ombudsman

South Carolina Crime Victim Ombudsman



Our mission is to ensure that victims of crime are served equitably and treated fairly by the South Carolina criminal justice system and its victim service organizations by providing third-party liaison assistance.

How Does CVO Build a Better Victim Services System?

- Raise awareness and provide resources regarding victims' rights laws.
- Address victims' complaints about criminal or juvenile justice/non-profit entities.
- Conduct inquiries into alleged violations of victims' rights laws.
- Identify gaps in victim services, or non-uniform application of victims' rights laws.
- Conduct site visits and evaluate complex operations and activities of victim service providers.

What Can CVO Do for Victims of Crime?

- Facilitate resolution of victims' rights concerns with criminal and juvenile justice entities.
- Promote participation in the justice process in furtherance of healing.
- Help ensure justice is served through upholding victims' rights.

What Can CVO Do for Criminal / Juvenile Justice / Non-Profit Agencies?

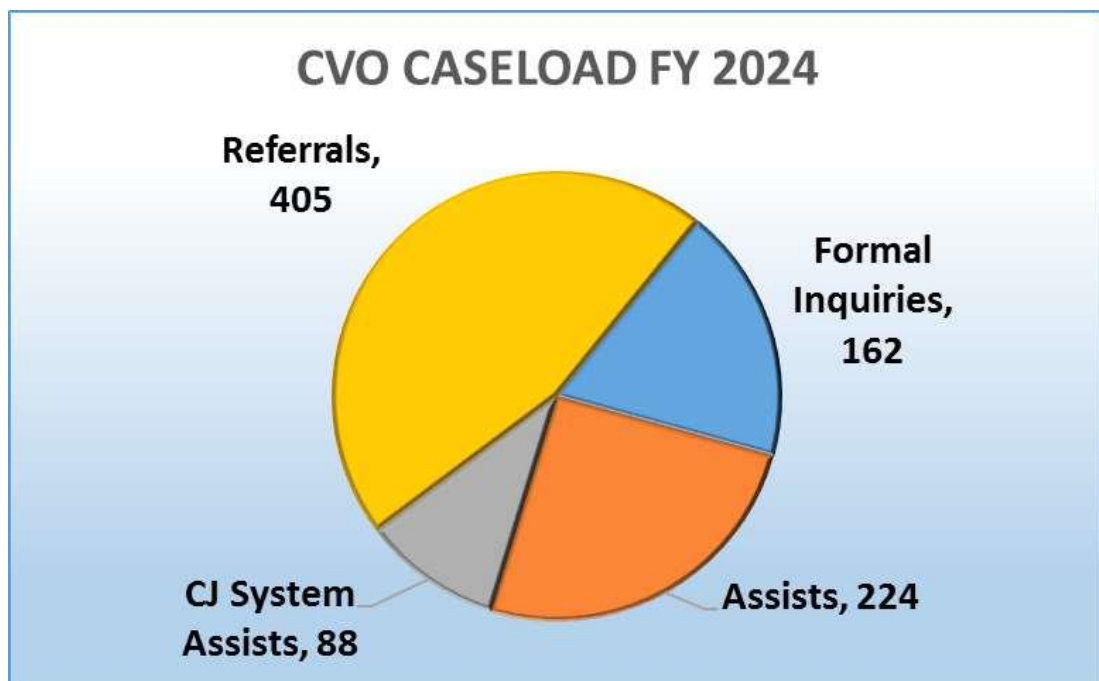
- Promote accountability.
- Provide support and technical assistance to assist agencies in performing mandated duties.
- Recommend changes to correct problems and improve victim services.
- Exonerate agencies from unjustified criticism when alleged violations are unfounded.
- Provide agencies with sample policies, procedures and form letters.
- Provide feedback about areas in which agencies could improve, as well as areas in which they excel.

How We Accomplish Our Mission

S.C. 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, 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, made to the Ombudsman by victims of criminal activity within the state's jurisdiction.
-
-

Crime Victim Ombudsman Annual Statistics FY 2024 – 879 Total Cases



CVO PROVIDES REFERRALS

We serve as a hub of information in the State to help anyone find the help they need. Much of our work involves educating callers about resources available in their own communities 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, college campuses, and in non-profit organizations to ensure their needs are effectively met.

Case Examples: REFERRALS

405 individuals called CVO seeking help. Some of their allegations are listed below:

- While feuding with a neighbor, police refused to enforce noise ordinance and arrested caller instead.
- Complaint that an ex was using the judicial process to harass them and wanted charges brought.
- Caller received threats after reporting a crime.
- Someone tried to report law enforcement for false imprisonment after they had been involuntarily committed.
- A defendant wanted guns returned which had been confiscated by police.
- CVO received numerous "corruption" complaints against police and solicitors.
- Someone alleged their home had been confiscated due to fraud and they were unable to access money inherited from their recently deceased parents.

