

# SCSL Digital Collections

## Outreach and advocate exchange

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Publisher	South Carolina State Library
Rights	Copyright status determined to be in the public domain on April 27, 2020 by United States Supreme Court ruling (Georgia et al., Petitioners v. Public.Resource.Org, Inc. : 590 U.S.__(2020))
Download date	2024-09-10 11:37:42
Link to Item	<a href="https://dc.statelibrary.sc.gov/handle/10827/37123">https://dc.statelibrary.sc.gov/handle/10827/37123</a>

# OUTREACH AND ADVOCATE EXCHANGE

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



**Third Quarter  
January - March 2021**

### The Crime Victim Services Division Returns to the Office!

By Director Burke Fitzpatrick

On March 29<sup>th</sup> the Attorney General's Office returned to a normal pre-pandemic work schedule with all staff reporting to the office. Although, we're all trying to remember what "normal" is after the last 12-months. Beginning that Monday staff still working remotely began our regular five day work week.

For the Crime Victim Services Division, this means we'll physically be in our offices and more immediately accessible than in the past year. We also hope that this renewed ability to physically work together will result in greater productivity compared to last year's diaspora of personnel and computer equipment. Under often difficult circumstances, the team at victim compensation continued to respond to all requests and moved claims proficiently throughout the pandemic.

For our VOCA, VAWA and SVAP subgrantees, in my estimation, we have continued to respond quickly to project questions and see the quick turnaround of Requests For Payment.

Our Ombudsman's Office and our Training and Certification department have both been rolling along at good speed during the pandemic, but there is still no substitute for working together in the same location. Consolidation of victim services was one of the cornerstones of the creation of the Crime Victim Services Division almost four years ago and now we are all getting back to where we belong after this unprecedented disruption.

We all dearly miss seeing you, face to face, and hope to resume field visits and in-person meetings soon. However, we've learned that there is much to be said for the virtues of virtual meetings. Our future statewide meetings will likely all be hybrid (virtual and in-person) from now on. We also invite you to come by our offices and see us. We'll have some coffee ready for you, but, bring your mask with you for a little while longer.



#### DID YOU KNOW?

##### April:

Stress Awareness Month

National Fair Housing Awareness Month

##### May:

Hepatitis Awareness Month

National Water Safety Awareness Month

##### June:

Hunger Awareness Month

Post-Traumatic Stress Disorder (PTSD) Awareness Month

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**HAPPY EASTER**  
HELLO SPRING





[Stressawarenessmonth.com](https://relaxtheback.com)

And

<https://relaxtheback.com>

[Stress Awareness Month](#)

During this annual thirty day period, health care professionals and health promotion experts across the country will join forces to increase public awareness about both the causes and cures for our modern stress epidemic. Sponsored by The Health Resource Network (HRN), a non-profit health education organization, Stress Awareness Month is a national, cooperative effort to inform people about the dangers of stress, successful coping strategies, and harmful misconceptions about stress that are prevalent in our society.

Chronic stress is not just devastating to our emotional health, but it also puts us at an increased risk of developing chronic diseases. Heart disease, asthma, diabetes and cancer are all correlated with higher levels of stress. With these stressful times upon us, it's as important as ever to prioritize our mental and physical health practices.

## What's Happening: Scary Days for Crime Victims

Deputy Director Veronica Swain Kunz

Crime Victim Ombudsman

We are all aware of the enormous strain the pandemic has put on our already overburdened criminal justice system. One prosecutor told us recently that the shutdown of court for the last year will likely lead to an *additional three-year wait* for cases to be disposed through pleas or trials! Yet, some shortcuts have been used even before COVID which violate victims' rights and, in some cases, even endanger victims' lives. Here are some examples:

### "Consent" To Bond:

Defendants accused of felonies were being held in jail awaiting trial because bond was denied by the presiding Circuit Court Judge. The prosecutor and the defense attorneys then, for various reasons, agreed to release the offenders from jail in what is termed a "Consent to Bond" arrangement. The victims were not aware of these agreements.

