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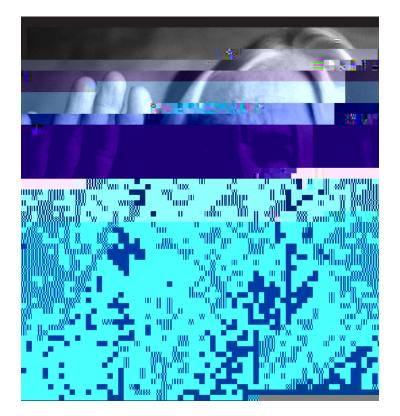
(B) Nothing in this section creates a civil cause of action on behalf of any person against any public employee, public agency, the State, or any agency

#### Crime Victims' Ombudsman Overview

## Established in 1996 (SC Code §16-3-1620-1680) t Ombudsman is comprised of two divisions with distinct responsibilities:

(1) The Crime Victims' Ombudsman

## Crime Victims' Ombudsman and OVSEC: <u>Building a Better Victim Services System</u>



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

### OUR PHILOSOPHY:

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

Efficiently resolve complaints made by crime victims. Collaborate with the criminal justice/victim service community to ensure ethical performance and accountability.

ability to collaborate within their

communities to provide comprehensive, wraparound services to victims of crime.

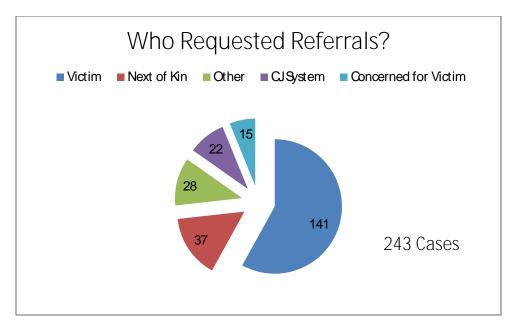
Provide oversight of certification and training to VSPs to ensure compliance with South Carolina law.

Educate the criminal / juvenile justice/ victim service community and

ability to comply with South Carolina law and provide supportive assistance to crime victims.

Requests for help via letters, e-mails, phone calls, website, etc. Referrals: CVO refers

Much of the work of the CVO involves educating crime victims about who is available within their own communities to assist



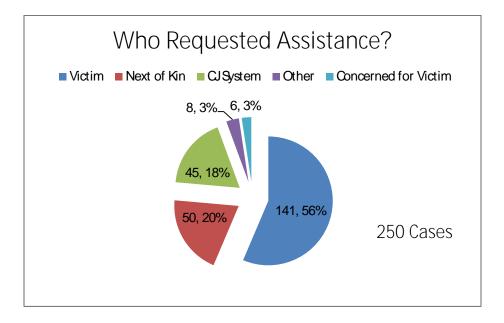
"Assists" Provided by the Crime Victims' Ombudsman

Cases are carefully reviewed on an individual basis and a determination may be

of the victim, taking into account his or her safety and other considerations. Therefore, as communication and relationships have strengthened between CVO A

rather than Formal Complaints. Positive feedback from both parties suggests the use of this approach is effective. It is our hope that this continued approach may

services provided by the criminal justice system to victims.



No Complaint s requests for information, resources or technical assistance from the victim services or criminal / juvenile justice community. "Other" are requests for help from people who, after investigation, are deemed criminal offenders, or whose issues do not rise to the level of a crime (example: child custody issues,

or teachers at school). All Assist cases involve CVO fully investigating to verify that all assistance available to the individual has been provided.

## CASE EXAMPLES: CVO ASSISTS

Victim Denied the Right to be Heard at Bond Hearings:

Victim complained she was not allowed to speak at a bond hearing. County officials stated the room where bond hearings were held was not designed to allow victims to be present and heard. After CVO viewed bond court proceedings, we met with the Judge who expressed his concern about information he received from Court Administration admonishing judges from participating in *ex parte* communication with victims. CVO arranged a conversation with the Judge and Court Administration to clarify this issue. Court Administration verified for the judge that victims must be allowed to speak at bond hearings. The Court made exceptional accommodations immediately for victims to be heard by installing two-

Victim Treated with Disrespect:

CVO received a call from a victim experiencing an emergency in court and needed help. We referred her to her VSP, but the victim said she could not get in touch with her because her voicemail was full. CVO offered to immediately contact VSP for her, but the victim said, S

