

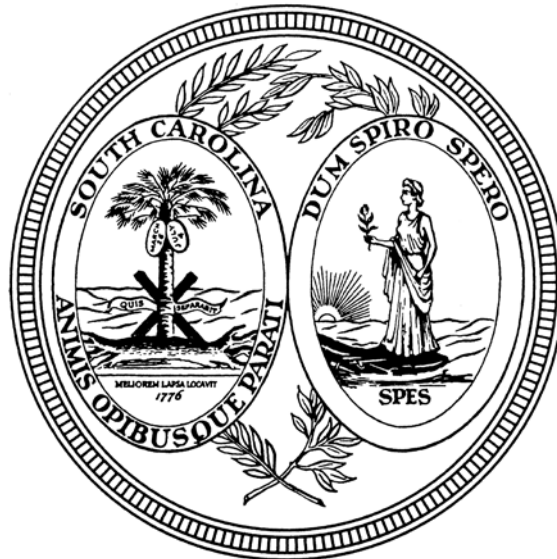


SOUTH CAROLINA GENERAL ASSEMBLY

# Legislative Audit Council

March 2007

## AN OVERVIEW OF VICTIM SERVICES IN SOUTH CAROLINA



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The Legislative Audit Council is composed of five public members, one of whom must be a practicing certified or licensed public accountant and one of whom must be an attorney. In addition, four members of the General Assembly serve ex officio.

Audits by the Legislative Audit Council are conducted in accordance with generally accepted government auditing standards as set forth by the Comptroller General of the United States.

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*An Overview of Victim Services in South Carolina*  
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# Legislative Audit Council

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## **AN OVERVIEW OF VICTIM SERVICES IN SOUTH CAROLINA**

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# Synopsis

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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 statutes of the South Carolina Code of Laws. Victim services include notification of actions such as court proceedings or offender transfers. Other services include 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. We identified approximately \$45 million spent on victim services in FY 05-06.

There is no central agency responsible for the provision of victim services in South Carolina. Victim services are provided by a number of different entities throughout the state. These include state agencies, local entities, and private, non-profit groups. South Carolina's decentralized system is similar to those in other states. However, we identified improvements needed to ensure that the statutorily-mandated victim services are provided in a more efficient manner.

- The Victim Advocate Policy Committee (VAPC) was created by the General Assembly in the FY 88-89 appropriations act as an advisory committee and was charged with developing guidelines for solicitor-based victim advocate programs. According to a State Office of Victim Assistance (SOVA) official, the VAPC did not meet between 1998 and 2006. The General Assembly should dissolve this committee and assign its activities to either the Victim Service Coordinating Council or the Commission on Prosecution Coordination.
- Victim services grants could be consolidated to improve efficiency and ensure appropriate oversight. There are three state agencies involved in making federal grants to victim services organizations. The agencies are the Department of Public Safety, the Department of Health and Environmental Control, and the Department of Social Services.
- The South Carolina Constitution and various state laws require that crime victims be notified when certain actions take place. We found evidence indicating that not all victims are always properly notified. The Crime Victims' Ombudsman, in its FY 04-05 annual report, found that

9% (7 out of 80) of all victim complaints it 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%.

- State law requires victim impact statements and that a victim's notification information be forwarded to certain state agencies. Victim impact statements are designed to help protect the rights of victims in South Carolina's criminal justice system. A number of agencies that we contacted reported that they were not always receiving victim impact statements from the appropriate forwarding agencies.

We reviewed several areas of internal controls over the collection and expenditure of victim services funds. We found examples of problems which may indicate a need for greater oversight.

- Court audits performed under contract by the Office of the State Auditor (OSA) since FY 04-05 revealed 48 deficiencies relating to the accounting, reporting, or expenditure of funds allocated for victim services at the local government level. Due to the variety and complexity of the deficiencies noted in the audits, follow-up on these issues is imperative for the state to receive the full benefits of revenues generated from fines. We found that neither SOVA nor the chief justice has been receiving notices from OSA that these audit reports are available.
- Rather than relying solely on a random selection process for determining which courts to audit, 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 in the selection process 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 performed under contract by OSA, 17 of the audits identified deficiencies in the supplementary schedules. A significant number of the schedules did not provide accurate or reliable information concerning victim services revenues and expenditures. A standardized, consistent format would make it easier to compare different entities and time periods.



# Introduction and Background

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## Audit Objectives

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.”

Our objectives for this report were to:

- Identify which agencies are involved in providing victim services and how those services are funded.
- Examine the administrative structure for the provision of victim services and compare it to how other states provide these services.

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## Scope and Methodology

We reviewed state laws governing the provision and funding of victim services in South Carolina. In addition, we interviewed appropriate staff at state agencies involved in providing services to victims as well as those involved in the record keeping and auditing of the funding for victim services. From these agencies, we obtained information pertaining to the level of services and funding sources. We reviewed financial and audit reports relevant to victim services. We interviewed interested parties involved in victim services within the private sector. We reviewed reports and reform proposals produced by both governmental and private entities. During our survey phase, Legislative Audit Council staff attended a statewide training seminar focusing on all phases of victim services. The period of our review was generally FY 03-04 through FY 05-06, with more recent periods where relevant, such as our review of court audits performed under contract by OSA.

In our report, we used statistics and data from state agencies when describing the types of services, number of victims served, and notifications made. Some of this is computer-generated data. We did not conduct tests to determine the reliability of this data, nor did we review agencies’ internal controls over the data. However, we do not consider this data to be essential to our audit objectives and where the data is used, we attribute it to the agency.

This audit was conducted in accordance with generally accepted government auditing standards as set forth by the Comptroller General of the United States.

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## Background and History

### **1982 – Victims’ Compensation Fund Established**

One of South Carolina’s first crime victim initiatives was in 1982 when legislation establishing the South Carolina Victims’ Compensation Fund was signed into law. This fund was housed in the State Accident Fund and began to compensate victims of crime in 1983.