Victims contacted us, baffled and afraid, when they received a call from a Notifier at the detention center alerting them that their offender was being released from jail. They had recently attended a bond hearing and knew the judge denied the offender's release! How did this happen? Notifiers did not know WHY these defendants are being released and were unable to explain to victims.

Victims realize they have a right to be notified present and heard at all *hearings* regarding bond or bail (S.C. Const. Art. 1 Sec. 24(A) (4)). Prosecutors argue there was no hearing, so victims did not need to be notified.

One of the reasons a prosecutor gave us for consenting to a bond "agreement" to release an offender without having a bond hearing was, "we discovered he may be innocent, so we had to immediately release him." In this case, the indictment for attempted murder against numerous victims was still pending, and the solicitor had to file a motion to revoke bond when the "innocent offender" absconded and did not show up to serve as a witness.

In another case, a solicitor consented to release a suspect without holding a bond hearing since he had agreed to plead guilty to two counts of kidnapping and two counts of ABHAN against a young woman and her baby. The victim discovered that her attacker had been released from jail when she saw him in her neighborhood; he was a neighbor. The Assistant Solicitor explained to the Ombudsman that the offender "needed to take care of some family business before he went to jail for seven years." The Solicitor apologized and promised their office would stop this practice. Unless new victims complain to us, we have no idea whether or not that circuit continues this dangerous practice.

This is a clear violation of the legal rights of crime victims. In all instances we have seen, these "agreements" occur when a judge has decided the defendant must remain in jail for the safety of victims, but the state and defense decide otherwise, and simply have another judge sign the "agreement."

We are not aware of exactly why these agreements are being forged but they certainly fly in the face of the constitutional rights of crime victims. Please be aware that the Ombudsman fully supports such agreements when a victim waives his right to attend all bond hearings; however, that right should be fully explained to the victim and a signed waiver should be secured by the prosecution.

### Transfer Courts

An emerging issue of concern to the victim services community has been identified in a number of judicial circuits in what is called "Transfer Court" (SC Code Section 22-3-545.) When cases are pled down and an agreement is reached, a case may be "transferred" from general sessions to summary court for disposition.

In some circuits, the solicitor and/or an advocate notifies victims that their offenders will plead guilty in Transfer Court; however, victims are told that they are "not allowed to attend" or they will not have the opportunity to address the court, or both. This violation of victims' rights has apparently been going on for some time, but it is new to the Ombudsman.

(continued on page 6)



[nationaldaycalendar.com/  
national-fair-housing-  
month-april](http://nationaldaycalendar.com/national-fair-housing-month-april)

### National Fair Housing

Sponsored by the U.S. Department of Housing and Urban Development (HUD), National Fair Housing Month increases efforts to end housing discrimination and raises awareness of fair housing rights. The Fair Housing Act also celebrates its anniversary during April. In 2018, the Fair Housing Act celebrated its 50th anniversary. Designed to protect Americans from discrimination in the sale, rental and financing of housing based on color, race, national origin and religion, the act later extended to sex, disability and family status. Support an end to housing discrimination. Everyone deserves to live in a safe, comfortable home.

### How To Observe

Support an end to housing discrimination. Everyone deserves to live in a safe, comfortable home. Learn more by visiting [www.hud.gov](http://www.hud.gov) and use #NationalFairHousingMonth to share on social media.

## Annual Grants Solicitation Workshop and VOCA Cuts

by Deputy Director BJ Nelson

### Department of Crime Victim Assistance Grants (DCVAG)

The Department of Crime Victims Assistance Grants (DCVAG) held its annual grants solicitation workshop on February 10. Much like the fall implementation workshop, this was done entirely via webinar rather than in person. 146 people were able to watch live with many more watching the recorded version, which was posted later that week.

In the upcoming federal year, the VOCA program is expected to receive a 36% drop in federal funding from OVC. This is a trend that DCVAG has been monitoring for several years. Plans were made to reserve some funds in prior years in order to help alleviate much of these cuts.

This year, DCVAG is asking that all VOCA continuation projects to take a 10% reduction from their 2020 grants. This is less than the 18% reduction that was made last year and will provide the state more time in order to responsibly manage these projects until federal funding can be stabilized.

