

Department of Crime Victim Ombudsman
Annual Report FY 2017-2018



Attorney General Alan S. Wilson
South Carolina Attorney General's Office
Crime Victim Services Division

A Message from the Crime Victim Ombudsman

What an historic year for crime victim services!

The journey began in January, 2015. Governor Nikki Haley developed a Domestic Violence Task Force to study and make recommendations to improve areas affecting domestic violence.

The Task Force was composed of representatives from more than 65 government and non-government entities at the state and local levels. Members of the Task Force were divided into four subgroups to study and make recommendations during four phases of work. I chaired the Government Resources for Crime Victims Working Group and developed recommendations, along with the other three subgroups, for consideration by the Governor. One of those recommendations was among 50 adopted by the Governor's Task Force.

Our subgroup began by considering a troubling conclusion from a 2007 Legislative Audit Council Report which 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". We recommended convening state and local government and nonprofit entities to develop a consensus and propose a restructuring solution for streamlining the State's multiple crime victim-related agencies and services.

Stakeholders were in agreement to consolidate, co-locate and coordinate crime victim services under the Attorney General's Office. On November 3, 2016, Governor Haley issued an Executive Order to establish a Transition Team to form the new **South Carolina Crime Victim Services Division** under Attorney General Alan Wilson.

The Crime Victim Services Act (2017 No. 96) was passed by the General Assembly, and Attorney General Wilson established the Crime Victim Services Division on July 1, 2017. The new Division consists of the following:

<p><u>Department of Crime Victim Ombudsman</u> formerly with the Governor's Office and the Department of Administration</p>	<p><u>Department of Crime Victim Compensation</u> formerly with the Governor's Office and the Department of Administration</p>
<p><u>Department of Crime Victim Assistance Grants</u> formerly with the SC Department of Public Safety</p>	<p><u>Department of Victim Service Training, Provider Certification and Statistical Analysis</u> Expanded, a portion of which was formerly under the Crime Victim Ombudsman</p>

We are all indebted to **Attorney General Wilson** for accepting this massive undertaking in the interest of improving our state's ability to effectively respond to victims of crime.

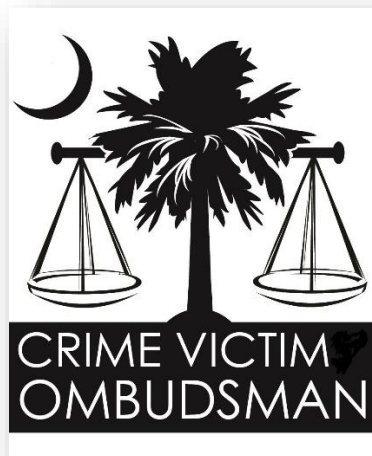
Thank you, General Wilson, for your service to our state's victims of crime!



Veronica Swain Kunz
Crime Victim Ombudsman

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Building a Better Victim Services System

Together We Stand.



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 issues 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.

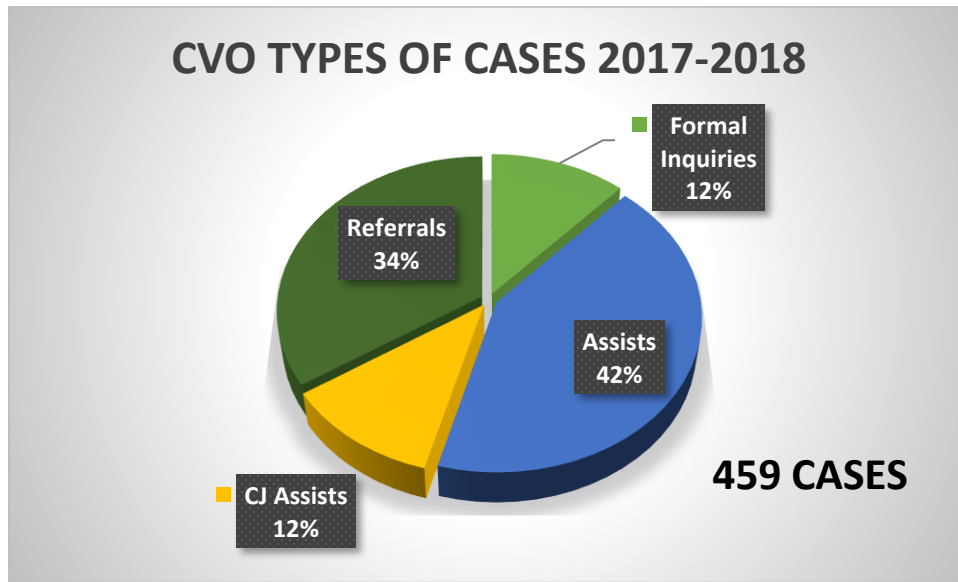
How We Accomplish Our Mission:

S.C. Code Section 16-3-1620(B)