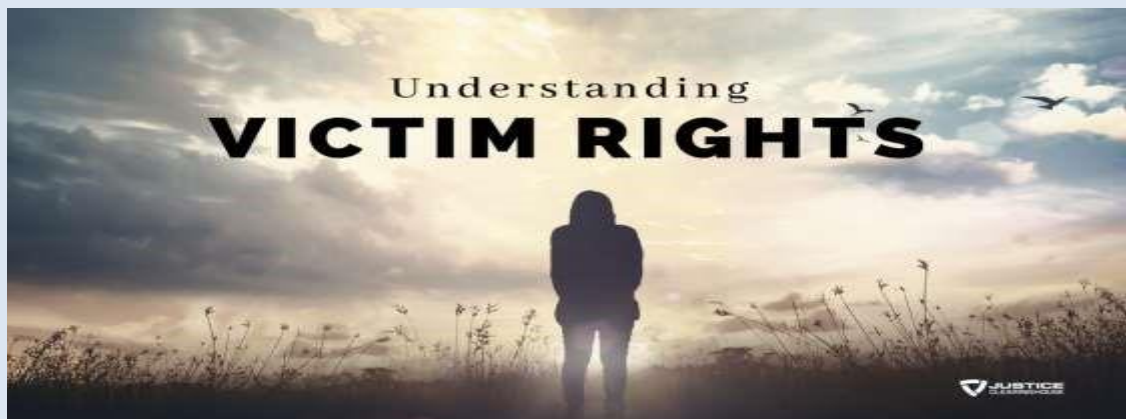
- A caller was upset that their ex lied to police about him and kept getting him arrested. He wanted her to stop harassing him.
- A person's grandson overdosed and died while in jail. The grandparent was outraged that the State would not compensate the family for his funeral.
- A caller wanted his girlfriend's former partner charged with years of unreported abuse.
- A survivor of Domestic Violence had questions about victim services.
- Numerous people alleged they were being harassed but did not know who was responsible.

A Note of Gratitude From a Victim Service Provider (VSP) ...

On Friday, I had a complex DV case. I was attempting to advocate for my victim with her property manager.

Unfortunately, the property manager was not inclined to speak kindly to me nor discuss the needs of the victim. I reached out to your office for assistance. I wanted to let you know that Sarah

Coe did a great job assisting our office, so we could best support our victim. I was glad to hear the property manager took a nicer tone with Sarah and your office. With Sarah's help I was able to get some answers for my victim and best assist her. Thank you again for Sarah's help and for all your office does to assist victims!



Two Types of 'ASSIST' Cases:

224 Assists

- Crime Victims
- Next of Kin
- Concerned for Victim
- "Other" (non-criminal issues, offenders, lawyers, teachers, therapists, students)

88 CJ System Assists

- Sheriffs, Chiefs and Law Enforcement Victim Advocates (LEVAs)
- Non-Profit Advocates
- State Agencies
- Solicitors and Advocates
- Court Staff and Judges
- Jails / Detention Centers

Why Call CVO for Help?