**BUDGET  
CUTS.**

## Springing Forward as a Field

by Deputy Director Kim Hamm

### Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis (CVST)

This spring in particular feels like the dawning of a new era after a year of darkness and uncertainty. We are finally back in the swing of many aspects of life as we knew them prior to the pandemic, but with new tools and knowledge. We, at the Department of Crime Victim Services Training, Provider Certification, and Statistical Analysis, look forward to returning to in-person training in the hopefully not too distant future, but we will also commit to continuing innovation in the virtual world in which we all have become more accustomed to.

In the past year we have seen such resilience and resourcefulness in our field. This comes as no surprise...victim service providers are no stranger to having to be resourceful! There has been no shortage of trainings offered, albeit virtual trainings are no substitute for in-person learning. This past year has made us think outside of the box and adapt in a new learning environment. We promise we will continue to work with you as we all spring forward and navigate our new normal together.

As a reminder, please feel free to contact us anytime if you have questions about certification, training resources, or wanting to sponsor your own training. We are here to help!







Engage.  
Educate.  
Empower.

<https://www.hhs.gov/hepatitis/get-involved/awareness-months-and-days/hepatitis-awareness-month-may.html>

### Hepatitis Awareness Month

May is designated as **Hepatitis Awareness Month** in the United States, providing 31 days to raise awareness of viral hepatitis in the United States. During May, agencies and offices across the federal government as well as state and local partners work to raise awareness of the importance of vaccination for hepatitis B, testing for hepatitis B and C, the availability of effective care and curative treatment, and the serious health consequences resulting from undiagnosed and untreated viral hepatitis. Observances are important opportunities to raise more widespread awareness of viral hepatitis and its impact in the U.S. and expand our coordinated national efforts to improve the health of the estimated 850,000 people living with hepatitis B and 2.4 million people living with hepatitis C.



## The “VOCA Fix” has been introduced in Congress!

by Deputy Director D. Scott Beard

### Department of Crime Victim Compensation (DCVC)

A wide collaboration of victim service professionals, Capitol Hill staffers and criminal justice practitioners have been working together for many months to craft necessary changes to the Victims of Crime Act (VOCA) that is being called the “VOCA Fix.” Due to changes in the way the Justice Department handled federal prosecutions, the “lion’s share” of funds that used to go into the VOCA fund have been instead directed to the General Treasury. As a result, the VOCA Trust Fund was reduced to the point where Congressional allocations for VOCA assistance to the states have been slashed. Both the Department of Crime Victim Compensation and the Department of Crime Victim Assistance Grants are funded through this federal VOCA Trust Fund.

The funds for compensation claims in South Carolina have suffered in recent years due to a long term reduction in fines, fees and assessments received from the Circuit and Summary Courts, only exacerbated by the statewide court shutdowns due to COVID-19. DCVC makes awards to crime victims from a combination of these state resources and a federal VOCA match of 60% of payouts directly to crime victims. As state funds decrease, the federal match also decreases. These reductions in revenues have caused DCVC to have to cap certain benefits to victims.

The “VOCA Fix” has bipartisan support and will help alleviate some of these funding issues. The Bill was passed by the House in March and is pending in the Senate. Some of the major provisions of the bill are:

- Probably the biggest fix to VOCA is a provision that would shore up the Fund by redirecting monetary penalties from federal deferred prosecution and non-prosecution agreements (that would otherwise be deposited into the General Treasury) into the Crime Victims Fund. Estimates are that this could add \$6 billion to the Fund over the next several years;
- The Bill increases the federal grant calculation for funding to victim compensation programs from the current 60% to 75% of state-funded payouts;
- It would allow states to request a no-cost extension from the US Attorney General, as allowed for other Department of Justice formula grant programs, to ensure states can thoughtfully and effectively distribute victim service grants without being penalized. This provision will allow South Carolina to better manage the funds it receives;
- The Bill would require state VOCA Administrators to waive the 20% match requirement for victim service subgrantees for

the pendency of the COVID-19 crisis and one additional year. This provision is significant for agencies who are not able to provide a match due to their inability to utilize volunteers due to the pandemic, among other issues;

- It allows state VOCA Administrators to waive subgrantee match requirements at their discretion after the aforementioned waiver expires and require state VOCA Administrators to develop and publish a policy and procedure for obtaining a waiver;
- It would instruct OVC not to deduct restitution payments recovered by state victim compensation funds when calculating victim compensation awards. This would increase the federal portion allocated to the state compensation fund; and
- Finally, the Fix would provide flexibility for state compensation programs to waive the requirement to promote victim cooperation with law enforcement if good cause is established by the program.