### **1984 – Victim’s Bill of Rights Signed Into Law**

The Victim’s Bill of Rights was signed into law on May 30, 1984, and gave responsibilities, such as informing the victim of hearings and the release of an offender, to agencies including the Department of Corrections, the Department of Probation, Parole and Pardon Services, solicitors’ offices, and local law enforcement agencies. In 1984, the Attorney General’s Office formed a victim service program to focus on appealed death penalty cases. Also in 1984, the federal Victims of Crime Act (VOCA) was enacted which authorized federal grants for victim service programs on a state level.

### **1986 – Office of Victim Services Established**

In 1986, the Office of Victim Services was established at the South Carolina Department of Probation, Parole and Pardon Services. The responsibilities of the agency were to notify victims of offenders’ pending court actions, hearings, paroles, and releases from incarceration. In addition to statewide agencies, local governments also took a role in victim services in the 1980s. The statutory South Carolina Victim’s and Witness’s Bill of Rights gave solicitors’ offices responsibilities to notify and inform victims, and the first law enforcement-based victim service programs were established in 1984.

### **1993 – Grants Administration & Compensation Fund Moved**

In 1993, South Carolina’s VOCA grant administration was moved from the Governor’s Office to the Office of Justice Programs in the Department of Public Safety. Also, the Victims’ Compensation Fund was moved from the State Accident Fund to the Governor’s Office.

### **1996 – Victims’ Bill of Rights Added to S.C. Constitution**

In 1996, voters approved the addition of a Victims’ Bill of Rights to the South Carolina Constitution, and in 1997, Act 141 was passed to carry out the Bill of Rights’ provisions. Act 141 delegated responsibilities such as victim notification and protection to various state agencies, including the Department of Juvenile Justice, and also to the prosecuting agency and local law enforcement agencies. Act 141 required general sessions, magistrate, and municipal courts to levy assessments and surcharges on fines paid by persons convicted in those courts. A portion of the assessments and all of the surcharge revenue are to be retained by the localities to be used for victim services.

### **2005 – Mary Lynn’s Law**

In 2005, Mary Lynn’s Law was signed by the Governor. This legislation requires an agency having custodial supervision of a person to reasonably attempt to notify each victim, upon request, before the release of the person. This law also requires an agency to make personal contact with a victim after three unsuccessful attempts to reach the victim by electronic or other automated communication.

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## Victim Services Laws

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Victims in South Carolina are provided numerous rights and services through the Victims’ Bill of Rights in Article I, Section 24 of the South Carolina Constitution as well as through statutes in the South Carolina Code of Laws.

The South Carolina Constitution’s Victims’ Bill of Rights outlines rights to which crime victims are entitled, which include the right to:

- Be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped.
- Be informed of and present at certain criminal proceedings.
- Be reasonably informed of and be allowed to submit either a written or oral statement at all hearings affecting bond or bail.
- Confer with the prosecution at certain stages of the case.
- 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.
- 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.

Chapter 3 of Title 16 of the South Carolina Code of Laws contains provisions to implement the Victim’s Bill of Rights. Among those responsible for the implementation of the rights outlined in the South Carolina Constitution are victims, law enforcement, courts, prosecuting agencies, and the Attorney General. In addition, agencies charged with the custody of offenders, such as the Department of Corrections and the Department of Juvenile Justice, and agencies involved in post-conviction hearings, such as the Department of Probation, Parole and Pardon Services, have victim responsibilities. We discuss the responsibilities of these and other parties in Chapter 2.

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## **Victim Services Funding**

South Carolina's victim services programs are funded in part by court imposed assessments and surcharges levied by circuit, family, and summary courts. These assessments and surcharges generated approximately \$11.9 million in FY 05-06. Appendix C describes the laws governing the funding of victim services programs, including how those funds are required to be spent and monitored.

# Agencies that Provide Victim Services

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One of our audit objectives was to identify the agencies involved in providing victim services and determine how those services are funded. There is no central agency responsible for the provision of victim services in South Carolina. Victim services are provided by a number of different entities throughout the state. These include state agencies, local entities, and private, non-profit groups. Victim services include notification, compensation for injuries, and advocacy for victims' rights.

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 appropriations, assessments and surcharges on criminal convictions, federal grants, and garnishment of prisoner wages.

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## State Agencies

There are numerous state agencies involved in providing victim services. These agencies include:

- State Office of Victim Assistance
- Crime Victims' Ombudsman
- Commission on Prosecution Coordination
- Attorney General's Office
- South Carolina Court Administration
- South Carolina Department of Corrections
- Department of Probation, Parole and Pardon Services
- Department of Juvenile Justice
- Board of Juvenile Parole
- Department of Public Safety

Below we discuss each agency's responsibilities in providing victim services as well as the funding used to provide these services.

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### State Office of Victim Assistance

The State Office of Victim Assistance (SOVA) is located in the Governor's Office and operates the state's Victims' Compensation Fund.

In addition, S.C. Code §16-3-1410 authorizes SOVA to:

- Provide information, training, and technical assistance to state agencies, local agencies, and victim assistance groups.
- Provide recommendations to the Governor and General Assembly on victim services legislation.
- Serve as a clearinghouse of victim information.

- Develop guidelines for the implementation of victim assistance programs.
- Develop public awareness programs.
- Provide staff support for a state level advisory group on the coordination of victim services.
- Coordinate the development and implementation of policies and guidelines on victims with appropriate agencies.

In FY 05-06, SOVA was appropriated approximately \$160,000 specifically designated for the South Carolina Victim Assistance Network (SCVAN), a private, non-profit agency that represents victims. In return, SCVAN provided SOVA with assistance in fulfilling its statutory duties, including providing staff support for a state level advisory group on victim services.

