

**Department of Crime Victim Ombudsman**  
Annual Report FY 2018-2019





## A Message from the Ombudsman

Only 30 years ago crime victims had virtually no rights and no assistance. The criminal justice system often seemed indifferent to their needs. Victims were commonly excluded from courtrooms and denied the chance to speak at sentencing. They had no access to victim compensation or services to help rebuild their lives. There were few avenues to deal with their emotional and physical wounds. Victims were on their own to recover their health, security, and dignity.

“Part of victims’ recovery depends on their seeing — first hand, if possible — our system of justice at work.”

There were plenty of skeptics in South Carolina when grass-roots organizations began to insist that crime victims deserved a “seat at the table” in the criminal justice process. Prosecutors and judges were concerned that they were already overburdened and could not take on new roles: conferring with victims about prosecutorial decisions, notifying them of hearings, allowing them to speak at sentencings.

The silent, victimized majority disagreed, and voters ushered in Constitutional rights for South Carolina crime victims in 1998. That same year, legislators also decided we needed a Victims of Crime Ombudsman: an independent entity that investigates and resolves complaints between parties. *Our mandate is to serve as problem solvers.* We investigate allegations of victims’ rights violations and, if founded, work with our stakeholders to resolve issues and enhance their ability to effectively serve victims in the future.

It gives me great pleasure to present the *South Carolina Crime Victim Ombudsman’s Annual Report for 2018-2019*, 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. We are here to serve.

Thank you for all you do to help others!



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## South Carolina Crime Victim Ombudsman



### Our Mission

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.

### Our Vision

## Our Philosophy: Building a Better Victim Services System

The CVO staff serves constituents in the most efficient manner possible 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.

“Many citizens have found one-sided and hence unjust the criminal trial in which a parade of witnesses comes forth to testify to the pressures beyond normal human experience that drove the defendant to commit his crime, with no one to lay before the sentencing authority the full reality of human suffering the defendant has produced.”