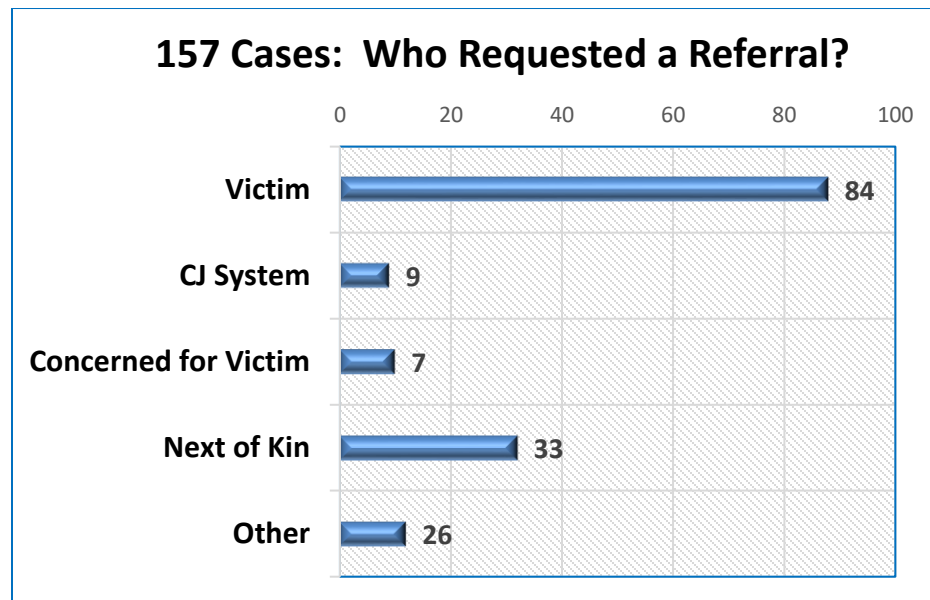
- 1. Refer crime victims** to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, or both, when services are requested by crime victims or are necessary as determined by the ombudsman;
- 2. Act as a liaison** between elements of the criminal and juvenile 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.

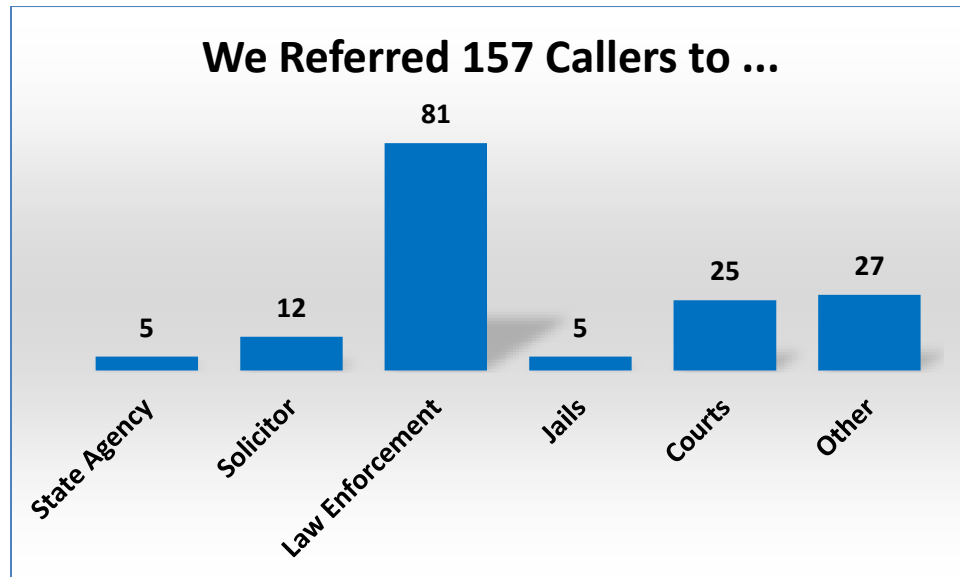


2017 – 2018 Statistics



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.

EXAMPLES: CVO REFERRAL CASES

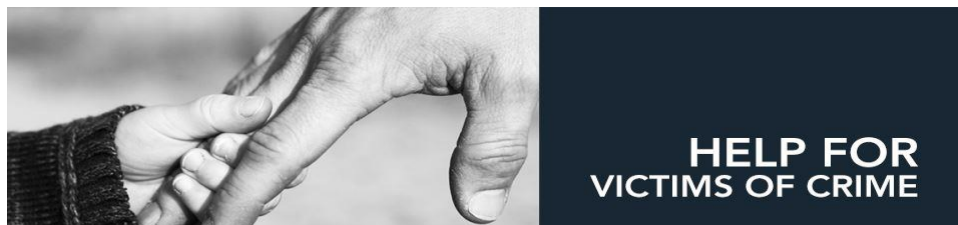
- Grandmother called seeking trauma counseling for her grandchild who witnessed parents’ murder-suicide.
- Caller who was upset that her loved one is appearing in inmate searches while incarcerated.
- Out-of-state caller’s mother was being abused; he needs to prove his guardianship.
- Caller was being harassed over the phone and needed to know what to do.
- Victim of identity theft needed help to clear up credit report.
- Man lost custody of his child to child’s stepfather and wanted the decision reversed.
- Victim was fired after reporting assault by coworker.
- Caller reported neighbors were cyberstalking them; law enforcement was not adequately responding.
- Numerous callers were “wrongfully arrested.”
- Police refused to take a report for cyberbullying by an adult.
- Survivor of childhood sexual abuse, now adult, wanted guidance about reporting sexual assault.
- Squatter refused to leave caller’s residence. Police had not yet served eviction notice.
- Caller was upset that a judge refused to issue Restraining Order.
- Son was murdered in 2007. Caller wanted the name of murderer’s accomplice.