However, in the FY 06-07 appropriations act, the General Assembly directed that SOVA follow the procurement code in contracting for these services. As a result, SOVA issued a request for proposal to create, organize, and direct a state level advisory group on victim services. The University of South Carolina's Center for Child & Family Studies was awarded the contract at a cost of approximately \$37,000. This new group, the South Carolina Victim Service Coordinating Council, held its first meeting in February 2007. The council's purpose is to increase coordination among victim service providers with final goals of streamlining access to services, reducing duplication, and ensuring the highest quality services for victims.

According to a SOVA official, the agency plans to use the remaining funds to create a resource library that victims and advocates can access and to produce public service announcements to raise awareness of victim services. However, there may be more effective uses for these remaining funds (see p. 30).

SOVA also coordinates the Victim Advocate Policy Committee (VAPC), which was created by the General Assembly in the FY 88-89 appropriations act. The committee's duties include determining specific responsibilities of solicitor victim advocates and developing protocols for interfacing services with other agencies. With creation of the Victim Service Coordinating Council, the VAPC may no longer be needed (see p. 21).

A key responsibility of SOVA is providing crime victims, law enforcement agencies, and hospitals with referrals to other victim assistance agencies and organizations that may be able to help victims. According to the Governor's Office accountability report for FY 05-06, SOVA made 14,263 referrals. SOVA also offers victim services training for agencies, service providers, law enforcement officials, advocates, hospitals, and teachers.

SOVA administers the Victims' Compensation Fund, which compensates victims of crime. Monetary assistance is provided for medical and dental expenses, counseling, and loss of income because of a deceased or incapacitated loved one. In FY 05-06, SOVA processed 4,659 claims and paid out over \$10.9 million in benefits to and on behalf of victims and their families. SOVA employs the largest staff of the state agencies involved in providing services to victims. As of 2006, SOVA had 34 employees.

**Table 2.1: SOVA Expenditures\* for Victim Services**

FY 03-04	FY 04-05	FY 05-06
\$13,422,064	\$13,912,836	\$12,556,125
SOURCE OF FUNDS: SOVA receives victim services funding from state appropriations; withholdings from prisoners' wages; percentages of collections for restitution, filing fees, alimony and child support payments; federal grants.		

\*The SOVA expenditures include Victims' Compensation Fund claims.

Source: SOVA financial documents.

## Crime Victims' Ombudsman

The Crime Victims' Ombudsman (CVO) is located in the Governor's Office. S.C. Code §16-3-1620(B) authorizes the CVO to:

- Serve as a referral source for crime victims.
- Serve as a liaison between elements of the criminal justice system and victims.
- Handle complaints for victims against any agency or individual in the criminal justice system.

The CVO seeks to ensure that all crime victims who file complaints are served justly, equitably, and fairly by South Carolina's criminal justice organizations. According to the Governor's Office accountability report for FY 05-06, the CVO fielded 1,962 incoming phone calls, provided 567 assists and referrals, and handled 34 formal complaints.

In FY 05-06, the CVO had \$150,631 in expenditures. The source of the CVO's revenue is primarily state appropriations. As of 2006, the CVO had three employees.

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Commission on  
Prosecution Coordination

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The Commission on Prosecution Coordination (CPC) coordinates all administrative functions of the offices of the solicitors. The CPC offers guidance to the solicitors on their victim assistance programs.

In FY 05-06, the CPC spent \$50,403 for an employee to provide victim services to children; this position is federally funded through a grant that requires state matching funds. CPC's accountability report for FY 05-06 states that CPC also has a state victim/witness assistance coordinator, but that position is currently vacant.

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Attorney General's Office

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According to an official at the Attorney General's (AG) Office, the office becomes involved with victims if a case enters the appeals process at the state or federal level. The AG must notify victims of appellate court hearings and inform them of the appellate process. The AG currently handles victim services for approximately 3,600 appeals cases.

The AG also currently provides victim services for the following:

- Sixty-three death penalty cases.
- Approximately 247 federal habeas corpus cases (an order to bring a prisoner before the court to determine if the prisoner is lawfully imprisoned) each year.
- Approximately 2,198 post-conviction relief (PCR) cases (where imprisoned inmates petition for a new trial based on the shortcomings of their initial trial attorney).

The AG conducts notification duties through telephone calls and by mailing letters to victims. Staff also attends court with crime victims. In FY 05-06, the AG spent \$125,940 on providing victim services. This money comes from the AG's state appropriated budget. The AG currently has one full-time employee and two part-time employees providing victim services.

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South Carolina  
Court Administration

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According to an official at the South Carolina Court Administration, the office trains judges on proper victim notification procedures pursuant to Chapter 3 of Title 16 of the South Carolina Code of Laws. It also educates judges and court employees on how assessments and surcharges are to be handled, including those that fund victim services. Court Administration also conducts two orientations each year for new judges which provide information on victim services.



Court Administration and the State Treasurer's Office (see p. 13) are authorized to receive a total of \$10,000 per year from court surcharges and assessments to conduct training for counties, municipalities, and court employees regarding the collection and distribution of court surcharges and assessments. According to a Court Administration official, Court Administration has not automatically received these funds and has generally elected to absorb training costs.

## South Carolina Department of Corrections

The South Carolina Department of Corrections (SCDC) is responsible for notifying victims of changes in their offenders' statuses due to a transfer to a less secure facility, escape, and release of the prisoner. SCDC uses an automated telephone notification system called Victim Information and Notification Everyday (VINE) to notify victims of transfers, in the event of a death, and to confirm the release of an inmate. According to an SCDC official, SCDC staff also provided an average of 687 letters to victims each month with advanced notification of a release or other mandatory notification. SCDC also administers an impact of crime program for inmates, provides staff assistance to victims during an execution, and answers all victims' telephone calls, e-mails, and letters.

As of 2006, the SCDC had a staff of six victim assistance providers, one of whom was a part-time employee.

