



First Quarter
July - September 2018

OUTREACH AND ADVOCATE EXCHANGE

SOUTH CAROLINA ATTORNEY GENERAL'S OFFICE South Carolina Crime Victim Services Division

“Diagnosed Manifestation of Injury - A Game Changer”

by Deputy Director D. Scott Beard

Department of Crime Victim Compensation (DCVC)

Jane Doe was the victim of child sexual abuse when she was 12 years old. At age 32 Jane started to experience flashbacks and couldn't sleep, among other symptoms. She decided to see a therapist. The therapist diagnosed Jane with PTSD related to the child sexual abuse, and she began treatment.

S.C. Code of Laws 16-3-1230 (C) provides: “Upon good cause shown, the time for filing may be extended for a period not to exceed four years after the occurrence, diagnosed manifestation, or death.”

The key word in the law is the word “after.” In other words the four year period does not begin to run until after the victim is diagnosed with an injury related

to the incident or abuse. The diagnosed manifestation of Jane Doe's injury occurred when the therapist diagnosed her with PTSD at the age of 32. Jane now has until age 36 or four years from the date of diagnosis – as recorded in the therapist notes – to apply for victim compensation.

The victim does NOT have to be a child at the time of the incident and the injury does not have to be sexual assault. Jane or John Doe could have been kidnapped at age 25 and be diagnosed with depression related to the kidnapping at age 50. Jane/John would then have until age 54 to apply for crime victim compensation.

The required elements for a claim to be extended under

this provision are as follows: (1) the victim suffered a physical or psychological injury resulting in a compensable injury; (2) A licensed therapist diagnoses the victim with a compensable injury; (3) The therapist relates the injury to the criminal incident; (4) The incident must be reported to law enforcement, either at the time of the incident or at some point up to the time of application for compensation; (5) The victim must apply for compensation within 4 years of the diagnosis by a licensed therapist of a compensable injury related to the abuse.

Department of Crime Victim Assistance Grants (DCVAG)

Article by Deputy Director BJ Nelson

The South Carolina Office of the Attorney General, Department of Crime Victim Assistance Grants (DCVAG) announced the availability of the Victims of Crime Act (VOCA), Violence Against Women Act (VAWA), and State Victims Assistance Program (SVAP) grant funds in February 2018 with a deadline for grant application submission of April 3, 2018. DCVAG received 171 grant applications with a total request

for funding of \$54,866,602 for FY 2018. The DCVAG received \$41,290,125 in requests from private non-profit organizations, \$3,652,917 in requests from law enforcement agencies, \$3,372,552 from solicitor's offices, and \$6,551,008 from state agencies. Recommendations for funding were provided to the South Carolina Public Safety Coordinating Council (PSCC) in July for their review and approval. Agencies

were notified of their awards in August prior to the October 1, 2018 effective date.

DCVAG is also in the process of replacing the current grants management system (GMIS) with a new and robust system that will manage the VOCA, VAWA and SVAP awards to subrecipients in South Carolina.

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The Attorney General's Office 21st Annual Silent Witness Ceremony will be held on October 2, 2018 at 10am on the South steps of the Statehouse

New Crime Victim Services Employees:

April Staten-DCVC
Victim Support

Armando Pons-DCVC
Restitution Recovery

Bonnie Brooks-DCVAG
Grants

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DID YOU KNOW?

IMPORTANT NEWS

The Attorney General announced on July 9, 2018 that the South Carolina Legislature approved a Proviso 59.17 raising the funeral/burial crime victim compensation cap to \$6,500. This will provide much help to families of eligible homicide claims.

October:

Domestic Violence Awareness Month

National Breast Cancer Awareness Month

November:

Child Safety Protection Month

National Alzheimer's Awareness Month

December:

Human Rights Awareness Month (December 10th)

Sandy Hook Remembrance Day (December 14th)

Department of Crime Victim Assistance Grants (DCVAG)

Article by Deputy Director BJ Nelson

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Staff is currently working with the South Carolina Attorney General's IT Division and a vendor in providing the customization and configuration of the new system. The final phase of the process will be the training of staff and subrecipients. DCVAG will be hosting four training sessions for subrecipients over a two day period, October 11 and 12, 2018, for subrecipients to choose from. The sessions will be at the Department of Juvenile Justice in Columbia. Call Bonnie Brooks at 803-734-1424 for a reservation.