*Supreme Court Justice Antonin Scalia*

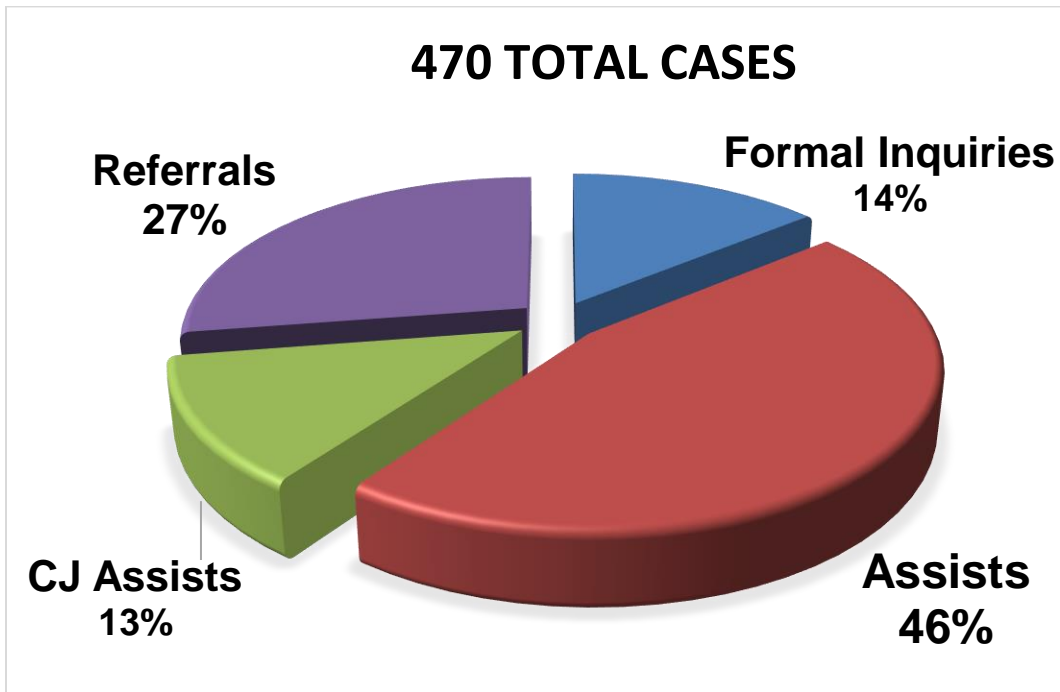
## How We Accomplish Our Mission

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

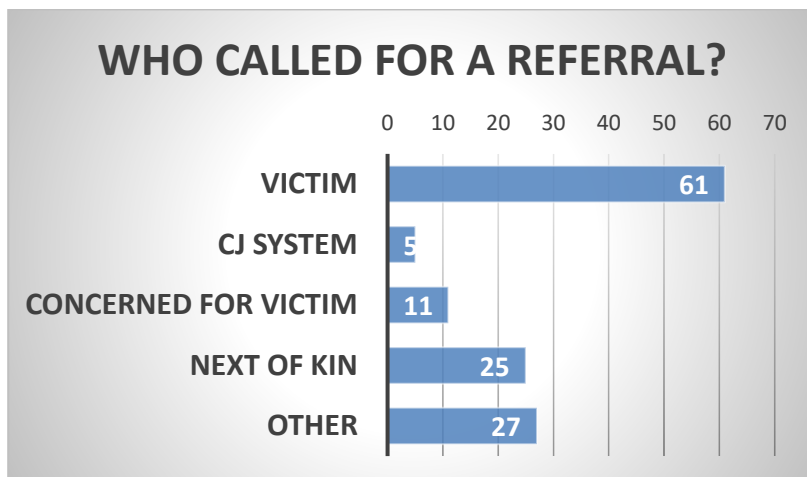
1. **Refer crime victims** to the appropriate element of the criminal and juvenile justice systems or victim assistance programs, when services are requested by crime victims or are necessary as determined by the Ombudsman;
2. **Act as a liaison** between elements of the criminal and juvenile justice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



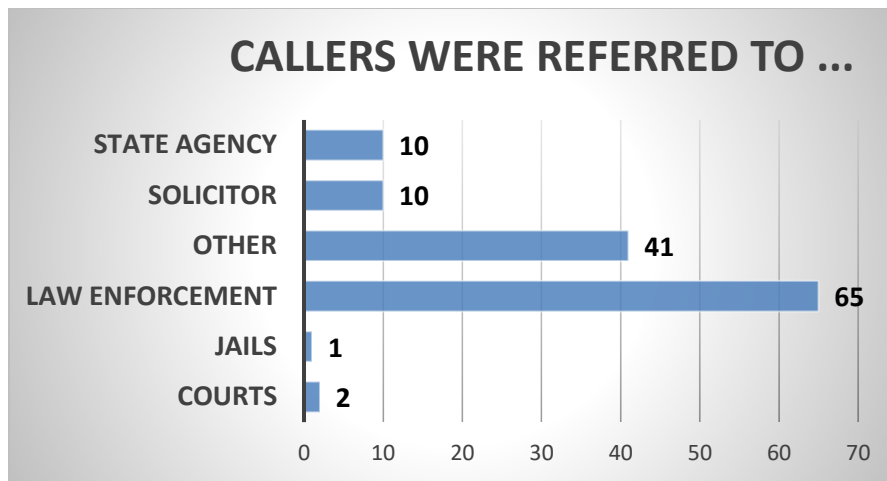
# 2018 – 2019 STATISTICS



**1. CVO REFERRALS:** We serve as a hub of information in the State to help anyone find crime victim assistance. 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**

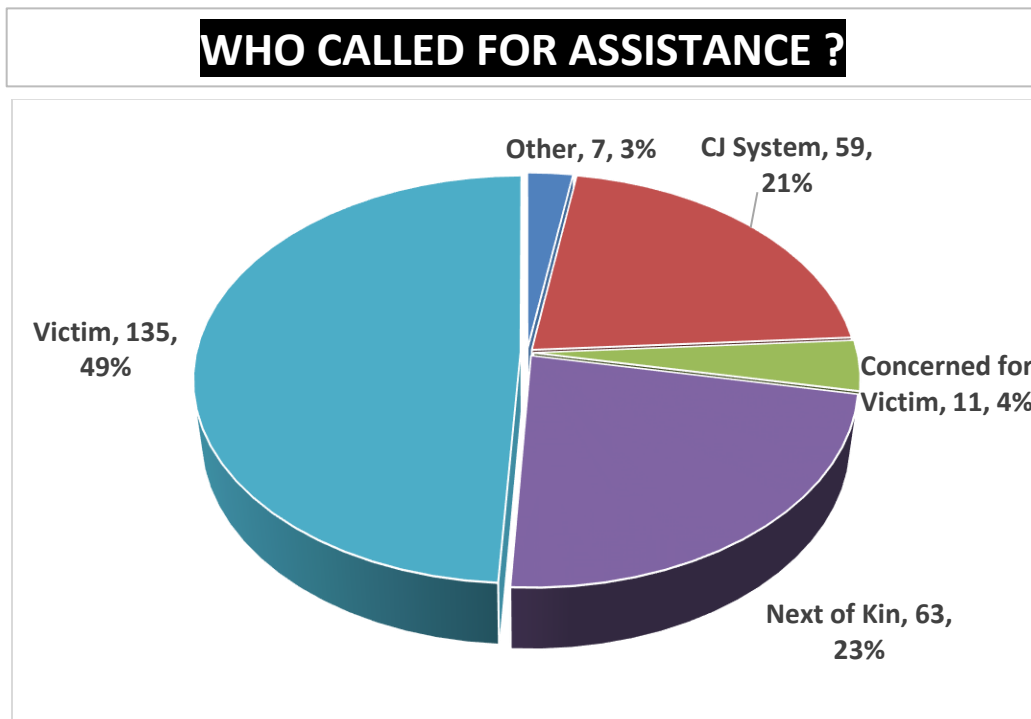
- Caller’s mother was raped last week. They want to make sure suspect is caught.
- Caller reported a threat to police this morning but believes they did not do their job correctly.
- Caller lives near a shooting range, wants police to charge the company with disturbing the peace.
- Daughter is being abused by spouse, refuses to leave or cooperate with police. Mom is angry at police and wants custody of grandchildren.
- Caller signed consent form to “not prosecute.” She changed her mind and wants the offender arrested.
- Caller reporting a neighbor was making threats to rape her and was entering her apartment to poison her food.
- Mother of defendant is afraid of retaliation from victim’s family.
- Caller’s underage niece had baby by 20 year old, no charges were made. She is living in unsafe conditions and caller needs help removing niece from the situation.
- Victim is upset with the Department of Probation, Parole and Pardon for not drug testing the offender, then being disrespected by the probation officer.
- Caller was living in an RV with no power after neighbors tore out her power cables. Law enforcement is looking into her complaint but she needs immediate shelter.
- Offender released on bond but lives within 150 yards of victim, despite judge’s “No Contact” order. Offender has continued to make contact with victim.
- Caller wants to file complaint about lack of notification and victim services in her civil lawsuit.