**Table 2.2: SCDC Expenditures for Victim Services**

FY 03-04	FY 04-05	FY 05-06
\$247,497	\$617,886	\$602,646
SOURCE OF FUNDS: SCDC receives victim services funding from withholdings from prisoners' work release wages.		

Source: SCDC financial documents.

According to information received from an official with SCDC, during FY 03-04 costs for hardware, software, and data processing were paid with state appropriated funds instead of victim assistance funds. This is the reason why expenditures for victim services were significantly lower during FY 03-04 than the other two years. However, during FY 04-05 and FY 05-06 SCDC used victim assistance funds to cover these costs. The ongoing data processing charges include mainframe costs of \$45,000 per year, costs for computer applications developed and supported by an SCDC analyst, and networking costs.

Beginning in FY 06-07, the appropriations act specifies that any surplus funds from prisoner withholdings not spent by SCDC must be transferred to the Department of Public Safety (DPS) to be used for its State Victims Assistance Program (SVAP) grants. SCDC's projections indicate that DPS will receive approximately \$340,000 in surplus funds from SCDC in FY 06-07. This surplus accumulated between FY 01-02 and FY 06-07; the amount of the surplus transferred, if any, will vary on a yearly basis.

Department of Probation,  
Parole and Pardon  
Services

The Department of Probation, Parole and Pardon Services' (PPP) victim services duties include notification of parole hearings and collecting restitution for victims. The department provides most notifications to victims through the mail. In FY 05-06, the PPP Office of Victim Services received 632 victim impact statements and 4,227 notification requests. The office notified 13,927 victims of upcoming parole hearings and assisted 1,813 victims at 532 parole hearings. The parole board conducted 50 meetings during FY 05-06 and considered over 4,900 parole case summaries. The PPP has parole hearings in Columbia and has a remote video conferencing facility in Charleston that allows victims to participate in parole hearings without traveling to Columbia.

Victims can oppose an offender's parole in person, by letter, or by video. Friends and relatives of the victim, law enforcement, and solicitors can also attend parole hearings. When an offender is paroled, PPP sends a letter to the victim, the local law enforcement agency where the offender will be living, and the original arresting law enforcement agency.

In FY 05-06, PPP collected and disbursed over \$7 million in restitution to victims. PPP currently has five employees involved in providing victim services in the state office, 13 victim services coordinators in 12 county offices throughout the state, and field operations in all 46 counties.

Table 2.3: PPP Expenditures\* for Victim Services

FY 03-04	FY 04-05	FY 05-06
\$1,064,720	\$908,355	\$1,566,553
SOURCE OF FUNDS: PPP receives victim services funding from a fee added to prisoners' restitution payments.		

\* Restitution payments made to victims are not included.

Source: PPP financial documents.

Department of Juvenile Justice

According to Department of Juvenile Justice (DJJ) officials, the agency provides notifications and collects restitution for victims of juvenile offenders. DJJ uses an automated notification system called the Internet Victim Information System (IVIS) for most of its notifications. These notifications include transfers of the offender to another DJJ facility, an adult facility, a wilderness camp, or to a sex offender or mental health treatment facility. If an offender escapes, a DJJ official makes a personal telephone call to the victim. During FY 05-06, DJJ made 14,950 contacts with victims, including written, in-person, and telephone contacts.

DJJ has 43 county offices which serve all 46 counties in the state, and the staff at those offices are responsible for notifying victims of the offender’s status for cases handled by those offices. The county staff are primarily probation officers who are responsible for providing updates to victims on their offenders’ cases and any other status changes of the offender. The probation officers are also responsible for making sure that offenders pay restitution and work their required number of community service hours.

In FY 05-06, approximately \$485,000 in monetary restitution was ordered to victims. DJJ has one victim assistance employee in the state office as well as the staff in the 43 county offices who have other duties in addition to victim services.

Table 2.4: DJJ Expenditures\* for Victim Services

FY 03-04	FY 04-05	FY 05-06
\$267,952	\$150,753	\$214,899
SOURCE OF FUNDS: DJJ uses state appropriations to fund victim services.		

\* These figures do not include expenses that DJJ incurs for the collection and redistribution of restitution monies.

Source: DJJ financial documents.

Board of Juvenile Parole

The Board of Juvenile Parole conducts parole hearings for juvenile offenders and must notify victims of parole hearings. Victims may appear in person, submit a written statement or video tape, or have victim assistance staff report for them. In FY 05-06, 84 victims appeared before the Board of Juvenile Parole and \$60,372 in monetary restitution was ordered to victims.

In FY 05-06 the board spent \$39,984 for victim services. This money comes from the board's state appropriated budget. The Board of Juvenile Parole has one full-time employee responsible for providing services to victims.

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## Department of Public Safety

In terms of victim services, the Department of Public Safety (DPS) is primarily a granting agency that handles grant administration and awards victim services grants to towns, counties, solicitors, state agencies, and non-profits. The Public Safety Coordinating Council oversees the grant selection process and has exclusive authority for awarding the grants managed by DPS.

DPS administers three types of victim services grants totaling approximately \$8 million per year. These grants fund services for victims such as adult sexual assault services, domestic violence services, and child abuse and neglect services. The grants also help law enforcement, prosecution, and court entities provide victim services. The grants DPS administers are:

**VOCA Grants** – Funded by the federal government through the 1984 Victims of Crime Act to benefit victims of violent crimes. An example of victim services funded by VOCA is the non-profit Foothills Alliance, which received approximately \$36,000 to provide a sexual assault counselor.

**SVAP Grants** – The State Victim Assistance Program grant was patterned after the federal VOCA grants. The funding source of the SVAP grants is a percentage of prisoners' paychecks. As an example of victim services funded by SVAP, the First Circuit Solicitor's Office received approximately \$15,000 to provide a victim advocate for general sessions court cases in Orangeburg County.