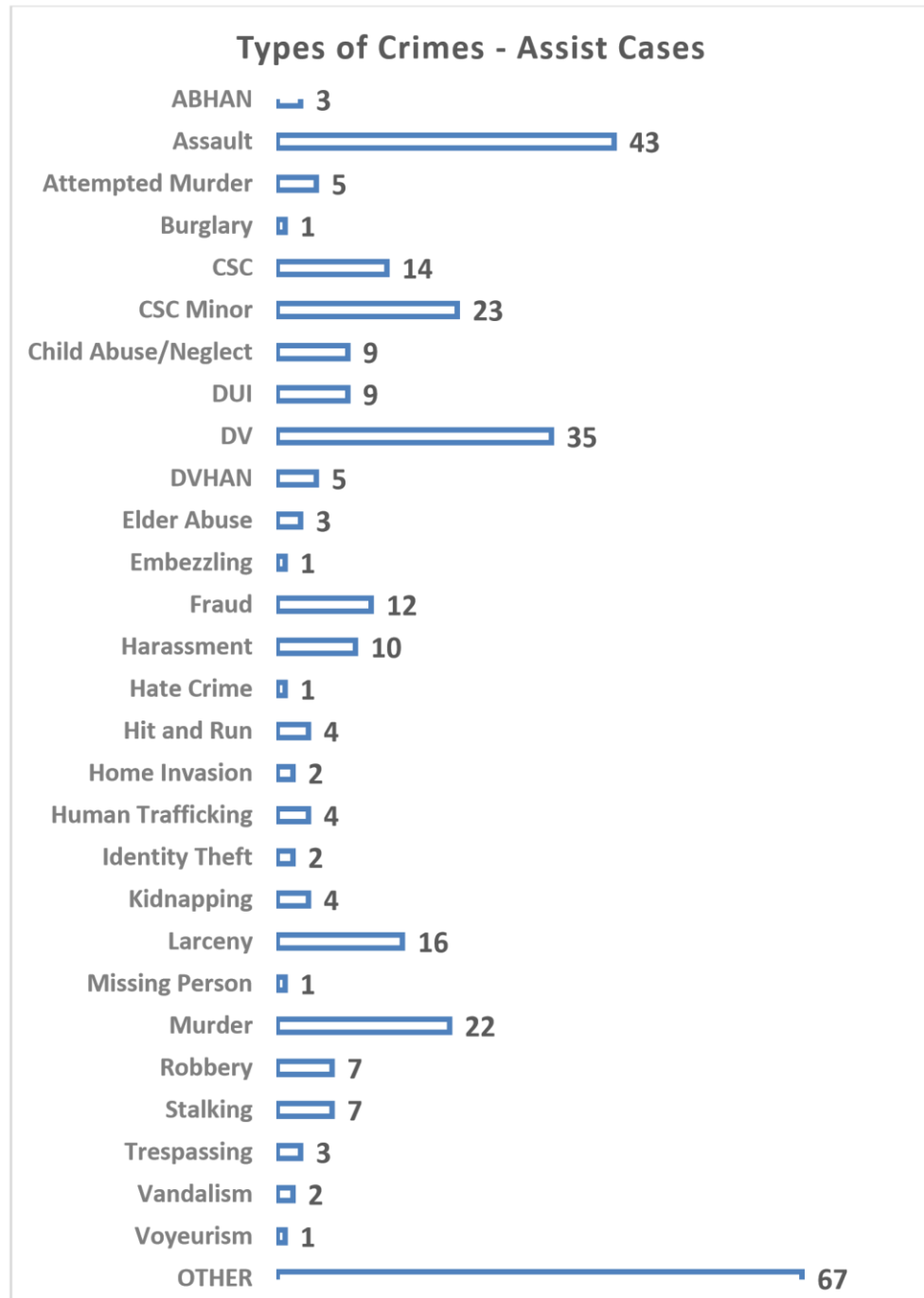
Crime victims call us when they believe something has gone wrong in their cases. When victims call with concerns, we serve as a neutral third party to help them understand the issues and work towards a solution.

CVO "Assist" cases can be as difficult and time-consuming to resolve as Formal Complaints. These cases can also lead to systemic change in the criminal justice process.

Handling an issue in the form of an "Assist" allows us to conduct an inquiry without the necessity of a formal written letter from the victim. ***This year, 72% of Assist cases (224 out of 312) 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 in one day, to months and a number of meetings to resolve.