- Offender deemed sexually violent predator is in a maximum security hospital. He is still active on social media and father of minor victim is concerned over the activity.

## CVO “ASSIST” CASES

Crime victims call for our help when they believe something has gone wrong in their cases. 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. This year, 76% 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:

- Solicitor did not request restitution for arson case. CVO intervened and a restitution hearing was held. No restitution was ordered.
- Victim was assaulted by a career criminal, a neighbor he has known for years. Victim was not notified when offender was released from prison. The original investigating officer was fired and victim complained that the new officer did poor job at trial. Victim asked for our help in obtaining a Restraining Order, help with writing a victim impact statement and obtaining a new incident report on most recent assault.
- The same two people were charged four times with attempted murder on the same victim. The assaults were reported in two counties. Law enforcement was frustrated because the solicitor dropped all four charges. CVO met with the solicitor to review the cases. We agreed that the solicitor did not have enough evidence to prove the assault charges, but offenders pled guilty to multiple drug charges. CVO encouraged the parties to meet twice a month to coordinate effective, triable cases.
- Victim of assault, death threats, malicious injury to property. Victim's ex-boyfriend was trying to kill her and she called seeking immediate assistance. The prior night, he threw a "firebomb" into her apartment. Victim alleged that law enforcement said they were having difficulty arresting him because he crosses between city and county jurisdictions. CVO worked with numerous law enforcement agencies, including the Department of Probation, all of which had outstanding warrants. CVO helped coordinate the efforts between the agencies, provided contact information to particular agents and, based on the most recent attempt on victim's life, the agencies collaborated to arrest the offender.
- Survivor of domestic violence complained that she called police 14 times for assistance, but only one incident report was written. Offender was in the local paper for allegedly trying to bomb victim's car and had been arrested. After an extensive investigation, including review of all responding officers' body cam video, CVO determined all other calls involved non-criminal complaints. Nevertheless, CVO recommended the agency document all calls for assistance in the future to provide a paper trail in the event of escalation into criminal complaints, as in this case.
- Worked with surviving family member of a victim of serial killer to access and review case file from law enforcement.
- Father of juvenile victim was concerned that law enforcement did not charge a man who sexually assaulted his child. CVO met with the Child Advocacy Center and law enforcement. Charges were eventually brought against the offender.
- Family of teenage sexual assault victim complained that the solicitor refused to allow them to review the case file after the investigation of the case was complete. Victim's attorney was also not allowed to view case file. CVO intervened and victim's attorney reviewed the file.
- DV/stalking victim alleges solicitor promised she would obtain a Permanent Restraining Order (PRO) and that offender would be transported directly to a mental health facility from prison.

Neither happened. CVO consulted with the solicitor and a PRO was obtained. Solicitor clarified the issue regarding the mental health facility to victim's satisfaction.

- Victim was found dead: law enforcement determined it was a suicide but the Coroner determined it was a homicide. The case was referred to the Attorney General's Office, which believed they had enough to convict and accepted the case for prosecution.

## **CVO "CRIMINAL JUSTICE SYSTEM ASSISTS"**

It is an honor 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. If you need help, or answers to any of the questions listed below, please give us a call.