<http://www.nationalwatersafetymonth.org/>

### National Water Safety Month

National Water Safety Month in May prepares us for recreational activities.

Water is an attraction during the summer months. Whether we're drawn to lakes and rivers or public pools and water slides, safety is a necessary concern. We use the water for leisure, sport, and general outdoor relaxation. Boating with or without motors, swimming, fishing and many other kinds of recreation take place in and around the water.

- Protecting children around water should always be a number one safety concern.
- An adult should always be supervising children around water, whether it's a pool, lake.
- Follow all facility rules and don't rely on floatation devices for keeping your child safe.
- In the water, make sure an adult joins the child.



## DCVC Community Outreach

By Assistant Deputy Director Ethel Douglas Ford

### Department of Crime Victim Compensation (DCVC)

#### Funeral Home Training

DCVC is in the process of coordinating and collaborating with funeral homes across the state regarding crime victim compensation training. Because funeral directors provide enormous support to grieving families. As a result, we want to assist them in serving the needs of victims of crime.

Our goal is to help minimize the impact of crime in South Carolina by providing financial compensation to eligible families of homicide victims.

#### The 2021 Free Virtual Funeral Home Training will consist of the following:

- Review and discuss valid compensation applications
- Review of the program's eligibility criteria
- Review of the services and benefits offered by the program
- Review and discuss the processing and payment procedures for eligible claims

In an effort to assist DCVC regarding notifying funeral homes statewide of the compensation program, the agency enlisted the assistance of the South Carolina Funeral Director's Association by requesting they distribute the funeral home flyer to funeral homes.

**PLEASE NOTE:** as a victim advocate and service provider, if you know of any funeral homes interested in coordinating a free 1 ½ to 2 hour zoom presentation, please contact DCVC's Outreach Coordinator, Mrs. April Staten at [astaten@scag.gov](mailto:astaten@scag.gov).

#### DCVC Training and Publication Items Distributed

Thus far for FY20-21, please note the following regarding training and publication items distributed.

- Training Events - **11**
- Participants Trained - **468**
- Publications Distributed - **271**

#### Future DCVC Training

We are continuing to coordinate training for 2021.

Please note below the confirmed training events for DCVC. For additional information, please contact the agency noted.

#### Julie Valentine Center

Conference date: March 10, 2021  
Greenville, SC

#### SC Network of Children's Advocacy Center

Conference date: March 17, 2021  
Columbia, SC

#### Davenport Funeral Home

Conference date: April 9, 2021  
West Union, SC

#### DCVC Basic Core Training for SCCADVASA

Conference date: April 27, 2021

For additional information call 803-256-2900 or visit <http://www.sccadvasa.org>

#### Victims' Rights Week Conference 2021

Conference date: May 11, 2021 - May 19, 2021

For additional information go to [www.scvan.org](http://www.scvan.org)

#### Horry County Sheriff's Department

Conference date: June 15, 2021

Conway, SC

#### DCVC Basic Core Training for SCCADVASA

Conference date: August 3, 2021

For additional information call 803-256-2900 or visit <http://www.sccadvasa.org>

#### DCVC Basic Core Training for SCCADVASA

Conference date: November 16, 2021

For additional information call 803-256-2900 or visit <http://www.sccadvasa.org>



Virtual Training

## What's Happening: Scary Days for Crime Victims

Deputy Director Veronica Swain Kunz

Crime Victim Ombudsman

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It's a great shortcut for prosecutors and saves a great deal of time in court, but where does this leave a victim? One solicitor argued that the Supreme Court issued an Order (related to the COVID outbreak) stating that these pleas may be handled by an Affidavit/Certification of Guilty Plea, without any hearing at all. (Supreme Court Order 2020-05-07-01) However, we note that the Supreme Court adds "... the prosecutor ... must comply with the Victims' Bill of Rights under Article 1, Section 24 of the South Carolina Constitution."