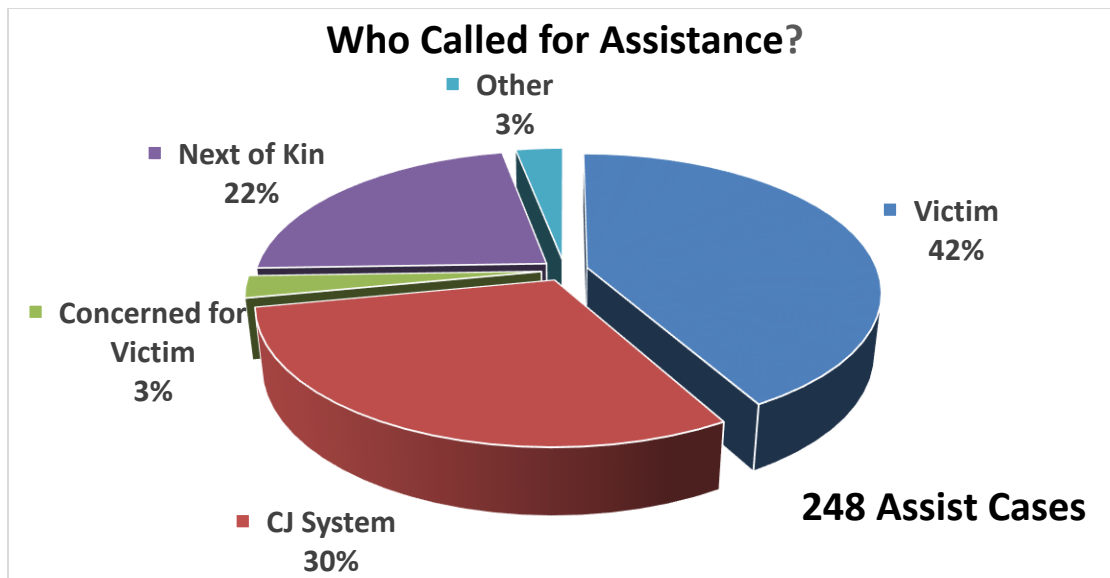
- Student was secretly videotaped in the shower in a college dorm and the video was being disseminated on campus.
 - Caller wanted Permanent Restraining Order against person trying to harm his pet.
 - Mother of murdered son upset that 10-year sentence does not mean 10 years in prison.
 - Numerous callers upset that judges allow offenders out of jail with low or PR bonds.
 - Nurse wanted to know how to get SANE training.
 - Out-of-state attorney needed information about U-Visas.
 - Caller complained that numerous neighbors are trying to have her arrested and remove children from her custody.
 - Caller's daughter was molested years ago needed counseling and advice about prosecution.
-

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 understand the issues and work towards a solution. 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:

- Caller alleged someone threw hot oil on her causing her to be treated at burn center, but no one was charged. CVO ascertained caller was a convicted stalker.
- Caller’s disabled brother was beaten by roommates resulting in severe health issues. Victim initially did not want to pursue charges but had changed his mind; however, he could no longer speak. CVO assisted brother by serving as liaison throughout the law enforcement investigation. Witnesses were re-interviewed but continued to deny accusations. Brother subsequently died but the Coroner could not link his death with the injuries from the beating. CVO served as liaison with the Solicitor’s Office which was unable to prosecute due to the absence of statements from victim or witnesses.
- Caller's daughter and granddaughter were murdered. While in jail, the murderer went on to kill four other inmates. Victim requested to be notified for new murder trials, but an advocate refused because she was no longer a “direct victim.” CVO intervened and victim will be notified about all hearings as a courtesy.
- Man charged with attempted murder against his wife and was released from custody by “agreement” between solicitor and defense attorney after circuit court judge denied bond twice. After CVO intervention, Solicitor advised staff to stop the practice of "agreements" to release offenders. The Solicitor thanked CVO for bringing the case to their attention. Offender received an appropriate sentence and the victim felt supported by the Solicitor’s Office.
- Victim alleged she was drugged and sexually assaulted. She paid for a hair-strand drug test, and offender was charged based on that evidence. She requested our assistance

to help her to get reimbursed for this unusual expense. CVO was successful in helping the victim to be reimbursed by the prosecution.

- Mother of mentally ill adult daughter was distraught. Her daughter was getting worse and she could no longer support her. She feared she was becoming more abusive toward daughter and would eventually hurt her. CVO worked with mother and Adult Protective Services to secure Medicare, housing and counseling for them both.
- Robbery victim alleged he was not notified that his case was No Billed by the Grand Jury four months prior. He was angry that he was “not allowed to testify” at Grand Jury hearing. CVO contacted Solicitor who denied the lack of notification, but arranged to meet to explain the process to him. During the meeting, the victim became so disruptive that he had to be removed from the building by security. CVO remained in contact with the victim, solicitor and law enforcement to serve as a conduit of information for the victim.
- Numerous victims of interpersonal violence requested our assistance to have offenders released from jail. In these cases, numerous hours were spent discussing why the state prosecutes these crimes, and methods for callers to obtain safety and help.
- Victim requested assistance to obtain a better plea deal for repeated violations of an Order of Protection. CVO successfully advocated for an enhanced plea agreement.
- Victim called upset that his case, which was pending for seven years, was dismissed because defendant recently died. CVO met with the newly-elected Solicitor to report the violation of the victim’s right to a prompt and final conclusion of his case. Also participated in a meeting with victim and Solicitor to explain why the case languished, and why the defendant could no longer be held accountable.
- Elderly person was concerned that teens in his neighborhood were “out of control,” and s/he wanted “something done.” Worked with local law enforcement to secure wellness checks on neighborhood.
- Parent called on behalf of adult son, concerned that his abusive spouse was allowed to participate in Pretrial Intervention Program. Research showed son agreed to PTI but the offender was ultimately rejected when she assaulted him again during the Program. Assisted victim to encourage collaboration with Solicitor Advocate and DSS, and begin counseling. Worked with his parent and provided resources to help them better understand interpersonal violence to improve parent’s ability to support son.
- Caller complained he was not notified when offender was released early from Federal prison. The offender did not comply with conditions of early release so the State reopened victim’s attempted murder case. CVO determined federal charges were not “victim-related,” explained the entire situation to him and fostered collaboration between the victim and the solicitor advocate.
- Solicitor did not request restitution for arson case. CVO intervened and a restitution hearing was held.