### **Criminal Justice System Assist Case Examples:**

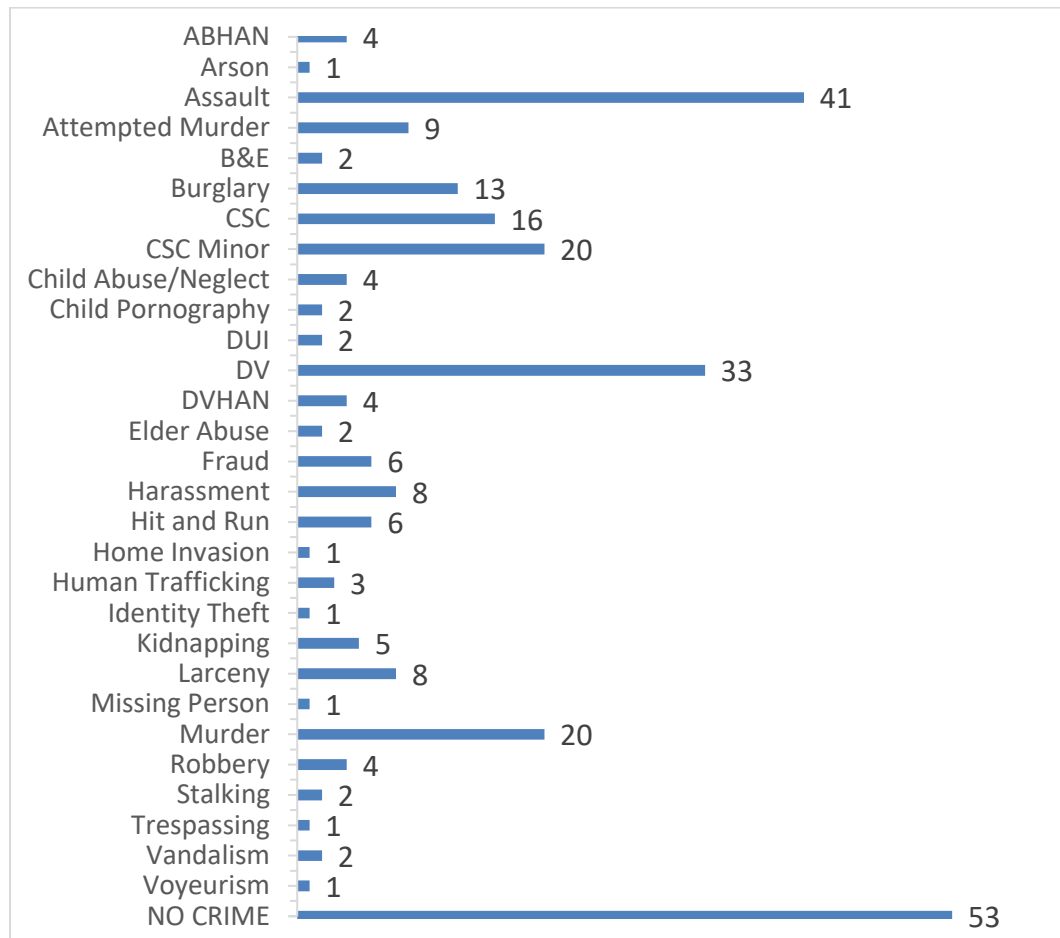
- Due to a Supreme Court Order, an advocate reported that judges appeared to be confused about their ability to revoke bond. CVO requested a clarifying Memorandum from Court Administration to inform judges about correct procedures for bond revocation hearings.
- Advocate wanted to know if they should give businesses victims' rights information when they are robbed.
- Stolen gun recovered; offender is charged with possession. Is victim notified?
- Advocate was having issues with her new supervisor and had been demoted. CVO provided advice to help her increase her ability to collaborate and cooperate.
- Advocate wanted to know if victims may be notified via email and texts.
- Survivor of human trafficking who had special needs was being kept at a hospital after she was liberated from the offender's control. Victim was not sick but DSS could not find adequate shelter for her. Advocates found an ideal shelter for her, but miscommunication between law enforcement and DSS caused a delay in finding a safe place for the survivor. Law enforcement called CVO for emergency assistance when trafficker's other victim delivered a baby on the same floor of the hospital where victim was staying, and trafficker spotted her in the hallway when he came to visit. CVO intervened and she was moved into an appropriate shelter within days.
- Man broke into and defecated in a house; family helped clean up. The mother was pregnant and they were heading to a month-long vacation the next day. The advocate just discovered offender had AIDS. She asked for advice about whether or not she should tell the family, and if so, how.
- 18-year-old reported to advocate that she was molested as a child. Is the advocate mandated to report now?