Types of Crimes: 312 Assist Cases

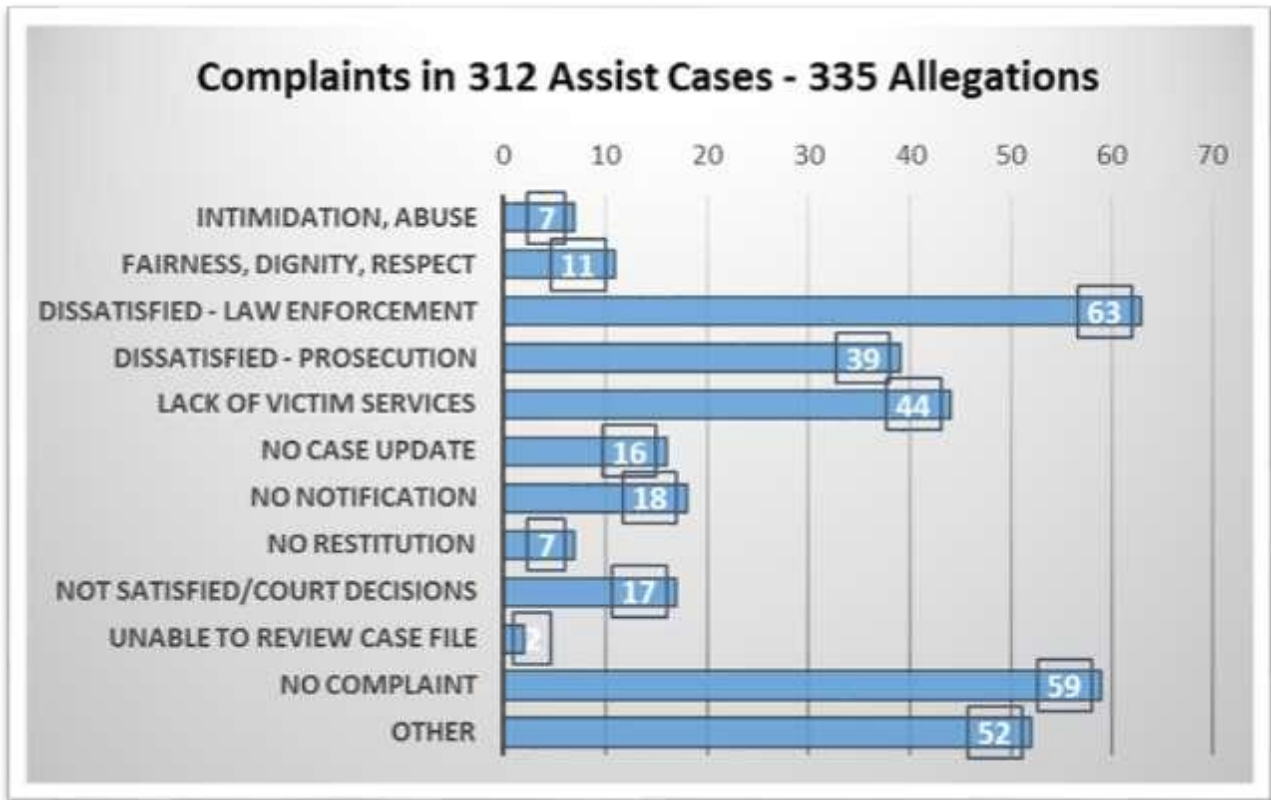


EXAMPLES: 'VICTIM ASSIST' CASES

The list below contains the presenting allegations CVO received from people seeking help:

- A victim was not notified when the defendant's charges were dismissed and expunged.
- A victim's family did not agree with the plea that the Solicitor's Office offered to the defendant.
- A victim called with concerns that their jury trial was being prosecuted by a law enforcement officer.
- A caller reported that their neighbor violated a Restraining Order and was upset that law enforcement had not arrested them.
- A victim was upset that the restitution that was ordered did not reflect the full amount that was stolen.
- A victim was severely beaten by their former partner and was afraid to go to court.
- A victim was frustrated that their case continued to be postponed. The defense attorney serves as both a lawyer and a legislator, and the victim was upset to learn about that a lawyer/legislator may not be compelled to appear in court during the legislative session.
- A caller alleged that they acted in self-defense in a situation that resulted in a fatality and now fears potential retaliation.
- A caller's car was stolen and due to the untimely notification of its recovery, they are responsible for an expensive towing/storage bill.
- A caller recently relocated to live with her daughter. Unfortunately, her daughter was tragically murdered shortly thereafter. Caller sought assistance with transitional housing.
- A civilian caller was assaulted by a service member on a military base and sought a case update as well as assistance in retrieving their belongings after relocating out of state.
- A caller's child was tragically murdered in 2018. The offender had been arrested twice while out on bond in two different counties. The family was concerned about the slow progress of the Solicitor's Office in addressing this matter.

- A victim was upset that a judge required her to provide three police reports before being allowed to obtain a Restraining Order.
- A victim's court date is coming up. They need assistance with virtual accommodations due to their disabilities.
- A victim's case was dismissed when they were not given reasonable notice for a court hearing.
- The owner of a non-profit organization had difficulty obtaining mugshots for individuals who vandalized their establishment.
- A caller reported that their elderly relative was exploited financially in a rehabilitation facility, and the same individuals continue to work there.
- A caller was being harassed by a neighbor and was upset that law enforcement advised that it is a civil matter.
- A caller who lost her husband in a DUI crash was upset it has been over four years and their case had not been adjudicated.





'CRIMINAL JUSTICE ASSIST' CASES

It is an honor to assist our colleagues in the criminal justice/victim services 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. If you need help or answers to any of the questions listed below, please call us!

Our stakeholders in the victim services/ criminal justice community requested the Ombudsman's help with the following issues:



- A new Sheriff was changing the job duties of their LEVAs and called CVO for guidance.
- A VSP was inquiring about the status of an Address Confidentiality Program in South Carolina.
- A VSP wanted to know if a victim, who was currently incarcerated for an unrelated crime, can attend the plea hearing for a case wherein they are a victim.
- A VSP asked whose responsibility it is to provide interpreters for court.
- A large Sheriff's Office was using victims' prior contact information when filling out their reports. Victims were not receiving services because they had changed their phone numbers or moved. The Agency acted quickly and stopped the practice when CVO identified the error.

- City administrator sought information about acquiring victim services funding.
- A LEVA wanted to know whether or not they are mandated reporters.
- Someone in the federal sector informed CVO that a small agency required crime victims to FOIA incident reports rather than providing them with a free initial report.
- We discovered that a severe child abuse case had been “forgotten about” for two years. We met with the new Sheriff to stress the importance of utilizing Child Advocacy Centers and reporting to the Department of Social Services.
- One agency was not notifying **all** victims of crime as defined in statute.
- A law enforcement agency sought assistance to help their staff with the trauma of a juvenile who attempted suicide while in their care.
- A solicitor advocate had questions about who to notify when victims are represented by an attorney.
- A LEVA sought information on laws explaining confidentiality of victims’ names in police reports.
- A nonprofit staff member assisting a Criminal Sexual Conduct survivor sought an Address Confidentiality Program in South Carolina.
- Several agencies sought victims’ rights training.
- A LEVA wanted information about victim services in Puerto Rico.
- A law enforcement officer sought information about how to help a family who disagreed with the Solicitor’s plea offer.
- A family member of a minor was murdered, and the child wished to make a victim impact statement; however, the Clerk indicated that since the child was under 12, the request was denied. What should the advocate do?



spot trends in crime, violations of rights



identify areas in need of training, resources or intervention



update educational and outreach events

CVO Provides Training

We have developed seminars about crime victims' constitutional and statutory rights, the history of victims' rights, victimization and its impact, communicating with victim/survivors, and specific training for LEVAs and law enforcement leaders, Summary Court Judges and staff, Solicitors and Solicitor Advocates, Child Advocacy and Detention Centers.