CVO “CRIMINAL JUSTICE SYSTEM ASSISTS”

We love to assist 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, etc.;
- Distributed resources (videos, Powerpoint presentations, research articles, Victim Impact Statements) to increase educational opportunities for requesting agencies;
- Provided sample document and 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;
- Assisted numerous Solicitors in explaining plea agreements/ sentencing limits to victims;
- Consulted with numerous advocates about rationale and logic of criminal charges;
- Mediated a case where LEVA and Chief of Police disagreed with Judge and court staff about their roles in notifying victims for court;
- Victim’s attorney complained that prosecutors would not allow him to review case file prior to advising his victim/client about plea offer. CVO met with Solicitor to discuss his concerns, as well as S.C. Const. Art. 1 Section 24(A)(8) *Victims of crime have the right to have reasonable access after the conclusion of the criminal investigation to all documents relating to the crime against the victim before trial.* Met with victims and their attorney, requested legal advice from the National Crime Victim Law Institute and advised the Solicitor’s Office on findings. Provided referrals to the attorney.
- Responded to a complaint from a defense attorney that a Judge improperly allowed Law Enforcement Victim Advocate to give testimony at offender’s bond hearing;
- Helped a nonprofit organization locate an interpreter for people who are deaf for a conference;

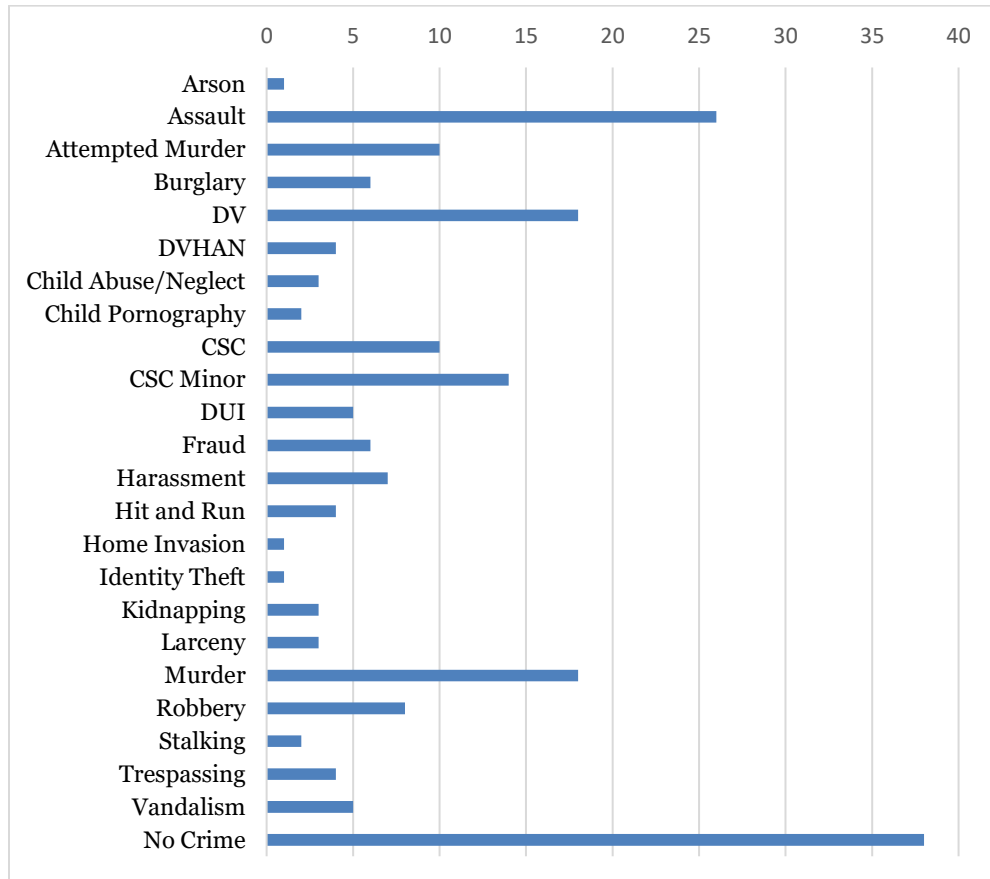
- Numerous advocates needed out-of-state resources for victims who have moved from South Carolina;
- LEVA requested advice about what to tell a judge during a bond hearing for non-compliant parent of child abuse victim.
- LEVA wanted to know how services are different between witnesses and victims.
- Solicitor requested advice about an upcoming hearing for an offender who violated a gag order during trial. Do victims have the right to speak at this sentencing hearing?
- Congressional Aide calling for clarification about Temporary Restraining Orders for a constituent.
- Solicitor Advocate wondered if obstruction of justice is a "victim" crime.
- State agency wants to know who should be notified of hearings if child abuse victim is in foster care.
- LEVA called concerned that her Chief and officers are accusing her of mishandling a case.
- Advocate wanted advice about what to do when the legal guardian of a mentally ill adult victim wanted themselves to be notified rather than the victim.
- LEVA requested confidential assistance for a reckless homicide case that was "improperly dismissed" at the law enforcement level.