- Virginia Compensation Fund Director wanted to establish a division similar to CVO. They requested a job description and information about methods we use to help South Carolina's victims and advocates.
- State agency was concerned that the rights of foster parents and guardians of child victims are being violated by Family Court.
- Rural hospital administrator requested help to find a Sexual Assault Nurse Examiner.
- Municipality wanted to know if they may contract with county for victim services. Requested laws outlining law enforcement's duties to victims, including Victim Service Provider (**VSP**) certification requirements.
- VSP requested a sample letter to keep victim from being evicted from her home.
- Judge wanted to know if she can bring incarcerated victim out of jail to attend bond hearing for a crime that occurred before imprisonment.
- Patients who were being transferred by law enforcement died in Law Enforcement Victim Advocate (**LEVA's**) county. SLED is investigating, but she wanted to know if she was also allowed to assist victims' families.
- Judge requested PowerPoint for victims' rights training.
- Victim needs SC Victim Assistance Network (**SCVAN**) emergency fund for rent but landlord won't provide proper documentation.
- Judge was reported by offender to Judicial Standards Commission for inviting victims to bond hearing. The Judge asked for clarification about the rights of victims.
- Juvenile was ordered to pay restitution, but victim died. Can punishment be changed to community service?
- Do LEVAs help victims of burglary, trespassing?
- Advocate looking for an interpreter who speaks Hindi.
- How should advocate handle this situation: victim of shooting requested transcript of parole hearing, but wanted to keep it a secret from her husband. Husband has told their office repeatedly not to give her information since he is concerned it will hurt her mental health to read it.
- Judge wants Child Advocacy Center (CAC) to turn over therapy records for three child victims. CAC requested our help to find emergency legal representation.
- Sex offender continued to stalk juvenile victim, so family moved to new area. New advocate requested our intervention to request police in prior area to serve warrant on offender more quickly.
- Do LEVAs provide court interpreters for victims? What about for offenders?

## CVO DATA

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

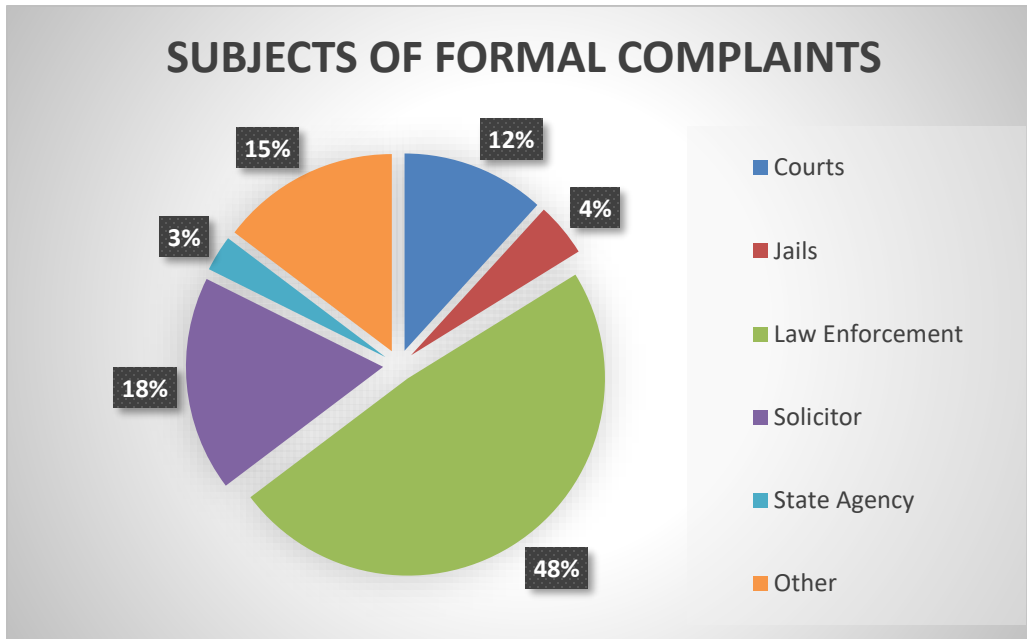
### Types of Crimes: 275 Assist Cases



“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 a crime.



## 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;

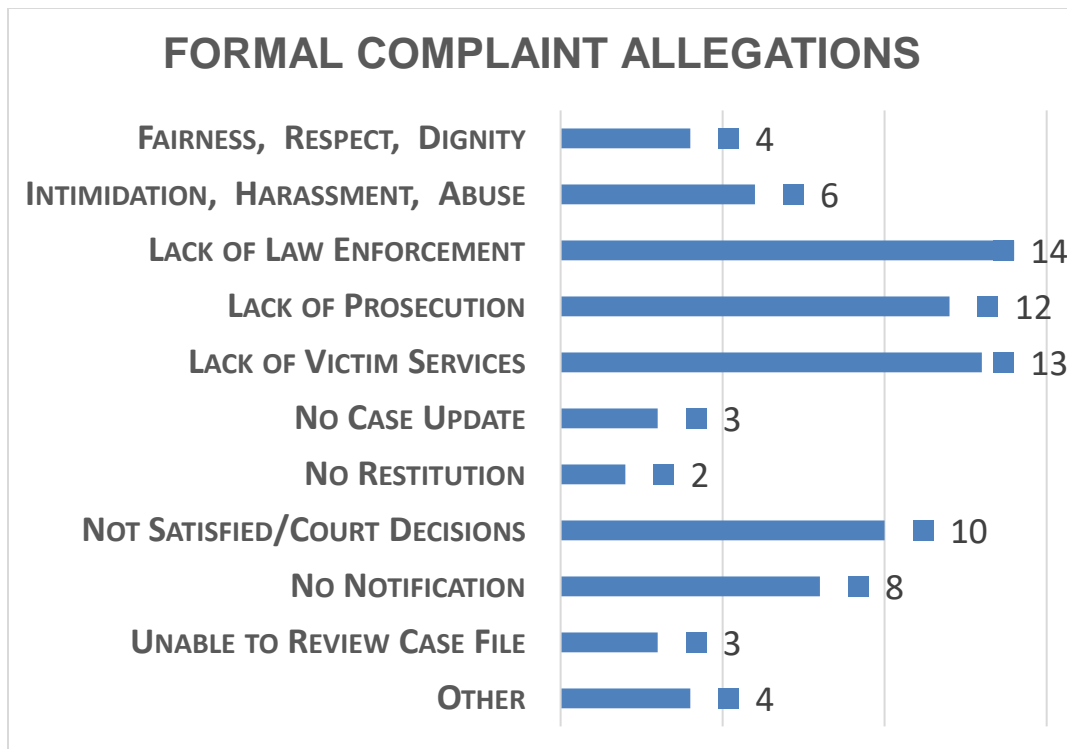
**Solicitor:** All Solicitors and their staff  
All City Prosecutors and their staff