**VAWA Grants** – Funded by the U.S. Department of Justice through the 1994 Violence Against Women Act. These grants benefit female victims 18 years old or older. The Crime Victims Center of the Medical University of South Carolina (MUSC) received approximately \$58,000 to implement a sexual assault and domestic violence intervention training program for medical professionals.

To manage these grants, DPS conducts site visits and completes site monitoring reports. DPS currently has four full-time staff involved in victim services grants. In addition, five additional employees, including accounting personnel, spend a portion of their time on grant administration. Grantees also have to report how grant money is used.

The South Carolina Highway Patrol within the Department of Public Safety also provides victim services. The highway patrol is creating a new victim services office which will house victim advocates. The highway patrol primarily provides services to traffic accident victims involved in DUIs or reckless driving accidents.

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**Table 2.5: DPS Expenditures\* for Victim Services**

FY 03-04	FY 04-05	FY 05-06
\$328,658	\$295,645	\$304,055
SOURCE OF FUNDS: DPS receives victim services funding from grant administration fees it deducts from the two federal victim services grants.		

\* Not including grants awarded to third-party providers.

Source: DPS financial documents.

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## Other State Agencies

Below we discuss other state agencies that have limited victim assistance responsibilities.

### Office of the State Auditor

The Office of the State Auditor (OSA) randomly selects county and municipal courts to audit regarding their collection and use of fines, surcharges, and assessments, including victim assistance money. To fund these audits, OSA is given \$250,000 per year from assessments collected on court fines (see p. 27).

### State Treasurer's Office

The State Treasurer's Office (STO) collects and analyzes reports on victim services funding retained by counties and municipalities. STO receives 1% of assessment and filing fees that are credited to the general fund. This 1% funding is used by STO for training local governments and to defray administrative expenses for the collection and distribution of these funds.

### Department of Social Services

The Department of Social Services (DSS) acts as a grant administrator of state appropriations, federal Family Violence Prevention and Services Act funds, and other federal funds allocated to non-profit organizations to provide domestic violence services to victims. According to DSS officials, for FY 05-06 DSS spent over \$4.2 million in federal and other funds through non-profit organizations.

Since at least 2000, DSS has received a line-item appropriation of approximately \$1.6 million in state funds as a pass-through to battered spouse shelters. Faced with budget cuts in FY 01-02, DSS entered into an agreement with battered spouse shelters to replace these state funds with federal Temporary Assistance for Needy Families (TANF) funds. In exchange, these shelters received a 10% increase in funding. DSS used the state funds as a match to obtain additional federal funds for the child welfare services program. According to an agency official, DSS continues to do this substitution. Since FY 01-02, the appropriations act has not been revised to reflect this change in funding for the shelters.

### **Department of Health and Environmental Control**

The Department of Health and Environmental Control (DHEC) contracts with 16 sexual assault centers in the state. Funding for the centers comes from state appropriations and federal funds for rape prevention and education provided through the Violence Against Women Act (VAWA). In FY 05-06, DHEC provided over \$1.5 million federal and state funds to these centers. These funds are used primarily to pay operational costs of the centers and for education and prevention programs. DHEC has one employee who coordinates these services as one of her job duties (see p. 22).

### **Department of Mental Health**

The Department of Mental Health (DMH) evaluates defendants and must notify victims in certain circumstances. For example, if a defendant with a victim notification requirement is in a DMH inpatient facility or has been evaluated by DMH and the defendant is to be released into the community rather than into the custody of law enforcement, the victim must be properly notified. DMH spends under \$30,000 a year on victim notification.

### **Department of Natural Resources**

The Department of Natural Resources (DNR) provides victim services to victims of crimes under its jurisdiction. An example of a DNR case would be boating under the influence resulting in serious injury or death. The DNR law enforcement officers provide services to victims in these cases. DNR does not receive any funds to provide victim services; all expenses are paid as part of DNR's general operating budget.

### **Guardian ad Litem Program**

The Guardian ad Litem (GAL) Program recruits, trains, and supervises appropriate volunteers to act as court-appointed child advocates in cases where allegations of abuse and neglect have resulted in family court proceedings. In FY 05-06, the GAL program received over \$2.9 million through state appropriations, grants, and other funding.

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## **State-Supported Universities**

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Some state-supported universities provide victim services.

### **Clemson University**

Clemson expends approximately \$13,000 to pay for part of a Clemson University police department investigator/victim advocate's salary.

### **College of Charleston**

The college spends approximately \$105,000 per year for the Crisis Assistance Response and Education (C.A.R.E.) program. This money comes from the student affairs budget and student activities fees.

### **Medical University of South Carolina (MUSC)**

MUSC operates the National Crime Victims Research and Treatment Center (NCVC). The NCVC conducts scientific research, evidence-based treatment, professional education, and consultation.

### **South Carolina State University**

The university has a victim advocate in its police department. It is allocated no funding specifically for victim services.

### **University of South Carolina**

The university spends approximately \$72,000 per year which primarily comes from student health fees.

### **Winthrop University**

The university has a victim advocate in its police department which is funded through its general budget.

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## Local Entities

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Local entities also provide victim services. The primary entities providing these services are local law enforcement agencies and the 16 solicitors' offices.

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## Law Enforcement Victim Advocates

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Law Enforcement Victim Advocates (LEVAs) are usually the first victim advocates that a victim interacts with, and are usually employed by local law enforcement agencies. LEVAs assist victims in obtaining their legally protected rights by notifying victims about the status of their cases, explaining the criminal justice process, filling out paperwork for victims, and accompanying victims in court. LEVAs also provide victims with copies of their incident reports and assist victims in intervening with creditors and employers when necessary. Many LEVAs are assigned other responsibilities in addition to their victim advocacy duties since many smaller law enforcement agencies have limited personnel.