CVO DATA

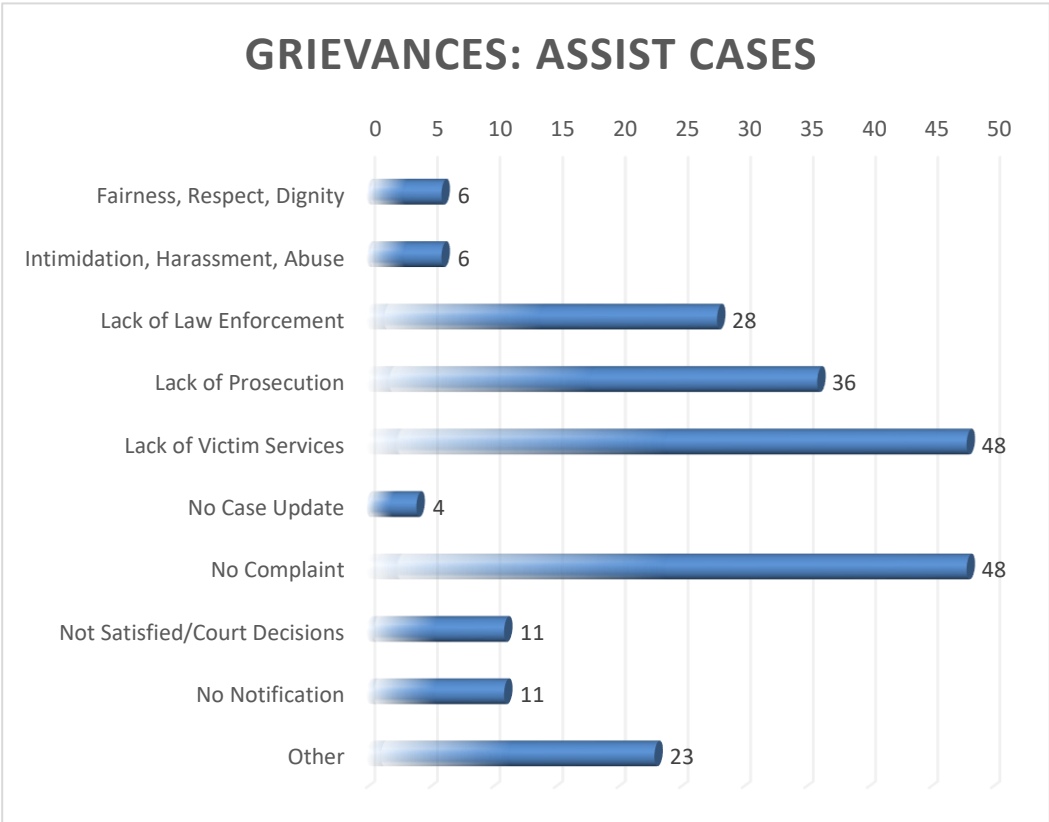
We collect many types of data in every case: type of caller, county, agency involved, type of complaint, crime involved, and how we resolved the issue.

Types of Crimes: 248 Assist Cases



“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 particular crime.

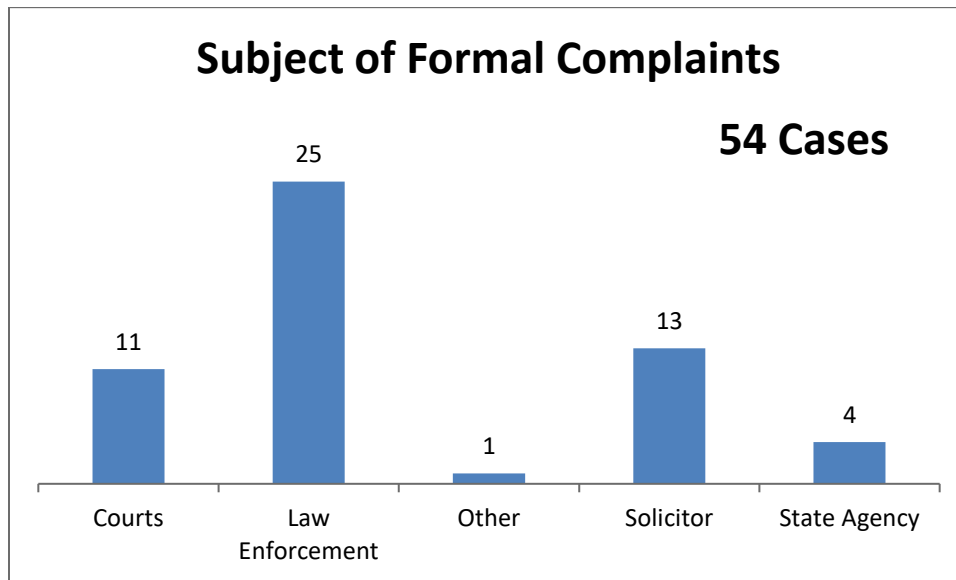




In this chart, “No Complaint” indicates a request for assistance from a member of the criminal justice/ victim service community.



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;

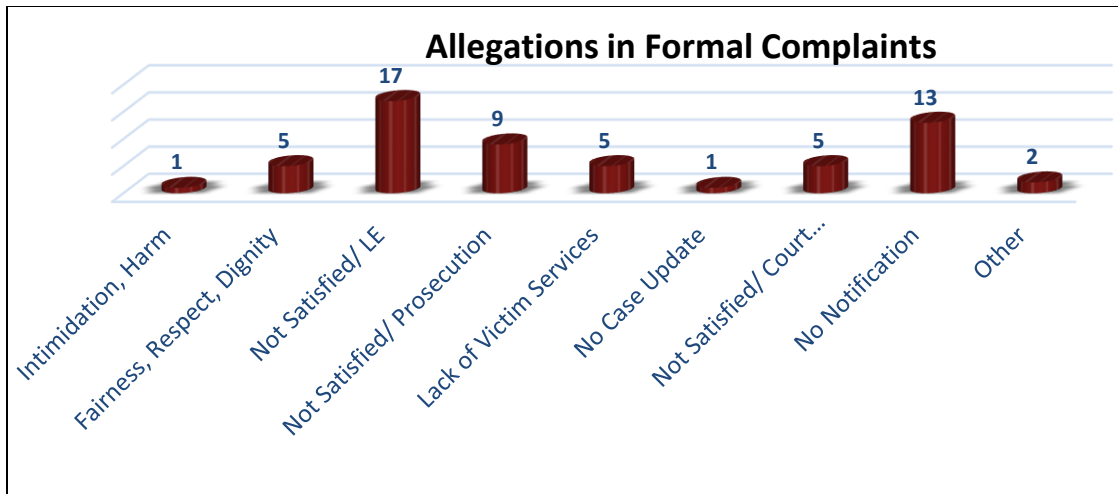
Solicitor: All Solicitors and their staff
All City Prosecutors and their staff