**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 make a decision whether or not the entity violated the victim’s legal rights. This decision is called a “Disposition.”

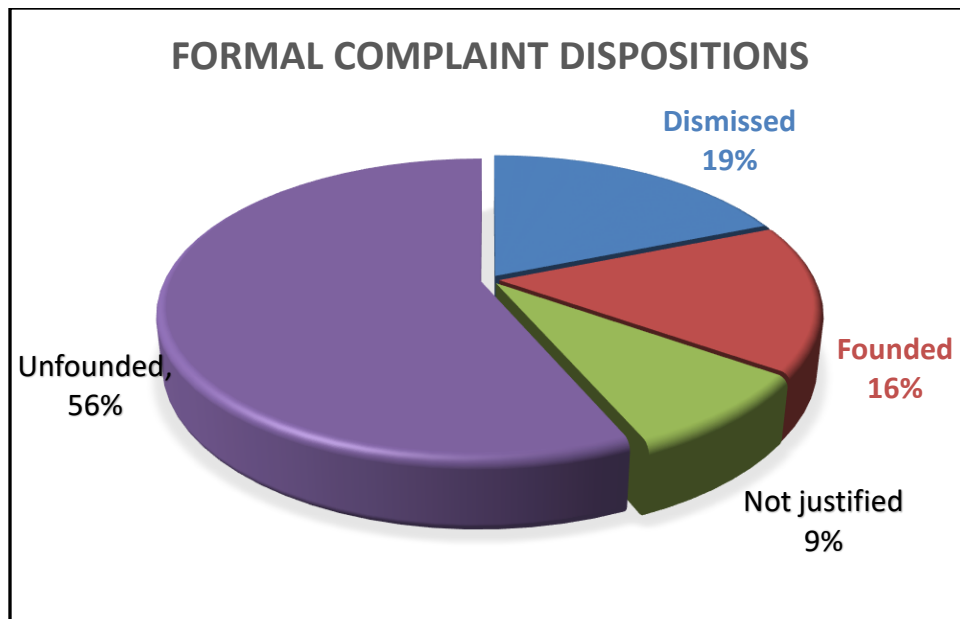
**The guidelines for each of the Dispositions are as follows:**

- 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 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.

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

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





## “Formal” Case Examples

### Formal Case Summary 1

**Crime:** Homicide

**Complaint:** Mother was concerned that no one has been charged in her daughter’s homicide.

**Subject of Complaint:** Law Enforcement, Solicitor

**Scenario:** A young woman was strangled to death in her home. She was married and pregnant. A suspect was identified but denied knowing the victim. Nine months after the murder, when the victim’s mother identified an untested cigarette butt found at the crime scene, DNA proved the suspect ‘had sex’ with the victim. After three interviews with law enforcement, the suspect finally confessed to strangling the victim, but alleged that he was unaware that she had died during the encounter. Three years later, the suspect was still not charged with a crime.

**CVO Inquiry:** After extensive investigation and meetings with law enforcement and the Solicitor, we determined that law enforcement was reluctant to arrest the suspect due to the Solicitor’s hesitancy to move forward with charges. The Solicitor was reluctant because he believed he could not prove intent. One concern was that prosecution may not be able to overcome a “rough sex” defense. CVO provided research containing specific legal arguments against that particular defense.