Department of Crime Victim Compensation (DCVC)

FY 17-18 End of the Year Statistics

As of the end of FY-18, the Department of Crime Victim Compensation (DCVC) received a total of **8,066** claims and paid on **7,940** claims for a total of **\$7,878,622.00**. The services paid include medical, dental, mileage, counseling, lost wages, funeral/burial and forensic exams for adult sexual assault, anonymous sexual assault, child sexual and physical assault.

The agency collected **\$505,176.02** in restitution. In addition, some claims were offset by other sources and saved the agency **\$499,881.61**. Thus making these funds available for victims needing additional services.

DCVC assisted **72** walk-in crime victims and answered/filtered **10,912** phone calls by providing

advocacy, support, information, referrals and customer service to crime victims and providers across the state.

The HIV/nPEP program has partnered with hospitals and infectious disease clinics statewide to improve services for victims of criminal sexual conduct who are found to be at risk for contracting HIV. A total of **\$30,602.66** was paid out to assist these at risk victims.

While providing oversight of the Victim Assistance Fines, Fees and Assessment Funds statewide, the DCVC auditing department recouped a total of **\$146,369.34** in unallowable expenditures resulting from audits, budget reviews/desk audits. These funds were directed back into local victim

assistance programs across the state.

As you can see, we have been very busy! As we move into the new fiscal year, we look forward to continued success working together in a collaborative effort to make a difference in the lives of those who have been victimized.



Listed below are several toolkits and resources to assist and aid in providing the best quality of services to crime victims.

The following information was taken from the Office For Victims of Crime Training and Technical Assistance Center (OVCTTAC) website at <http://www.ovcttac.gov>

[SANE Program Development and Operation Guide](#)

The Guide provides a blueprint for communities that would like to start a SANE program. For communities with existing SANE programs, the Guide serves as a resource to help expand or enhance services provided to the community.

[National Identity Theft Victims Assistance Network](#)

This Toolkit provides guidance to improve services to identify theft victims and to start a collaborative group in your area. It includes an interactive map of local resources, training, and marketing tools.

[Strategic Planning Toolkit](#)

Help your organization make a plan to grow, change, and remain sustainable into the future. This Toolkit offers instruction on what strategic planning looks like and how to develop and implement a plan.

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Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis (CVST) Article by Deputy Director Kim Hamm

The Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis (CVST), formerly the Office of Victim Service Education and Certification (OVSEC), manages training certifications for over 4,300 Victim Service Providers in South Carolina. In our first year as a new Department we have made some significant progress toward meeting our mission of further professionalizing the field of victim services through ensuring proper training, certification of victim services providers, and analysis of relevant statistical data.

For the first time since the creation of the Victim Service Provider certification program was initiated ten years ago, we are preparing to update training standards for new victim service providers. In July 2018, the Victim Services Coordinating

Council voted unanimously to adopt the proposed revisions to the basic training program for new VSP's. These new standards go into effect in January 2019. Active VSP's do not need to worry about this change, it effects new and incoming VSP's only. All agencies that provide the basic VSP training have been apprised of the upcoming changes that they need to make to the revised VSP training, dubbed VSP 2.0, prior to January 2019.

In June 2018, [House Bill 3329](#) passed through the legislature, updating the Human Trafficking law in South Carolina. One of the updates in this law included the creation of a certification for "Human trafficking specialized service providers". We at CVST have worked closely with the Human Trafficking Task Force in planning for implementation of a new VSP certification specialized

for Human Trafficking. We plan to roll out this program during Human Trafficking Awareness month in January 2019. CVST also recently secured grant funding to hire our first statistician who will provide statistical analysis of relevant data for crime victim services, and we are excited to see what information this will bring forth for the field.

Moving forward, we are working with our IT department on updating the CVST data tracking system and website to make it more user-friendly so that our office can better meet your needs. We look forward to sharing our progress and continued successes with the victim services community.