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 (SCDC), Probation, Parole and Pardon Services (DPPPS), SLED, Department of Crime Victim Compensation (DCVC), Department of Juvenile Justice (DJJ), and Juvenile Arbitration Board.

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.”

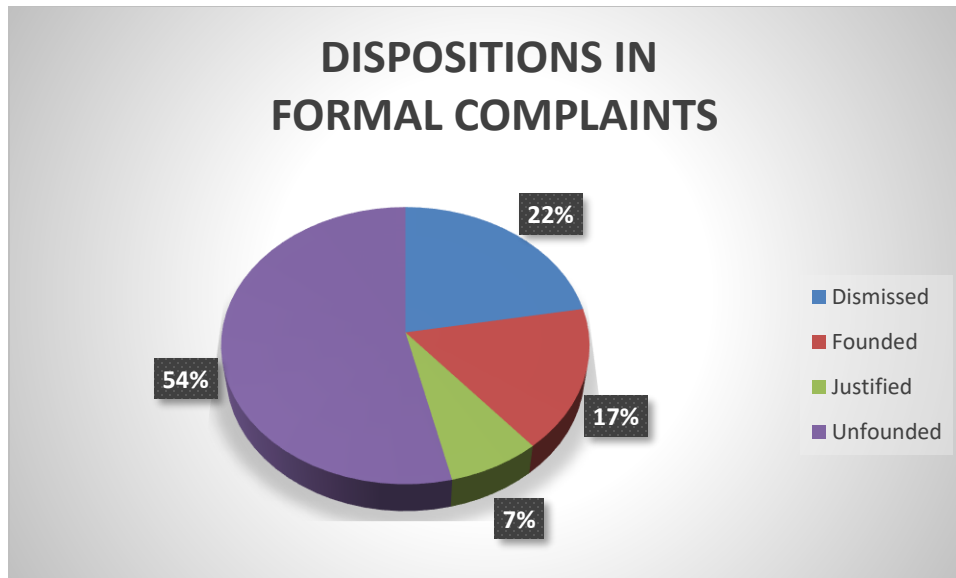
The guidelines for each of the Dispositions are as follows:

- 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 **54** Formal Complaints that were investigated, victims complained of 58 victims’ rights violations. **32** were **Unfounded**, **7** were **Not Justified**, **9** were **Founded** and **12** 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 of an agency to victims. 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 decision.

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

Formal 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 an 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 the 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 hearing and therefore could not notify the victim.

Relevant Law

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:**

- (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.

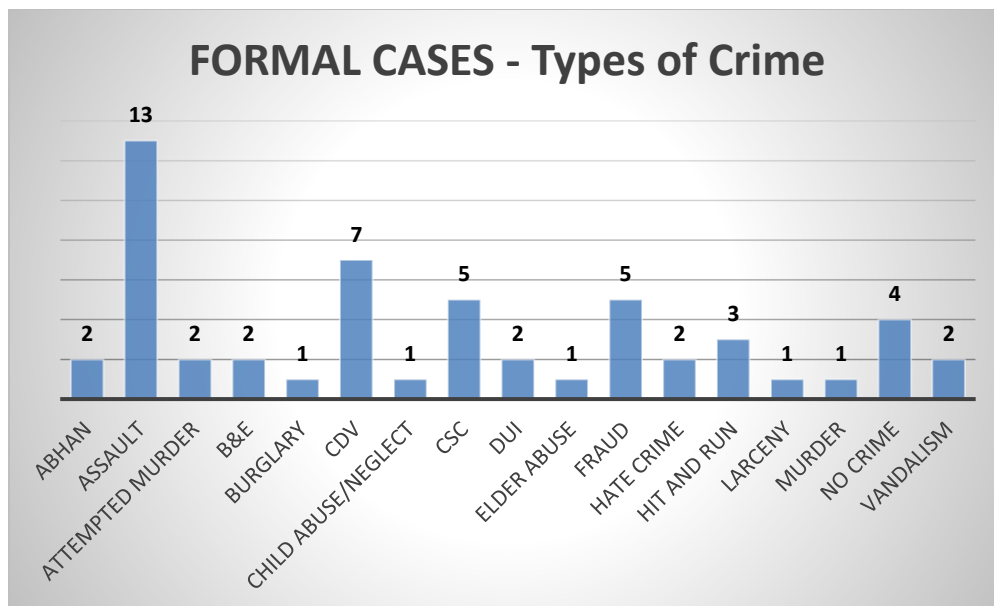
Section 16-3-1525 (H)(2) Before bond hearings, the [Summary Court, Family Court, Circuit Court] Judge must ask the facility having custody of the defendant to verify that a reasonable attempt was made to notify the victim sufficiently in advance to attend the proceeding. If notice was not given in a 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 staff;
- Shared information and clarified policies with Summary Court judiciary and staff;
- Notified CVO regarding the above actions taken in accordance with S.C. Code §16-3-1630.