VSP

#### voicemail was full.

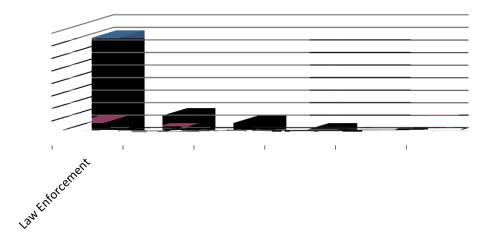
CVO called the VSP on her cell phone. It was immediately apparent that she was upset. She blamed the victim for not getting in touch with her. When we told her that her voice mail was full, she denied it. We were concerned that she would continue this behavior with the victim, and <u>in an unusual step</u>, we immediately contacted her supervisor with our concerns. Another VSP was assigned and met the victim in court. CVO followed up with a letter to her chief/sheriff. We promptly received an apology letter from him saying he had verified the allegations, and confirmed that the VSP had been reprimanded and would receive training.

#### Victim Complains about Solicitor's Decision:

Caller was the victim of a hit and run crash that left her vehicle damaged, and was upset that the Solicitor's Office offered the offender Pre-Trial Intervention (PTI). She believed that the offender should

offender

# 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 nonprofit victim/survivor service group:

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

\* Please note that one case can include complaints against multiple agencies. \*\* In the larger municipalities in SC, city prosecutors may handle criminal cases in summary court.

## Case Examples

#### Case Summary #1

Crime: Homicide

Complaint: The mother of a homicide victim was not notified that the suspect was released from jail. ( Notified)

Subject(s) of Complaint: Solicitor, Detention Center

Scenario: A young woman was killed with an axe. A suspect was arrested and charged with first degree m

first request for bond was denied by a Orcuit Court Judge. A few months later, the Judge heard motion to allow the suspect to be released on bond. He took the matter

consideration, telling all present that he would notify the Solicitor when his decision was made.

#### Relevant Law:

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

justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

Subject(s) of Complaint: Law Enforcement

Scenario: A female soldier went on vacation with fellow soldiers. They all stayed in the same hotel room, and had been drinking heavily. One man present was a stranger to the victim. In the middle of the night, the victim awoke and the stranger was sexually assaulting her. Her friend also woke up, saw what happened, and chased the offender out of the room. The victim and witnesses called police and two officers responde

SC Code §16-3

3) A third woman had nearly everything she placed on their over a three-year period. She heard through social media that several other individuals have had the same complaint, and discovered the name of the suspect. Law enfor

following morning and that she would be notified of the arrest and bond hearing. The victim  $\ensuremath{\mathsf{w}}$ 

discovered the arrest and bond hearing She took time off from work to attend the bond hearing. The Detention Center officer told her the judge was not yet present for the bond hearing, and to wait. After waiting for over an hour, she checked back in with the officer, only to be told that the hearing had been held and the suspect had already been released on a PR Bond for all three counts.

All victims wanted the offender

, which

held significant meaning to them. However, since they were not notified of her release, the offender was able 03≽12uTm1 0 0 1 90.024 540.34 Tm8C0003-TBTs1 0 070003-TBTs1 0 7 Tm 0 Tq550 1 (w)8(o)-5(u)

SC Constitution, Article 1, Section 24 (C).

(2)

physical,

psychological, or financial harm as the result of the commission or attempted commission of a crime

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.

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:

(1) disposition in Summary court;

SC Code §16-3-1525(A) A law enforcement agency, upon effecting the arrest or detention of a person accused of committing an offense involving one or more victims, must make a reasonable attempt to notify each victim of the arrest or detention and of the appropriate bond or other pretrial release hearing or procedure.

(C) A law enforcement agency, upon effecting the arrest or detention of a person accused of committing an offense involving one or more victims, must provide to the jail, prison, or detention or holding facility having physical custody of the defendant, the name, mailing address, and telephone number of each victim.

(H) In cases in which a defendant has bond set by a Summary court judge:

(1) the arresting agency of the defendant reasonably must attempt to notify each victim of each case for which bond is being determined of his right to attend the bond hearing and make recommendations to the presiding judge. This notification must be made sufficiently in advance to allow the victim to exercise his rights contained in this article;

(2) the Summary court judge, before proceeding with a bond hearing

Procedure nor any statutory law may be used in such a way that violates State Constitutional rights belonging to the Victim of a crime."

It is not uncommon for jurisdictions to read the (older) statute (enacted in 1997, before the Constitutional Amendment, enacted

Case Examples:

1. Parole Agent in Charge at a county Probation and Parole department called requesting help. They requested that court postpone a domestic violence case so that the crime victim could be present and heard at a hearing to be held that day. She had violated probation for a former charge and was in temporary custody until a bed became available at a treatment facility. The Agent and Victim Service Provider believed she was motivated to finally testify against her offender, and requested the hearing be postponed until she could be present. However, the Court stated it was their belief that the defendant was the only person who can request a continuation of a hearing.