Department of Crime Victim Compensation (DCVC) Upcoming Statewide Training and Events

Below is information regarding upcoming training and events statewide:

- [October 3, 2018](#) - DCVC training for Sauls Funeral Home in Bluffton, SC
- [October 12, 2018](#) - DCVC Basic Core Training for SCCADVASA. For additional information call 803-256-2900 or visit <http://www.sccadvasa.org>
- [October 15, 2018](#) - DCVC Basic Core Training for volunteers of Julie Valentine Center in Greenville, SC. For additional information call 864-331-0560 ext. 234
- [October 23, 2018](#) - DCVC Professional Development Series-Victim/Witness Intimidation Training at Charleston County Sheriff's Office in North Charleston, SC. For information, contact Assistant Deputy Director, Ethel Douglas Ford, CPM at 803-734-1704
- [November 7, 2018](#) - DCVC training for staff at Serenity Mortuary in Summerville, SC
- [November 19, 2018](#) - DCVC training for Regional Morticians Association in Florence, SC
- [November 27, 2018](#) - DCVC Basic Core Training for SCCADVASA. For additional information call 803-256-2900 or visit <http://www.sccadvasa.org>

Department of Crime Victim Compensation (DCVC)

Community Outreach Services

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Human Trafficking Task Force e-Guide

This e-Guide is a comprehensive source for law enforcement, victim service providers, and prosecutors for the latest findings, tools, and resources on all aspects of human trafficking.

Legal Assistance for Crime Victims

OVC is working with national experts to offer training and technical assistance opportunities to the legal community; providing attorneys with the tools they need to increase their knowledge base about crime victim issues; and increasing their capacity to provide pro bono or no-cost representation to crime victims.

Human Trafficking

OVC aims to improve the response to all human trafficking survivors by strengthening collaborations and integrating human trafficking expertise into the field through an array of training and technical assistance resources.

Tribal Victim Assistance

Access resources to assist in building your organization's capacity to serve crime victims in Indian Country.

For additional information please visit the OVCTTAC website at: <https://www.ovcttac.gov>

Law Enforcement and Victim Advocate Training

Currently, DCVC is in the process of creating a new outreach initiative involving training law enforcement and victim advocates. The goal is to reach out to law enforcement and victim advocates across the state to provide training and education regarding the crime victim compensation program, services and benefits to ensure victims are informed and aware of available services.

Community Outreach

For FY-18 and FY-19, DCVC continues outreach as outlined below:

- Solicitor's Offices
- Technical assistance for compensation
- Community collaboration and networking with over 100 organizations and businesses

Also, displays were set up at various locations:

- Cross High School's Annual Kids Day

- Cross Special Kids Day
- Midlands Technical College Benefits Fair
- Springdale's Annual Night Out
- Human Trafficking Youth Summit-R2i2
- Harvest Hope Food Banks

As a result, the outreach coordinator provided information regarding DCVC's program, benefits and services to a combined total of **111** participant's for both events.

Victim Service Fair

Also, there is another new outreach initiative being launched to collaborate with victim service groups called the "Victim Service Fair". The first committee meeting was held with York County Victim Service groups to discuss the First Annual Victim Service Fair to be held in York County. The purpose of the Victim Service Fair is to build strong partnerships and promote collaboration and networking opportunities by bringing various victim community groups together in the county.

Victims' Rights

What Are Victims' Rights?

All states and the federal government have passed laws to establish victims' rights. In general, these laws require that victims have certain information, protections, and a role in the criminal justice process. Victims' rights depend on the laws of the jurisdiction where the crime is investigated and prosecuted: state, federal or tribal government, or military installation.

Who May Exercise Victims' Rights?

A victim is usually defined as a person who has been directly harmed by a crime that was committed by another person. In some states, victims' rights apply only to victims of felonies (more serious crimes) while other states also grant legal rights to victims of misdemeanors (less serious crimes). In South Carolina every victim every time should be afforded the opportunity for advocacy and assistance. Although prop-

York County Victim Service groups agreed to partner with the Office of the Attorney General, Department of Crime Victim Compensation to host the First Annual Victim Service Fair in the Spring of 2019.

The committee members consist of the Solicitor's Office, City of Rock Hill, Safe Passage, Winthrop University, Rock Hill Police Department, South Carolina Department of Probation, Parole and Pardon Services, York County Sheriff's Office, Mothers Against Drunk Driving and Catawba Indian Nation.

Additional information regarding these two new outreach initiatives will be forthcoming.

Upcoming Outreach:

- SC Department of Education Regional Fall Counselor's Workshops
- Family Wellness and Safety Expo
- Solicitor's Office Programmatic Site Visits

erty crimes are not covered by crime victim compensation, victims still have rights. South Carolina allows a family member of a homicide victim or the parent or guardian of a minor, incompetent person, or person with a disability to exercise these rights on behalf of victims.