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



Note: 54 individual cases reported, more than one entity reported and investigated for alleged violations of victims’ rights (58 unique inquiries).

Formal Case Summary #2

Crime: Assault and Battery 3rd

Complaint: Prosecutor violated victims' rights to a prompt and final conclusion of his case, and the right to be treated with fairness, dignity and respect.

Subject of Complaint: City Prosecutor

Scenario: A victim of crime was assaulted in 2013. The offender was charged with Assault and Battery 3d degree.

The victim called for our help in 2018 after the case had been continued six times since 2013. He had attended all hearings, but the defendant had not attended any.

CVO Inquiry: After sending the Formal Complaint letter to the City Prosecutor handling the case, it was turned over to a new assistant city prosecutor who assured us the case would be handled promptly.

The victim returned to our office a few months later, very disappointed. He had attended yet another hearing but the case did not go forward as expected. The defendant's newest attorney filed a motion for the court to consider Pretrial Intervention for his client. The defendant had been rejected from PTI years prior, but the assistant prosecutor admitted to CVO that he could not remember the case history, and had not reviewed the case file prior to the hearing. He apologized.

Weeks later, the City Prosecutor wrote us a letter stating the newest prosecutor had left the office and, after reviewing the case, the newly-assigned city prosecutor was going to recommend the case be dismissed.

The reasons stated for the dismissal were that the victim had not provided names and contact information for witnesses, that the victim's recollection of the incident did not match what was written on the incident report, and "[the victim's] strong interest in a financial payout from [the defendant.]"

CVO responded to the Prosecutor, noting that the initial incident report contained the names and contact numbers of two witnesses. The incident report was, in our opinion, poorly written by the responding officer. It was scant in details and did not include witness statements. It was not surprising that the victim's recollection of the crime would elaborate on what little was included in the incident report. Additionally, the South Carolina Department of Crime Victim Compensation verified the victim's extensive injuries were caused by the crime and paid \$17,000 worth of his medical bills. The victim understood any money he received by way of restitution would reimburse the Victim Compensation Fund.

OUTCOME:

CVO concluded, “At this point, it is no longer a matter of how long this case has taken to come to “a reasonable disposition and a prompt and final conclusion” (S.C. Const. Art. 1 Sec. 24(A)(11), but a matter of a crime victim’s right to “be treated with fairness, respect and dignity.” (S.C. Const. Art. 1 Sec. 24(A)(1)). Your letter blatantly blames [the victim] for your office taking five years to come to a point where you are now dismissing this case. You had medical bills and a witness in November of 2014. Had an investigator contacted [the witness] and gotten a statement, it is likely you would have a prosecutable case. The “lack of overall evidence related to the assault” is directly related to your disinclination to have an investigator collect witness statements until 2018.”

Within months, the Assistant Prosecutor reached an agreement, and the defendant pled guilty. The victim was awarded \$7,500 in restitution, and the State Victim Compensation Fund was reimbursed for medical expenses paid out for the victim’s injuries.

This case against the prosecutor was **FOUNDED** on the following two counts:

Relevant Law:

S.C. Const. Art. 1 Section 24. 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 (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 (11) a reasonable disposition and a prompt and final conclusion of the case.

Formal Case Summary #3

Crime: Robbery, Home Invasion

Complaint: Solicitor did not request restitution to cover all unpaid medical bills.

Subject of Complaint: Solicitor’s Office

Scenario: Five people broke into a man’s home and robbed him. He was not notified when four of the five offenders were released from jail; was not afforded the right to speak at their bond hearings; and did not receive restitution from four of the offenders.

CVO Inquiry: CVO communicated with the Solicitor to determine what occurred. After prosecuting and convicting all defendants, the Solicitor’s Office held a restitution hearing for one co-defendant.

He was ordered to pay \$8,035.89. However, it was discovered that a few medical bills had been overlooked.

Outcome: After working closely with CVO, the Solicitor made a motion to modify the first restitution Order to include the additional unpaid bills. The Judge denied the motion. The Solicitor's Office did not stop there. They requested a restitution hearing for the second defendant in an effort to comply with the victim's rights. The Solicitor's Office made every effort to assist the victim to rectify errors that were made when calculating the restitution amount.

The complaint against the Solicitor's Office was **Not Justified**.

Relevant Laws:

S.C. Const. Art. 1 Section 24. 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:

(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;

S.C. Code § 17-25-322(A) When a defendant is convicted of a crime which has resulted in pecuniary damages or loss to a victim, **the court must hold a hearing** to determine the amount of restitution due the victim or victims of the defendant's criminal acts. The restitution hearings must be held unless the defendant in open court agrees to the amount due, and in addition to any other sentence which it may impose, the court shall order the defendant make restitution or compensate the victim for any pecuniary damages. The defendant, the victim or victims, or their representatives or the victim's legal representative as well as the Attorney General and the solicitor have the right to be present and be heard upon the issue of restitution at any of these hearings.

(B) In determining the manner, method, or amount of restitution to be ordered, the court may take into consideration the following:

(1) the financial resources of the defendant and the victim and the burden that the manner or method of restitution will impose upon the victim or the defendant;

(2) the ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court;

(3) the anticipated rehabilitative effect on the defendant regarding the manner of restitution or the method of payment;

(4) any burden or hardship upon the victim as a direct or indirect result of the defendant's criminal acts;

(5) the mental, physical, and financial well-being of the victim.