CVO immediately wrote the Judge (via email) and sent the Court the following case law:

SC Code §16-3-1535(F) The summary court judge must recognize and protect the rights of victims and witnesses as diligently as those of the defendant.

The Judge immediately agreed to postpone the hearing until the victim could be present for the domestic violence hearing.

2. seven months pregnant, and had two other babies who were home during the arson. She had no insurance. Sheriff issued a warrant for arson and 3 counts of attempted murder. Suspect was still at large. Victim needed a building permit, a new ceiling and a final walk-through before she could move back into her house, but had no way to pay for the damage. She was currently sleeping but cautioned that it was

unlikely victim would recover her financial damages since offender has no job or other financial means. CVO contacted the local Law Enforcement VSP to see if she would work with local media to air this story to 1) help apprehend the offender, and 2) garner community support to help this family. Advocate successfully worked with the media to accomplish goals to help this victim and her family.

3. Prosecutor called to say the only person in town who was certified to pull NGC reports refused to provide their Office or Court with the reports for bond hearings. After a meeting with all parties, C/O clarified that SLED required the NGC operator to sign Memoranda of Agreement with any parties receiving the reports, but communication had broken down and the MOAs remained unsigned. C/O arranged for SLED to conduct a short training with all parties about the privacy of NGC reports, and the issue was resolved.

Provided technical assistance to law enforcement, courts, prosecutors and VSPs through sharing studies, sample policies, best practices/ procedures, relevant laws, practical advice, and arranging introductions for consultation with specialists Developed and distributed a sample brochure for law enforcement victim services Developed and distributes purposes

# <u>TRAINING</u>

1,427 Victim Service and Criminal Justice professionals were trained by CVO this year.

80

Services. (Locate this training on

## <u>Crime Victims' Ombudsman</u> Office of Victim Services Education and Certification (OVSEC)

South Carolina is the only state in the Nation that has elevated the level of professionalism of South Carolina Victim Service Providers (VSPs) by requiring them to complete annual specialized training to serve their constituents. OVSEC was established by statute in 2008 in SC Code §16-3-1620(C). Housed in the

continuing education requirements for victim service providers, and is authorized to promulgate regulations requiring VSPs to maintain their mandatory minimum certification requirements. Private, nonprofit and public victim assistance programs are mandated to ensure that all victim service providers employed in their respective offices are certified through the Office of Victim Services Education and Certification.

- Training Sessions were accredited by OVSEC
- \_\_\_\_ Non-
- \_\_\_\_ Trainings were posted to the OVSEC website
  - New VSPs and Notifiers were approved by OVSEC this year
    - VSPs and Notifiers training and certification records maintained

## What Does OVSEC Do?

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

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

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

### Mandatory Training for Victim Service Providers (VSPs)

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

New VSPs are required to complete the 15-hour basic certification requirements within one year from date of employment.

All VSPs are required to obtain12 hours of continuing education annually to maintain certification throughout their employment.

All Notifiers/ Support Staff working in Detention Centers/ Courts must complete a 2hour course regarding \_\_\_\_\_\_ within one year from date of employment, and complete the same course <u>every other year</u> throughout their employment.

VSPs and Notifiers/ Support Staff must complete their annual training by December 31st.

Up to

requirement for VSPs

VSPs must request that exta3(De)3(8.039o)7()-4(rse)-53(tt)5(h)0175>2011E01763019A>4000292.612 e

may apply for OVSEC credits for these Non-Approved trainings by submitting a <u>Non-Approved</u> <u>Certification Request</u> online at <u>www.OVSEC.SC.GOV</u> and attaching all required documentation (proof of attendance, agenda and training information) in order to receive credit <u>up to 30 days</u> <u>after a training</u>.

OVSEC Program Enhancements:

Now, you can apply online! OVSEC developed an online VSP Application and Training Accreditation system to streamline the process to register as a VSP, or to have a training reviewed and approved for certification. The online applications may be found at www.OVSEC.SC.GOV.

VSP Basic Training Requirements:

15-hour Basic Certification requirements consist of:

3 hours

1 hour

2 hours

2 hours

2 hours

2 hours

3 hours

Approved Trainings, Training Requirements and Accreditation Standards may be found

#### Crime Victims' Ombudsman and OVSEC Office of Executive Policy and Programs

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