LEVAs are funded through court surcharges and assessments. According to the S.C. Law Enforcement Victim Advocate Association, there are an estimated 460 LEVAs in South Carolina.

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## Solicitors

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The state's 16 solicitors have victim advocates within their offices. These solicitor-based victim advocates notify victims on the status of their cases, help victims prepare victim impact statements, and apply for reimbursements from the Victims' Compensation Fund. They also refer victims to DSS and non-profits for additional victim services if necessary. These advocates help the attorneys prepare the victims for trial and accompany the victims to court. They also try to counsel victims on events following the trial, for example, what to expect from other agencies such as SCDC and PPP. According to officials at the Commission on Prosecution Coordination (CPC), all solicitor-based victim advocates are required to be certified through the CPC. The solicitor victim advocates must also receive continuing education each year. No other victim advocates within the state are required to be certified.

Solicitors receive their funding from court assessments, from the State Office of Victim Assistance (\$831,117 divided among the 16 circuits), and the Commission on Prosecution Coordination (\$2,260,000 divided among the 16 circuits). In addition, some solicitors receive county funds for victim services. There are an estimated 79 solicitor victim advocates in South Carolina.

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## Non-Governmental Entities

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Non-governmental entities are also key at providing victim services within the state. Two of the most influential of these entities are the South Carolina Victim Assistance Network (SCVAN) and the South Carolina Coalition Against Domestic Violence and Sexual Assault.

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### South Carolina Victim Assistance Network

The South Carolina Victim Assistance Network is a nonprofit organization that provides advocacy on behalf of all victims and witnesses of crime. According to SCVAN's website, this organization undertakes the following:

- Enhances public awareness.
- Facilitates research and evaluation.
- Facilitates quality training.
- Educates and coordinates policy development.
- Encourages citizen and victim participation.
- Produces educational literature and videos.

SCVAN's board of directors has representatives from many levels of state government and the victim rights community. Prior to FY 06-07, SCVAN received state funds annually through SOVA for as much as \$160,000. However, SCVAN no longer receives these funds (see p. 5).

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### South Carolina Coalition Against Domestic Violence and Sexual Assault

The South Carolina Coalition Against Domestic Violence and Sexual Assault is a non-profit organization that represents 23 private providers of support services for victims of domestic violence and sexual assault. The coalition provides information and training to these providers as well as advocacy for these groups to the state legislature. It also conducts training for a broad array of professionals (including law enforcement, judiciary, clergy, and schools), and tries to raise public awareness by writing editorials for newspapers, producing commercials, and publishing a newsletter and website. The coalition has contracts with DSS and DHEC totaling \$175,000 and also receives federal funding.

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## Conclusion

Previous studies of victim services have described the system for serving victims as “inherently fragmented” and stated that this 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 has been proposed to create a cabinet level department of crime victim services (see p. 35). Others have expressed concern that a state level agency will be less responsive to the public than local agencies and would result in increased costs. In our review of other states, we found that the structure of South Carolina’s system is similar to those in other states (see p. 19).

# Proposals for Victim Services Reform

We found examples of problems which may indicate a need for greater oversight. Court audits performed under contract by OSA have revealed discrepancies relating to the accounting, reporting, or expenditure of funds allocated for victim services (see p. 27). Evidence indicates that not all victims are being notified and agencies may not always be receiving victim impact statements as required by law (see p. 25). The creation of the Victim Service Coordinating Council, as well as the continued audits by OSA should result in improved delivery of victim services.

## Administrative Structure

In South Carolina, the State Office of Victim Assistance (SOVA) in the Governor’s Office serves as the primary victim services coordinating agency. In addition, a number of other state agencies are involved in the provision of victim services (see p. 5).

## Other States

We contacted five Southeastern states (Florida, Georgia, North Carolina, Tennessee, and Virginia), other states that recently created a strategic plan for victim services (Oregon, Pennsylvania, and Vermont), as well as a cross-section of other states (Michigan, Texas, Wisconsin, Ohio, and Colorado).

### Coordinating Agency

We determined that a state’s primary coordinating agency was the agency responsible for most of the following functions — compensation fund, victim services grants, technical assistance to service providers and victims, and advice to the legislature on victim services policy. Of 13 states contacted, none of them house the primary coordinating agency in the governor’s office. The extent of the responsibility in each coordinating agency also varies. Table 3.1 shows the placement of the primary coordinating agency in each state.

**Table 3.1: Other States’ Primary Coordinating Agencies**

PRIMARY COORDINATING AGENCY	STATE
Attorney General's Office	Florida, Ohio, Oregon, Texas, Wisconsin
Dept. of Public Safety	North Carolina, Colorado
Stand-Alone Agency	Vermont
Criminal Justice Support Agency*	Georgia, Pennsylvania, Virginia
Dept. of Community Health	Michigan
Dept. of Finance and Administration	Tennessee

\* Georgia Criminal Justice Coordinating Council, Pennsylvania Commission on Crime and Delinquency, Virginia Department of Criminal Justice Services.

### Victim Compensation Funds

In South Carolina, SOVA operates the compensation fund. In nine of the other states, the primary coordinating agency administers the victim compensation fund. The remaining four states have different entities in charge of their victim compensation funds (see Table 3.2).

**Table 3.2: Entities Administering Victim Compensation Funds in Other States**

STATE	AGENCY
Tennessee	State Treasurer's Office
Virginia	Workers' Compensation Commission
North Carolina	The Department of Crime Control and Public Safety houses the Crime Victims Compensation Commission as a separate division.
Colorado	A board in each judicial district makes compensation fund decisions.

### Protecting Victim Rights

Each state has a different method for assuring victims have some recourse when their rights are violated. South Carolina's Crime Victims' Ombudsman is responsible for investigating victim complaints (see p. 7). In addition, victims in South Carolina can ask for a *writ of mandamus* ordering a government official to fulfill his victim service responsibilities. Officials in six states said that there is no formal procedure in place to address victim rights violations.