[Victims' Rights information - Excerpts taken from the National Center for Victims of Crime at http://victimsofcrime.org](http://victimsofcrime.org)

SC CRIME

VICTIMS' RIGHTS

1. You have the right to be treated with fairness, respect and protected from intimidation of harm throughout the criminal and juvenile justice process;
2. You have the right to be informed about victims' rights, criminal proceedings and if the accused is arrested, released, or escapes;
3. You have the right to be heard at bond, bail, release, pleas, or sentencing;
4. You have the right to reasonable access to documents relating to the crime;
5. You have the right to be present at criminal proceedings where the accused can be present and confer with prosecution before the case is heard in court;
6. You have the right to restitution from adult or juvenile offenders;

Violating these rights is punishable by law. (Excerpt: South Carolina Constitution, Article 1 Section 24)

“Hot Button Topics”

by Deputy Director Veronica Swain Kunz

Department of Crime Victim Ombudsman

During the course of our work, we start to notice trends. For example, we recently had two callers from different parts of the state who were facing the same issue. Both were attorneys representing victims in criminal cases. Both were requesting to review the case file after the investigation was concluded and before the plea/trial, as set forth in the Victims' Bill of Rights (SC Const. Art. 1, Section 24 (A)(8)). Both requests were refused by Solicitors Offices. Both Assistant Solicitors were confused about why those attorneys were involved in “their” cases and did not know what to do. These attorneys were not representing the victims in civil cases – they were victims' rights attorneys. They were retained by victims to enforce their legal rights throughout the investigation and prosecution of their cases.

Our state's laws mandate the following:

The summary court ... reasonably must attempt to notify each victim of his right to **be represented by counsel**. SC Code Section 16-3-1535 (2) (A)

The prosecuting agency must inform each victim of his **right to legal counsel** and of any available civil remedies. SC Code Section 16-3-1545 (D)

Some defendants' rights are so well-known that most regular citizens understand the issue through the use of just one word; Miranda. Victims' rights laws have only been on the books since the 1980's, so little case law has been developed to guide these Solicitors. Their questions are understandable. Should they notify BOTH the victim or just their attorney? Where does a victims' rights attorney even SIT in a courtroom?

South Carolina is fortunate to have more attorneys than ever before representing victims throughout criminal prosecutions. Many overworked prosecutors appreciate the help victims' attorneys offer since they can file motions to protect victims' privacy and confidentiality, respond to third-party subpoenas, oppose rape shield evidence, and compel defense attorneys to “come to the table” based on a victim's right to a prompt disposition in a case.

Crime victims' legal rights will only be enforceable as they are litigated (argued through our courts) and case law is developed. In both of the cases previously mentioned, the attorneys were ready to litigate the refusals to review the case files. After consulting with our office

and thoroughly reviewing the issue, both of the Assistant Solicitors decided to allow the attorneys to review the case files. As more victims retain attorneys, disputes about victims' rights will be settled through litigation and will become clearer. Maybe one day, we will easily recognize victims' rights issues through the use of just one word.





Department of Crime Victim Compensation (DCVC)

Auditing Victim Assistance Fines Fees and Assessment Fund Training

The Department of Crime Victim Compensation (DCVC) conducted a training on September 21, 2018 from 9am-1pm at Bill Rogers Community Connections Center, South Carolina Department of Juvenile Justice.

The workshop was designed to educate, train and provide updated information to agencies responsible for the accountability of the Victim Assistance Fines, Fees and Assessment Funds within counties and municipalities.

There were 86 participants in attendance. The audience con-

sisted of local treasurer's office personnel, clerk of courts, finance directors, sheriffs, chiefs, victim advocates and non-profit organizations.

The agenda outlined information is as follows:

- Legislation (Act 96) Provisos (59.15 and 98.9)
- Approved Guidelines
- Time and Activity Overview
- Contracts
- Donations
- Audit and Budget Review
- Frequently asked Questions
- Auditing Highlights

Missed the training? Please contact Ethel Douglas Ford for the PowerPoint at 803-734-1704.

Contact Information:

Laura Hutchison
Outreach Coordinator

1205 Pendleton Street

Columbia, SC 29201

Phone: 803.734.0484

Fax: 803.734.1708

lhutchison@scag.gov

www.sova.sc.gov



It's Fall!

Take a Road Trip

and

Enjoy the Fall Foliage!