**Relevant Law**

**SC Constitution, Article I, Section 24** (A) To preserve and protect victims’ rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

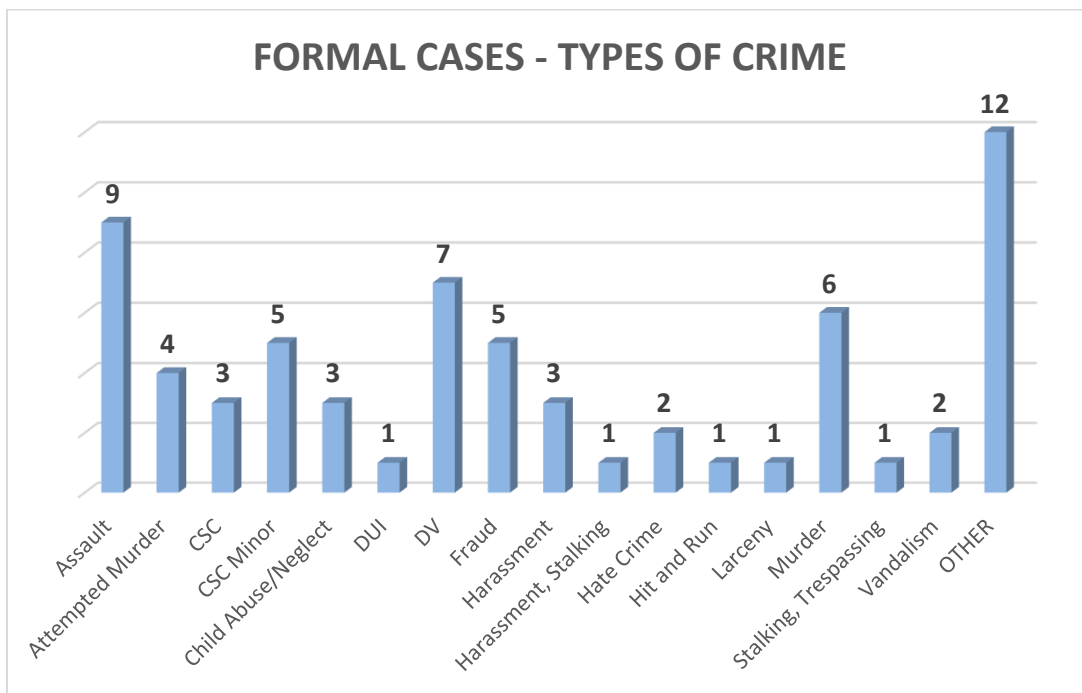
- (4) a reasonable disposition and prompt and final conclusion of the case;

**OUTCOME:**

Law enforcement and the Solicitor agreed to refer the case to SLED. SLED identified probable cause and secured a warrant for murder.

The complaint against Law Enforcement was **FOUNDED.**

The complaint against the Solicitor was **FOUNDED.**



Note: 66 individual cases reported, more than one entity reported and investigated for alleged violations of victims’ rights (69 agency inquiries). “Other” includes submissions that do not allege a crime, or the complainant is not a victim.

**Formal Case Summary 2**

**Crime:** Criminal Sexual Conduct with a Minor

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

**Subject of Complaint:** Law Enforcement

**Scenario:** A Child Advocacy Center contacted us about a credible report from a child that his grandfather had sexually abused him. They alleged that when they reported to law enforcement, the Chief of Police told them that he was not going to make a report. He stated that he had spoken with the alleged offender and his attorney, and he believed the parents were making false allegations in an attempt to extort money. They referred the parents to us for assistance.

**CVO Inquiry:** CVO communicated with the Child Advocacy Center, the parents, their attorney, SLED and the Chief of Police. When the parents first confronted the grandfather, he hired a lawyer and reported them to law enforcement for ‘attempted extortion.’ The parents moved three hours away from their hometown and continued to work with child therapists and hired an attorney for guidance. The attorney alleged that SLED had previously told him that they believed the Chief could handle the case appropriately. The Chief verified to CVO that he was good friends with the suspect, and that he had heard about the allegations from him. He verified that he believed it was an extortion attempt and wanted to question the parents about that, but was going to keep an open mind about the sexual assault allegations. The victims were also fearful of coming to the police station because the grandfather lived across the street and could see their car in the parking lot. CVO tried to negotiate a meeting between the Chief and victims in a place that was convenient to all parties, without success.

CVO communicated frequently with the Chief, informing him of a victims’ right to be free from intimidation, harassment and harm throughout the criminal justice process. CVO also discovered that the grandfather was an accountant and conducted audits for the town. The Chief asserted that had no bearing on the investigation and refused to conflict the case out. He offered for the victims to come in the back door and park behind the police station so the grandfather would not see and potentially confront them. The Chief refused to meet the victims anywhere other than his office. CVO encouraged him to collaborate with SLED to discuss a potential conflict of interest.

CVO communicated this information to SLED. SLED explained they would not take the case from the police department but agreed to speak to the parents and to the Chief. We continued to discuss a compromise to achieve the Chief’s objective, which was to interview the parents.