(C) At the restitution hearings, the defendant, the victim, the Attorney General, the solicitor, or other interested party may object to the imposition, amount or distribution of restitution, or the

manner or method of them, and the court shall allow all of these objections to be heard and preserved as a matter of record. The court shall enter its order upon the record stating its findings and the underlying facts and circumstances of them. The restitution order shall specify a monthly payment schedule that will result in full payment for both restitution and collection fees by the end of eighty percent of the offender's supervision period. In the absence of a monthly payment schedule, the Department of Probation, Parole, and Pardon Services shall impose a payment schedule of equal monthly payments that will result in full restitution and collections fee being paid by the end of eighty percent of an offender's supervision period. The department, through its agents, must initiate legal process to bring every probationer, whose restitution is six months in arrears, back to court, regardless of wilful failure to pay. The judge shall make an order addressing the probationer's failure to pay.

(D) All restitution funds, excluding the twenty percent collection fee, collected before or after the effective date of this section that remain unclaimed by a crime victim for more than eighteen months from the day of last payment received must be transferred to the South Carolina Victims' Compensation Fund, notwithstanding the Uniform Unclaimed Property Act of 1981.

(E) An offender may not be granted a pardon until the restitution and collection fees required by the restitution order have been paid in full.

Formal Case Summary #4

Crime: Assault

Complaint: Law enforcement did not appropriately charge crime; offender was not in jail.

Subject of Complaint: Law Enforcement, Courts

Scenario: The victim and his friend got into a fight. Law enforcement was called and the man was charged with Assault and Battery, 3d degree. The victim alleged law enforcement "promised to charge the offender with a felony," but they did not. The victim alleged the Judge told him the man would go to jail, but he was only ordered to pay \$400 in restitution to the victim.

CVO Inquiry: CVO communicated with law enforcement and the court to determine whether the allegations were true. Law enforcement sent CVO the case file, and the Courts sent us a recording of the proceedings.

Outcome: CVO did not discover any irregularities in any of the actions of either law enforcement or the courts.

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

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

Formal Case Summary #5

Crime: Other

Complaint: Complainant objected to the legality of hunting wild pigs and requested CVO’s help to stop the practice.

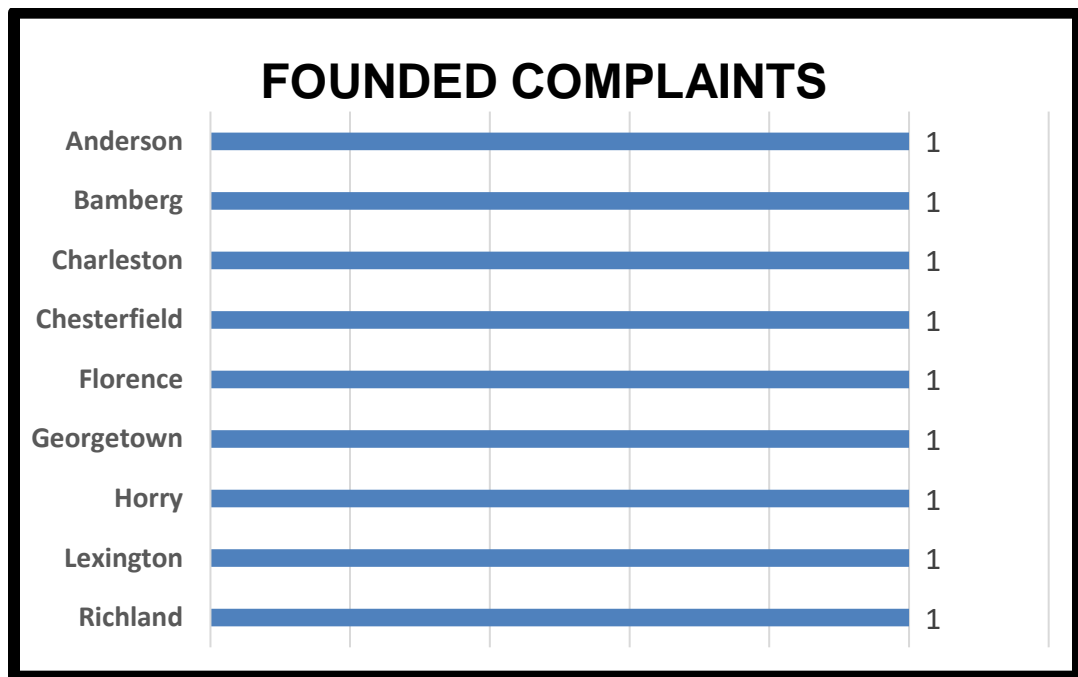
Subject of Complaint: Law Enforcement, Courts

Scenario: It is legal to hunt wild pigs in South Carolina.

CVO Inquiry: CVO did not conduct an inquiry because the Complainant was not a crime victim and the complaint did not involve a crime.

Outcome: CVO wrote to the Complainant explaining the above.

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



CVO Training and Outreach:

- 1,416 Victim Service and Criminal Justice professionals were trained by CVO this year.
- CVO conducted 10 site visits, 21 outreach events, and attended 39 meetings in an effort to improve services to South Carolina’s crime victims.

South Carolina Crime Victim Ombudsman

Established in 1994 by S.C. Code §§16-3-1620-1690, the Department of the Crime Victim Ombudsman (CVO) 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.

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.



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Together We Stand.



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**.



Human progress is neither
automatic nor inevitable ...

Every step toward the goal of
justice requires sacrifice, suffering,
and struggle; the tireless exertions
and passionate concern of
dedicated individuals.

Dr. Martin Luther King, Jr.



Attorney General Alan M. Wilson
State of South Carolina

Crime Victim Ombudsman
803.734.0357
www.CVO.SCAG.GOV