Since the COVID outbreak, victims virtually attend bond and parole hearings, protection hearings, etc. The same courtesy must be provided to victims who wish to address the court when their offenders plead guilty. To many victims, this is the day they have waited for ... for years! It is incredibly important for them to face their offender and express the ways their lives were changed by the criminal event. We believe this is a gross violation of crime victims' rights, unless the victim provides a written waiver to the prosecutor.

Have YOU heard of these violations happening in your Circuits? Please let us know. It is only through information you provide that we can understand - and help improve - the criminal justice process for crime victims. 804.734.0357 (office) [CVO@scag.gov](mailto:CVO@scag.gov) (email.)



<https://www.actionagainsthunger.org/about>

### Hunger Awareness Month

Action Against Hunger is the world's hunger specialist and leader in a global movement that aims to end life-threatening hunger for good within our lifetimes. For 40 years, the humanitarian and development organization has been on the front lines, treating and preventing hunger across nearly 50 countries. It served more than 21 million people in 2018 alone.

As the world's hunger specialist, our primary goal is to create a better way to deal with hunger. For 40 years, we led the global movement that aims to end life-threatening hunger for good within our lifetimes. Our teams have been on the front lines, treating and preventing malnutrition across more than 45 countries.

We save the lives of children and their families. We are there for them before and after disaster strikes. We enable people to provide for themselves, see their children grow up strong, and for whole communities to prosper.

**THE  
RIGHTS  
of crime  
Victims**



*Crime Victim's Rights Awareness*

## National Criminal Justice Association (NCJA) Library of Criminal Justice Funding Opportunities

New Funding Opportunities - [www.ncja.org](http://www.ncja.org)

### Post-Traumatic Stress Disorder (PTSD) Awareness Month

[www.daysoftheyear.com/days/post-traumatic-stress-disorder-awareness-month](http://www.daysoftheyear.com/days/post-traumatic-stress-disorder-awareness-month)

For millions of people around the world, the most traumatic events of their lives have never ended. PTSD is a lingering reminder that turns every day into a potential minefield, with flashbacks and triggers potentially hidden around every corner. Post Traumatic Stress Disorder Awareness Month is dedicated to raising awareness about this life-long struggle and the people it affects, and how each of us can help make their lives just a little easier.

The best way to celebrate is to take the time to understand the experiences and day to day realities of those around you who may be suffering from PTSD.

Another important step is to never use the term PTSD lightly. Volunteering with local groups that aid veterans of wartime situations will make a huge difference to those who deal with it every day, as support is always lacking.

**Census of Law Enforcement Training Academies**  
March 1, 2021

**Second Chance Act Addressing the Needs of Incarcerated Parents and Their Minor Children**  
March 5, 2021

**State Justice Statistics Program of Statistical Analysis Centers**  
March 11, 2021

**Adult Drug Court and Veterans Treatment Court Discretionary Grant Program**  
March 31, 2021

**Research and Evaluation on Policing**  
April 14, 2021

**Research and Evaluation on Crime Laboratory Systems and Processes**  
April 19, 2021

**NICS Act Record Improvement Program (NARIP)**  
April 22, 2021

**Tribal-Researcher Capacity-Building Grants Solicitation**  
April 26, 2021

**Research and Evaluation on Violence Against Women**  
April 27, 2021

### About Connect2Grants

NCJA's Connect2Grants is a continually updated listing of open grant solicitations from dozens of funding sources, both public and private, all in one place. This catalogue of grant opportunities ensures that NCJA members have access to the most up-to-date listing of open solicitations specifically tailored to criminal justice practitioners.

Funding announcements in the library are organized by topic, with the most recent deadlines listed first. Each listing below contains a summary of the funding solicitation; deadline information; and link to the original funding announcement.

If we can assist you in locating these grant opportunities, please contact Deputy Director BJ Nelson at 803-734-0791 or Director Burke Fitzpatrick at 803-734-0787.







# Spring is Here

*No matter how long the winter, spring is sure to follow*  
*Author - Anonymous*



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love  
Spring