



## SUMMARY



# An Overview of Victim Services in South Carolina

## INTRODUCTION

Proviso 72.107 of the FY 06-07 Appropriations Act requires the Legislative Audit Council to "...research all victims assistance programs in the state and determine the best method for delivery of services and allocation of resources for these programs." We identified agencies that were involved in providing victim services and determined how those services are funded. We also examined the administrative structure for the provision of victim services and how it compared to the structure in other states.

Victims in South Carolina are provided rights and services through the Victims' Bill of Rights in the South Carolina Constitution as well as through various South Carolina laws. Victim services include notification of court proceedings and offenders' custody status, compensation for injuries, and advocacy for victims' rights. These services are funded in a variety of ways, including state appropriations, assessments and surcharges on criminal convictions, federal grants, and garnishment of prisoner wages.

## AGENCIES THAT PROVIDE VICTIM SERVICES

There is no central agency responsible for the provision of victim services in South Carolina. However, the State Office of Victims Assistance (SOVA) in the Governor's Office serves as the primary coordinating agency and operates the state's Victim Compensation Fund. SOVA is authorized to provide information, training, and technical assistance to state and local agencies and victim assistance groups as well as develop guidelines for the implementation of victim assistance programs.

SOVA is also authorized to provide staff support for an advisory group on the coordination of victim services. In 2006, the Victim Service Coordinating Council was created to serve as the advisory group on victim services, and its first meeting was held in February 2007.

Other state agencies are also involved in providing services to victims. The Department of Corrections, the Department of Probation, Parole, and Pardon Services, the Department of Juvenile Justice, and the Attorney General's Office play key roles in notifying victims regarding the status of offenders. Local law enforcement agencies have Law Enforcement Victim Advocates (LEVAs) who assist victims by accompanying them in summary court and explaining the criminal justice process. In addition, local solicitors have victim advocates who help the victim understand their rights and provide services in general sessions and family court.

We identified approximately \$45 million spent on victim services in FY 05-06. These services are paid for in a variety of ways, including state appropriation, assessments and surcharges on criminal convictions, federal grants, and garnishment of prisoner wages.

## ADMINISTRATIVE STRUCTURE

Studies of victim services have described the system for serving victims as "inherently fragmented" and stated that this condition has contributed to an unequal delivery of services and duplication of services. These studies have recommended greater centralization of services and even the creation of a statewide department of victim services. Legislation was proposed to create a cabinet level department that would consolidate crime victim services but did not pass. In our review of other states, we found that South Carolina's system is similar to those in other states in terms of its decentralized structure. However, there are areas that could be improved to ensure that the statutorily mandated victim services are provided in a more efficient manner.

## VICTIM ADVOCATE POLICY COMMITTEE

The Victim Advocate Policy Committee (VAPC) was created by the General Assembly in FY 88-89 as an advisory committee and was charged with developing guidelines for solicitor-based victim advocate programs. Although the General Assembly has renewed the committee by proviso each year since its inception, according to an SOVA official, the VAPC did not meet between 1998 and 2006. SOVA has reactivated the committee and a meeting was held in November 2006. There are two other entities which either already perform some of these functions or are positioned to absorb them.

MARCH 2007

AUDITS BY THE LEGISLATIVE  
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## VICTIM SERVICES GRANTS

In South Carolina, there are three primary agencies involved in making grants for victim services. They are the Department of Public Safety, the Department of Health and Environmental Control, and the Department of Social Services. However, none of these agencies plays a central role in victim service policy. It may be possible to consolidate some of these grants under one agency.

## VICTIM NOTIFICATION

The South Carolina Constitution and various South Carolina laws require that crime victims be notified when certain actions take place. The Crime Victims' Ombudsman reported in its FY 04-05 annual report that 9% (7 out of 80) of all complaints investigated regarded lack of notification. Also, an SCDC report shows that, for the 16 judicial circuits, the percentage of prisoners with a registered victim ranges from a low of 23% to a high of 63%. This percentage indicates that many criminals do not have registered victims. Procedures should be developed to ensure that victims are properly notified.

Also, S.C. Code §16-3-1535(G) and §16-3-1555(B) require victim impact statements and a victim's notification information (address, phone number, etc.) be forwarded to all appropriate agencies. We contacted agencies that receive the statements and they reported that they were not always receiving victim impact statements from the appropriate forwarding agencies. There are no controls in place to ensure that these statements are forwarded.

## INTERNAL CONTROLS

We reviewed several areas of internal controls over the collection and expenditure of victim service funds. We found examples of problems which may indicate a need for greater oversight. We reviewed 31 court audits performed under contract by the Office of the State Auditor (OSA) that revealed 48 deficiencies relating to the accounting, reporting, or expenditure of funds allocated for victim services at the local government level.

We found that neither SOVA nor the chief justice has been receiving notices from OSA that these audit reports are available. Due to the variety and complexity of the deficiencies noted in these audits, follow-up on these issues is imperative for the state to receive the full benefits of revenues generated from fines as well as the appropriate funding of victim services.

Under state law, entities to be audited are chosen randomly. Rather than relying on a random selection process, OSA could develop a risk-based approach using the expertise of interested agencies such as the State Treasurer's Office, SOVA, and Court Administration. Consulting with other agencies would allow for a more targeted and risk-based approach to the audit process and could better allocate limited resources to the entities needing assistance.

State law requires that the annual financial audit of each county and municipality include a supplementary schedule showing the total amount of victim services funds collected and how the funds were expended. In our review of court audits done by OSA, 17 of the audits we reviewed identified deficiencies in the supplementary schedules. A standardized, consistent format for these schedules would make it easier to compare different entities and time periods.