According to agency officials, Oregon and Vermont are in the process of studying and developing systems to address rights violations. Some states (Colorado, Georgia, Pennsylvania, Texas, and Wisconsin) have a committee or person connected to the coordinating office who mediates victim complaints. In addition to the in-office resource, victims in Georgia, Texas, and Wisconsin have an additional layer of recourse. Georgia has a five-member board and Wisconsin has a Crime Victim's Rights Board to hear appeals of decisions made in the coordinating office. Texas allows victims to have their cases heard in the state court system. North Carolina and Florida refer victim complaints to the citizen's rights division of the Attorney General's office.

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## Options for Restructuring Victim Services in South Carolina

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### Victim Advocate Policy Committee

South Carolina's fragmented victim services system is not unique. However, improvements can be made to ensure that the statutorily mandated victim services are provided in a more efficient manner.

The Victim Advocate Policy Committee (VAPC) has not been active and should be dissolved. The VAPC was created by the General Assembly in the FY 88-89 appropriations act as an advisory committee. The committee was charged with developing guidelines for solicitor-based victim advocate programs.

Each year following the initial legislation, the General Assembly has renewed the committee by proviso, charging it with monitoring the guidelines recommended, revising them as appropriate, advising in development and revision of forms, information, and criteria used to evaluate compliance. According to a SOVA official, the VAPC did not meet between 1998 and 2006. SOVA reactivated the committee and convened a meeting on November 16, 2006.

There are two other entities in South Carolina which either already perform some of these functions or are positioned to absorb them – the Victim Service Coordinating Council and the Commission on Prosecution Coordination. The newly created Victim Service Coordinating Council (see p. 6) consists of 16 people involved in victim services, including representatives from state agencies, non-profits, local governments, and judicial agencies. This council will be connected to and supported by SOVA. The council's purpose is to increase coordination among victim service providers with final goals of streamlining access to services, reducing duplication, and ensuring the highest quality services for victims.

Another option would be to assign VAPC responsibilities to the Commission on Prosecution Coordination. The commission's membership and staff already coordinate the administrative functions of the solicitors. Like the VAPC, commission membership includes solicitors and solicitor-based victim advocates.

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## Recommendation

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1. The General Assembly should dissolve the Victim Advocate Policy Committee, determine which of its functions remain necessary, and transfer those responsibilities to the Victim Services Coordinating Council or the Commission on Prosecution Coordination.
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## Victim Services Grants

Victim services grants could be consolidated to improve efficiency and ensure appropriate oversight. In South Carolina, there are three primary agencies involved in making grants to victim service organizations:

- The Department of Public Safety
- The Department of Health and Environmental Control
- The Department of Social Services

DPS administers two federal grants specifically for victim services, the Victims of Crime Act and the Violence Against Women Act. These grants are used to provide assistance to public and private agencies that serve victims.

DSS contracts with domestic violence shelters operated by the South Carolina Coalition Against Domestic Violence and Sexual Assault (SCCADVASA) member organizations and passes state and federal funding through to those operators. A restriction placed on the federal block grants DSS receives is that the grant must go to the state agency the Governor designates responsible for administering programs related to family violence. In South Carolina, the Governor designated DSS to administer the funds. According to a DSS official, there is nothing beyond the Governor's designation that would prohibit another state agency from administering the funding.

DHEC also contracts with SCCADVASA member organizations to provide sexual assault services. The federal grantor (Centers for Disease Control) specifies that grants pass through state health departments. DHEC administers a state appropriation that also goes to the same 16 SCCADVASA members. According to a DHEC official, using the same agency to administer the state and federal funds makes reporting and auditing more efficient.

A part of grant administration is oversight and the ability to hold grantees accountable. The grantees are all victim services providers accountable to DPS, DSS, or DHEC because of the grantor/grantee relationship. However, none of these agencies play a central role in victim service policy in South

Carolina. SOVA is responsible for victim services related policy-making, and direct involvement with the providers would aid in streamlining those responsibilities. Though DHEC would have to continue to administer sexual assault related grants, those administered by DPS and DSS could be consolidated under one agency.

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## Recommendation

2. The State Office of Victim Assistance, in consultation with the Victim Services Coordinating Council should examine the grants made by the Department of Public Safety, The Department of Health and Environmental Control and the Department of Social Services to determine if the grants could be consolidated under one agency and recommend statutory changes to the General Assembly.

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## Victim Notification

The South Carolina Constitution and various South Carolina laws require that crime victims be notified when certain actions take place. Article I, Section 24(A)(2) of the South Carolina Constitution states that a crime victim has the right to “...be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped.”

The notification process follows the offender through the criminal justice system. Listed below are examples of when a victim must be notified of a change in their offender’s status and the agency that is required to make the notification:

- Arrest of offender by local law enforcement agency (notified by a law enforcement victim advocate).
- Bond hearing information (notified by local law enforcement and/or prosecuting agency with verification by judge).
- Plea agreements (notified by prosecuting agency).
- Appellate court hearings (notified by the Attorney General’s Office).
- Transfer of offender to a less secure facility (notified by SCDC or DJJ).
- Escape of offender (notified by SCDC or DJJ).
- Release from prison (notified by SCDC or DJJ).
- Parole hearings information (notified by PPP or Board of Juvenile Parole).
- Evaluation of defendant at an inpatient facility or release of defendant (notified by the Department of Mental Health).

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## Automated Notification Systems

Various agencies have responsibility for notifying victims as the offender moves through the criminal justice system. There are a number of ways in which agencies fulfill this responsibility. In some cases, automated telephone notification systems are used and in other cases, notifications are done manually. There are two primary automated systems in South Carolina:

- Victim Information and Notification Everyday (VINE)
- Internet Victim Information System (IVIS).