In 2023-2024, CVO seminars included:

- Annual Solicitors' Conference
- Victims' Rights Week Conference
- Upstate Judicial Association Conference
- Basic VSP Training in Orangeburg
- State Network of Child Advocacy Centers
- SC Army/National Guard Annual Refresher Training for Victim Advocates



The Ombudsman is mandated to review and attempt to resolve complaints. A crime victim may file a Formal Complaint against any entity, individual and/or victim service program in the criminal and/or juvenile justice system, or non-profit victim/survivor service group:

Police	<ul style="list-style-type: none">• All Sheriffs' Departments• All City and Town Police Departments• All Campus Public Safety/Police Departments• SC Highway Patrol
Solicitors	<ul style="list-style-type: none">• All Solicitors and their Staff• All City Prosecutors and their Staff
Courts	<ul style="list-style-type: none">• All judges and staff in Circuit and Family Court• Magistrates and Municipal Court
Detention Centers / Jails	<ul style="list-style-type: none">• All Detention Center Staff charged with notifying crime victims about offenders' releases / transfers / escapes
State Agencies	<ul style="list-style-type: none">• Department of Corrections, Department of Probation, Parole and Pardon Services, State Law Enforcement Division, Department of Crime Victim Compensation, Department of Juvenile Justice, Juvenile Arbitration Board, Attorney General's Office
Other	<ul style="list-style-type: none">• All Non-Profit Agencies that provide victim services, therapists, attorneys, etc.

Our online complaint process allows anyone to submit a Formal Complaint. **The complaints that do not allege a person is dealing with a criminal matter is designated as "Other."** In carrying out the inquiry, we request information and documents from the agencies to help us make a decision 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 scope of authority for that individual, agency or entity.

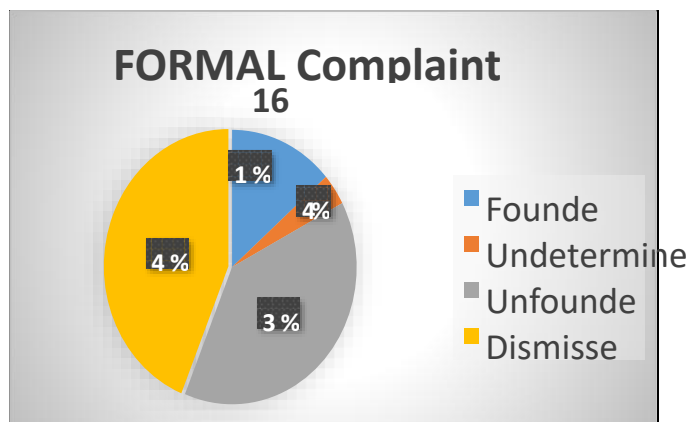
Undetermined There was insufficient evidence to prove or disprove the reported acts occurred.

Dismissed The case was withdrawn due to lack of victim participation.

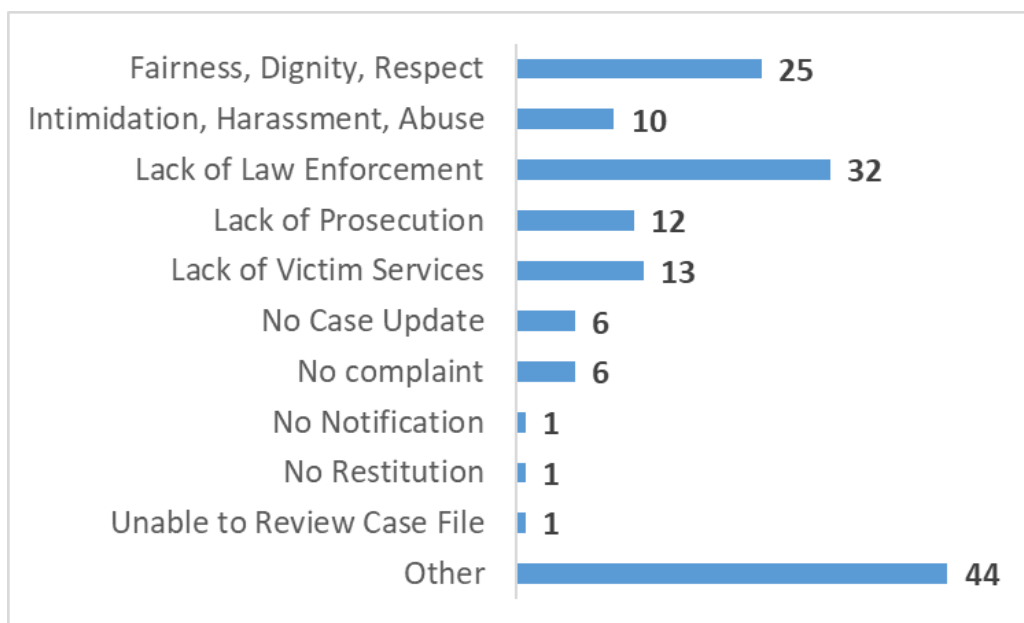
The majority of complaints CVO receives are deemed “Unfounded” since many crime victims do not clearly understand the duties or responsibilities an agency has to them. For example, we regularly hear from crime victims who believe an offender should serve more jail time than they received. We explain that it is the proper role of the judge to determine sentencing, and that neither CVO nor the victim has the right to change a judge’s decision.