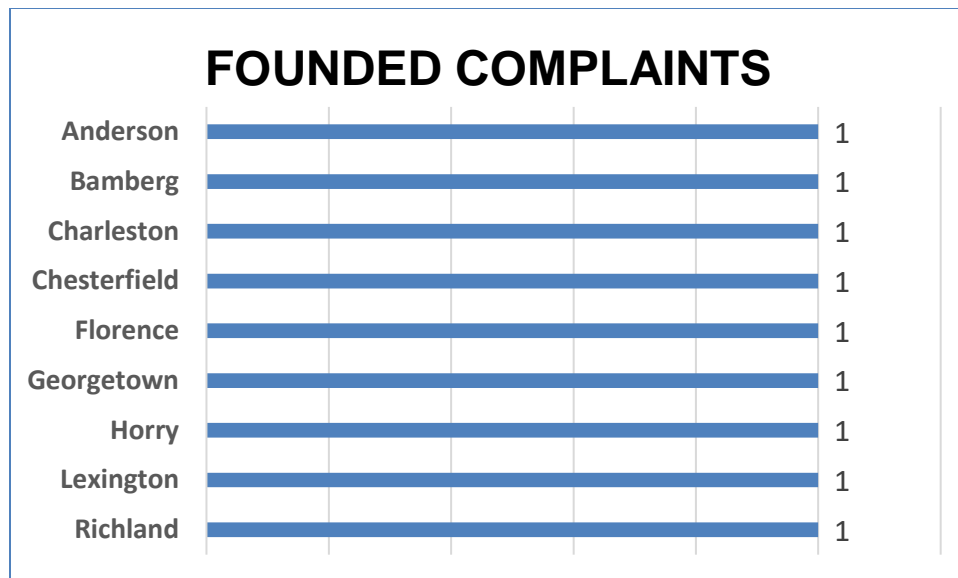
**OUTCOME:** The Chief agreed to conflict the case out to SLED.

**Relevant Law:**

**SC Constitution, Article I, Section 24** (A) To preserve and protect victims’ rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to:

- (1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim’s constitutional rights, provided by statute;

The complaint against Law Enforcement was **FOUNDED.**



**Formal Case Summary 3**

**Crime:** Murder

**Complaint:** Solicitor Declined to Prosecute Co-Defendants

**Subject of Complaint:** Solicitor

**Scenario:** Complainant’s son was murdered in a gang-related incident. Parent believed law enforcement “rushed” the investigation. Two defendants were arrested and charged with murder and possession of a weapon. Victim believed more co-defendants should have been arrested.

The first offender’s case went to trial and he was found not guilty of murder, but guilty of a weapons charge. The Solicitor decided to plead the co-defendant’s case down to Manslaughter. The victim believed the jury was tampered with and that the Solicitor’s Office was afraid of gang retaliation and may have taken a bribe to reduce the remaining charges.

**CVO Inquiry:** The case was referred to us by a Solicitor Advocate so we could provide a second, impartial opinion to the victim about the way the cases were being handled. The case against the first offender was the strongest and he was the most culpable, but he was found not guilty at trial. The Sheriff’s Office agreed with the Solicitor’s decision to reduce the charges in order to secure a plea/conviction against the co-defendant.

CVO determined that the Solicitor’s Office filed a motion for bond modification for the co-defendant. A bond was granted with the condition he wear an electronic monitor. The victim believed the Solicitor was retaliating against her because she was pushing the agency to charge other suspects. The Solicitor stated he would refer this case to the Attorney General’s Office for consideration, but they did not accept the case.

CVO spent a great deal of time speaking with the victim to help her understand the criminal justice process, including bond reduction hearings, and to reassure her that this case was being handled appropriately by both law enforcement and the Solicitor.

**Outcome:**

The victim eventually understood the reasons for the prosecutorial decisions made in the case and felt more confident in law enforcement's and the Solicitor's abilities to reach an appropriate disposition.

The complaint against law enforcement was **UNFOUNDED.**  
The complaint against the Solicitor's Office was **UNFOUNDED.**

**Formal Case Summary 4**

**Crime:** No crime

**Complaint:** A website was publishing defamatory remarks about Complainant.

**Subject of Complaint:** Other

**Scenario:** Complainant alleged he performed a search for his name and located personal information and a "rating" about him that he did not consent to have published. He requested our help to take it down and help him recover any reparations due to him.

**CVO Inquiry:** CVO did not conduct an inquiry.

**Outcome:** We explained to the Complainant that personal information about most people are now readily available all over the internet. We advised him to seek the assistance of an attorney to determine whether any remedies were available to him.

The complaint was **DISMISSED.**

**CVO Training and Outreach:**

CVO trained 902 Victim Service and Criminal Justice professionals, conducted nine site visits, attended 13 outreach events and participated in 29 meetings to help improve South Carolina's ability to serve crime victims.

## 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.

# 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.

## Crime Victim Ombudsman Staff

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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**.



**“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.”**

RONALD REGAN



Attorney General Alan M. Wilson  
State of South Carolina

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