Cases submitted online from people other than South Carolina crime victims are deemed “Dismissed.”

Following each inquiry, we issue a report to the complainant and the agencies that are the subject of the complaint and make recommendations that, in our opinion, will assist all parties. The agencies respond regarding actions taken, if any, as a result of the Ombudsman’s report and recommendations, as provided by statute (*S.C. Code §16-3-1640*)

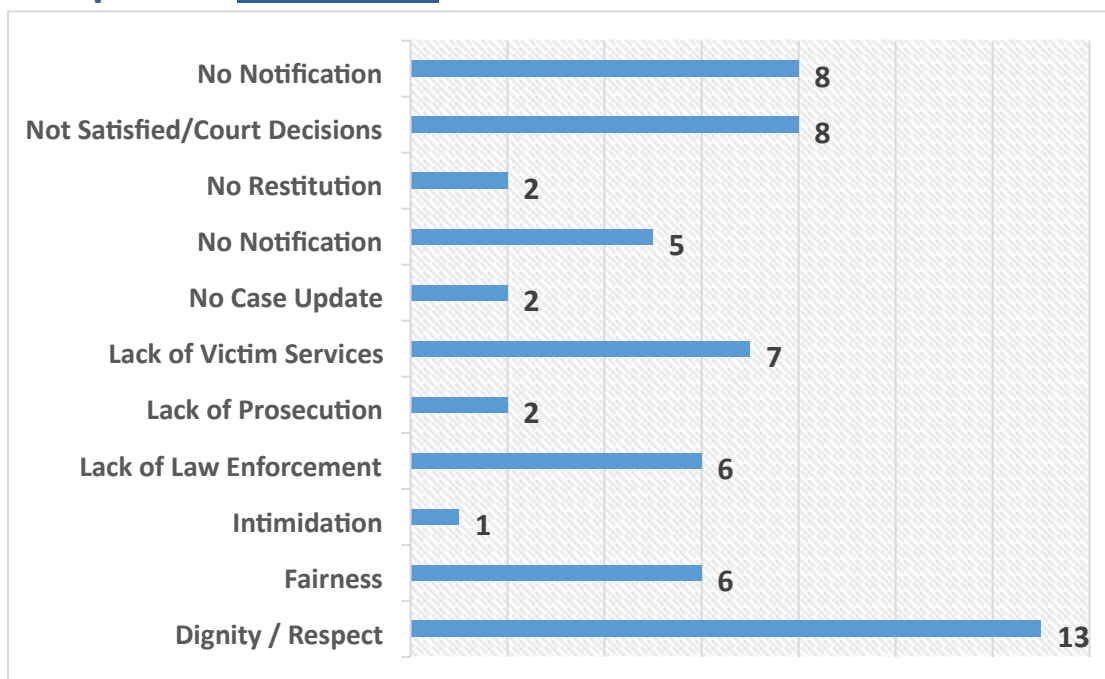


Allegations in 162 Formal Complaints:



How can a Formal Complaint contain no complaint? Anyone can submit one online. Submissions containing “No Complaint” and that are listed as “Other” above indicates someone has submitted a request for help with a civil issue or something other than a crime. Those cases are deemed “Dismissed” after we try to help the person, usually by providing a referral.

Type of Complaints FOUNDED



Formal Case Examples

Formal Case Summary 1

Crime: Assault and Battery

Complaint: Prosecutor not conferring with victims (not treating victims with fairness, dignity and respect).

Subject of Complaint: Town Prosecutor

Scenario: A victim wanted to confer with the Prosecutor to discuss a decision to offer the defendant a plea to a lesser charge.

CVO Inquiry: We received correspondence indicating that a victim contacted a LEVA to request a meeting with the Town Prosecutor to discuss his decision to reduce charges for a plea. In an email to the victim, the Prosecutor clarified that an eyewitness reported that the victim assaulted the offender first, which justified his decision to reduce the charge. CVO requested the case file from the Prosecutor and spoke to the LEVA for further clarification. Incident reports contained statements from two parties unrelated to the altercation that contradicted the allegation that the victim started the fight. One statement, *from a relative of the defendant*, claimed the victim struck first. The Prosecutor advised the victim via email to direct all questions to the LEVA within the Police Department rather than confer with the victim.

After receiving a notification letter from Summary Court, the victim sent a follow-up email to the Prosecutor asking whether a trial or a plea would be held and again requesting to discuss the charges. After two weeks without a response from the Prosecutor, and with the court date only two days away, it was only after prompting from CVO that he agreed to confer with the victim.

Relevant Laws:

S.C. Constitution Article 1 Section 24(A)(7) victims of crime have the right to “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.”

S.C. Const. Article 1 Section 24(A)(1) Victims of crime have the right to “be treated with fairness, dignity and respect.”

S.C. Code §16-3-1505 – Legislative intent “. . . that the rights and services extended in this article to victims of and witnesses to a crime are honored and protected by law

enforcement agencies, prosecutors, and judges *in a manner no less vigorous than the protections afforded criminal defendants; . . .*”

S.C. Code §16-3-1545(C) The prosecuting agency must inform victims and witnesses of the applicable procedures and practices of the criminal or juvenile justice system, or both.

Caselaw and Legal Guidelines:

In passing the Crime Victims’ Rights Act, 18 U.S.C. § 3771, the U.S. Congress made the policy decision that victims have a right to inform the plea negotiation process by conferring with prosecutors before a plea agreement is reached. In re Dean, 527 F.3d 391, 395 (5th Cir. 2008) (per curiam); see also Jordan v. Dep’t of Justice, 173 F.Supp.3d 44, 51 (S.D.N.Y. 2016) (Describing scope of the reasonable right to confer with prosecutor under the CVRA); Doe v. United States, 950 F.Supp.2d 1262, 1267 (S.D. Fla. 2013) (“the court concludes that the ‘reasonable right to confer ... in the case’ guaranteed by the CVRA at §3771(A)(5) is properly read to extend to the pre-charge stage of criminal investigations and proceedings, certainly where – as here – the relevant prosecuting authority has formally accepted a case for prosecution”).

Prosecutors should make reasonable efforts to notify identified victims of, and consider victims’ views about, prospective plea negotiations. Prosecutors should make these reasonable efforts with a goal of providing victims with a meaningful opportunity to offer their views before a plea agreement is formally reached. U.S. Department of Justice, Attorney General Guidelines for Victim and Witness Assistance 41 (2012). See also ABA Standards of Criminal Justice, Pleas of Guilty, Standard 14-3.1(e) – Responsibilities of the Prosecuting Attorney (“The prosecuting attorney should make every effort to remain advised of the attitudes and sentiments of victims and law enforcement officials before reaching a plea agreement.”)

Conclusion: Encyclopedia Britannica defines “confer” to mean “to discuss something important in order to make a decision.” Collins Dictionary defines “confer” as “to consult together; compare opinions; carry on a discussion or deliberation.” Conferring should be a meaningful exchange between the prosecutor and the victim where there is a back-and-forth discussion where concerns are fully addressed and explained. It is crucial that victims are engaged in the resolution of their cases. The privilege of conferring allows victims to gather and share pertinent information about the crime with the prosecutor. It is important to clarify that conferring does not provide the victim with authority over the prosecution process. However, it does require the prosecutor to listen attentively to and address the concerns expressed by the victim.

CVO found that the Prosecutor was not accessible for follow-up questions or clarification regarding the case or hearing. He continued to direct the victim to the LEVA, who was not a lawyer, for further clarification on his prosecutorial decision. CVO determined that his refusal to confer with the victim violated her right to be treated with fairness, dignity, and respect, causing her to feel re-victimized.

The complaint against the Town Prosecutor was **FOUNDED**.

Recommendations and Results: CVO met with the Prosecutor, the Chief of Police and command staff, the City Manager, and other officials to review laws and best practices to ensure they understood victims' rights and the roles of a LEVA and prosecutor. All were provided handouts containing research and case law stressing the importance of conferring with victims prior to offering pleas and insisted that the prosecuting attorney confer with every crime victim prior to offering pleas to defendants.

Formal Case Summary 2

Crime: Domestic Violence

Complaint: A judge amended bond conditions to remove GPS monitoring without notifying the victim.

Subject of Complaint: The Court

Scenario: A victim of domestic violence alleged that during the defendant's bond hearing, the Judge indicated that a GPS monitor would be implemented. However, upon the defendant's release, the victim believed the bond had been modified without her knowledge and no longer included the requirement for GPS monitoring.

CVO Inquiry: CVO spoke with an Officer who was present at the initial bond hearing. The Officer stated that he requested a GPS monitor due to the difficulty that law enforcement had while trying to remand the offender into custody. The Officer believed that the Judge agreed to GPS monitoring. CVO sent a letter to the Judge inquiring about the specifics for this hearing.

CVO received a response from the Judge indicating what occurred at the hearing. The Judge advised that the State requested a surety bond and a 'no contact' provision that included language indicating that if the defendant contacted the victim or returned to the incident

location, he shall be arrested and placed in the county jail, and on GPS monitoring. The Judge stated that s/he balanced the State's request with the defendant's criminal history and granted a \$50,000 surety bond with the 'no contact' provision including the language recommended by the State.

The Judge informed CVO that s/he initially considered adding GPS monitoring to the bond that day but decided against it. The Judge said that s/he does not recall if this was made clear during the bond hearing and understood why some might have been confused.

Relevant Laws:

S.C. 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 justice process;

- (6) Be reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process;

S.C. Code §16-3-1525 (H) the summary court judge must impose bond conditions which are sufficient to protect a victim from harassment or intimidation by the defendant or persons acting on the defendant's behalf.

CONCLUSION: The presiding Judge acknowledged that s/he does not recall if their intentions were clearly communicated in the courtroom that day and recognized the potential for confusion regarding whether GPS monitoring was ordered. The Judge did not include GPS monitoring in the bond Order: it had not been modified as the victim believed.

RECOMMENDATIONS AND RESULTS: The presiding Judge developed a GPS Request/Notification

Form to be used internally which will be utilized during bond hearings when the State's request for GPS monitoring is approved. This form will provide a clear, written record of orders for GPS monitoring, ensuring that both the State, and Officers, and Victim Service Providers have a copy for their records. Additionally, this document will serve as prior notification for jail staff to ensure that a GPS monitoring device is available before the defendant's release.

The complaint against the Court was **UNFOUNDED**.

Formal Case Summary 3

Crime: Criminal Sexual Conduct with a Minor

Complaint: Two years after the conclusion of an investigation, law enforcement neglected to forward a case to the prosecuting agency for disposition.

Subject of Complaint: Law Enforcement

Scenario: The complainant's minor child was sexually assaulted at school by a classmate. After reporting the incident to law enforcement, the family was informed that the classmate would be charged. Two years later, the mother followed up after realizing that the classmate was now living in their neighborhood, only to discover that the case had never progressed beyond the records department at the law enforcement agency.

CVO Inquiry: CVO forwarded the complaint to the investigating agency and requested copies of the incident report and supplemental documents. After reviewing the case file, CVO consulted with the head of the agency to understand how this situation arose and discussed strategies to prevent a recurrence in the future.

Relevant Laws:

S.C. 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:

(2) be treated with fairness, respect, and dignity;

(11) a reasonable disposition and prompt and final conclusion of the case;

SC Code §16-3-1520 (D) A law enforcement agency, upon request, must make a reasonable attempt to inform a victim of the status and progress of his case from initial incident through:

(3) the referral of a juvenile offender to the Department of Juvenile Justice;

CONCLUSION: The National Crime Victim Law Institute advises that "the federal government and at least 18 states acknowledge the heightened interest of child victims in preventing case delays through provisions designed to expedite or prioritize certain, if not all, cases involving this victim population." Additionally, they emphasize that "delays in the resolution of a case can affect victims' rights to be treated with fairness, dignity, and respect."

The investigating agency promptly recognized the error and acknowledged that a lapse in protocol was the cause, arising from insufficient communication between the investigators and the records clerk, as well as disorganization of certain files.

RECOMMENDATIONS AND RESULTS: The investigating agency revised and improved their procedures in the records department to prevent similar errors. The improved system involves using laminated colored pages for the coversheets for cases involving children to ensure proper identification and prevent misplacement. Additionally, an internal audit was conducted to assess whether any other cases could have been overlooked.

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



South Carolina Crime Victim Ombudsman

Established in 1994 by S.C. 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.

ARTICLE I SECTION 24 Victims' Bill of Rights

(Passed January 22, 1998)

- (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.

Crime Victim Ombudsman Staff

Veronica Swain Kunz Deputy Director
VKunz@SCAG.gov

Christina Toler Senior Victims' Rights Compliance Specialist
CToler@SCAG.gov

Sarah Beth Coe Victims' Rights Compliance Specialist
SarahCoe@SCAG.gov

Eron Schoolcraft Victims' Rights Compliance Specialist
EronSchoolcraft@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 **803-734-0357** or **CVO@SCAG.gov**.

25 books printed at \$1.23 each, total cost of \$30.64.

“FOR TOO LONG, THE VICTIMS HAVE
BEEN THE FORGOTTEN PERSONS OF
OUR CRIMINAL JUSTICE SYSTEM.

THEY HAVE BEEN TRANSFORMED INTO A
GROUP OPPRESSIVELY BURDENED BY A
SYSTEM DESIGNED TO PROTECT THEM.”

PRESIDENT RONALD REAGAN



Attorney General Alan M. Wilson
State of South Carolina

Crime Victim Ombudsman
803.734.0357 www.CVO.SCAG.GOV