The Department of Corrections and Charleston and Lexington counties use VINE. This system contacts the victim and gives a prisoner's location and dates of any transfer or release. SCDC staff enters a victim's information into VINE and assigns a personal identification number (PIN) to the victim. In addition, victims can use the VINE system to obtain information on their offender's status 24 hours a day, seven days a week. According to SCDC officials, in FY 05-06 the VINE system had approximately 253,000 outgoing calls and 56,000 incoming calls regarding SCDC inmates. The VINE system costs SCDC approximately \$78,000 a year for contractual services plus on-going internal operating costs.

Other agencies, such as the Department of Juvenile Justice and approximately 68 local governments have signed up to use IVIS. During FY 05-06, DJJ made 14,950 contacts with victims. IVIS costs approximately \$100,000 a year to operate. Operating expenses are funded through a federal Victims of Crime Act (VOCA) grant (approximately \$75,000 a year) and a required state match (approximately \$25,000 a year). The state appropriated money for the VOCA matching funds expires March 31, 2007.

Many other victim assistance providers in the state have no automated victim notification system. For example, the Department of Probation, Parole and Pardon Services sends its notifications out manually and does not use an automated computer notification system.

The federal government is seeking to implement a nationwide automated victim notification system. The U.S. Department of Justice has begun to award grants to states to implement an automated system that can interface with other states' systems. The U.S. Department of Justice has issued guidelines for a Statewide Automated Victim Information and Notification (SAVIN) program for states to follow. These guidelines outline what a state's automated victim information system should include, and what functions it should provide in order to be eligible for grant funding.



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## Other States

South Carolina's notification system is similar to those in other states. In South Carolina and all 13 states we contacted, the notification responsibility follows the offender through the criminal justice system. The major difference is the degree of automation of the notification system.

The degree of automation in each state varies. In South Carolina, the Department of Corrections and the Department of Juvenile Justice as well as some local governments use automated notification systems. Of the states we contacted, Georgia and Tennessee were the most similar to South Carolina. As in South Carolina, the Georgia and Tennessee departments of corrections and a few localities use an automated system.

In Virginia, the only agency that uses an automated system is the Department of Corrections. In Florida, Michigan, Ohio, and Oregon, both state and local custodial agencies use automated systems.

In North Carolina and Texas, the state and local custodial agencies, as well as the judicial system, use an automated system. Though North Carolina and Texas offer the most information through an automated system, each state has a few counties that are not on its system. According to an agency official, North Carolina was the first state to completely automate notification.

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## Notification Issues

The Crime Victims' Ombudsman (CVO) reported in its FY 04-05 annual report that 9% (7 out of 80) of all complaints investigated from victims 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 indicates that many criminals do not have registered victims. There are several possible reasons for the lack of registered victims — victims may choose not to be notified, victims may not be told of their right to notification, victims may not understand the process for registering, or agencies are not forwarding victims' information to other agencies.

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## Victim Impact Statements

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.) to be forwarded to all appropriate agencies. Agencies which receive victim impact statements include the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Board of Juvenile

Parole, the Department of Juvenile Justice, and a diversion program. In summary court (i.e. magistrate or municipal) cases where the cumulative sentence is over 90 days, the judge is responsible for forwarding the statement. In circuit or family court cases where the sentence is over 90 days, the prosecuting agency is responsible for forwarding the victim impact statement.

Victim impact statements are designed to help protect the rights of victims in South Carolina's criminal justice system. 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.

S.C. Code §16-3-1410(A) authorizes the State Office of Victim Assistance (SOVA) to:

Provide information, training, and technical assistance to state and local agencies and groups involved in victim/witness and domestic violence assistance, such as the Attorney General's Office, the solicitors' offices, law enforcement agencies, judges, hospital staff, rape crisis centers, and spouse abuse shelters.

SOVA's training programs and the recently created Victim Service Coordinating Council can help address some of the victim notification issues and help ensure compliance with state victim notification requirements.

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## Recommendations

3. The State Office of Victim Assistance, in consultation with the Victim Service Coordinating Council, should develop procedures to improve coordination among all agencies to ensure that all victims are notified and all agencies receive victim impact statements as required by law.
4. The State Office of Victim Assistance, in consultation with the Victim Service Coordinating Council, should determine the feasibility of creating a statewide automated victim notification system.

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## Internal Controls

We reviewed several areas of internal controls over the collection and expenditure of victim service funds. Our review of court audits done under contract by the Office of the State Auditor (OSA) and the requirement for supplementary schedules detailing victim service expenditures in county and municipal audits indicates the need for greater oversight of victim service funds. Establishing an oversight mechanism through SOVA could result in improvements in the provision of victim services.

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## Court Audits

We reviewed the 31 available court audits performed under contract by OSA. There were 48 deficiencies relating to the accounting, reporting, or expenditure of funds allocated for victim services at the local government level in these audits. These deficiencies relate to a variety of issues including unallowable expenditure of victim services funds, insufficient substantiation of expenditures charged to victim services funds, as well as deficiencies in the accounting for these funds.

Local governments collect fines, assessments, and surcharges from persons convicted of offenses in general sessions, magistrate's, and municipal courts. These monies fund a variety of programs including services to victims of crime. Local entities are allowed to retain a percentage of these assessments and surcharges to fund victim services within the local governments. During the past three fiscal years, local governments have retained over \$35 million to be used for victim services.

Each year since FY 04-05, the appropriations act has required OSA to "periodically examine the books . . . of the county treasurers, municipal treasurers, county clerks of court, magistrates, and municipal courts" to report whether assessments, surcharges, fees, and fines were properly collected and remitted to the state. In addition, these audits are "to determine if the proper amount of funds have been reported, retained, and allocated for victim services in accordance with state law."

To fund these audits, OSA is given \$250,000 per year from assessments collected on court fines. According to an official with OSA, out of a total of \$750,000 (\$250,000 for three years), \$463,982 was spent or encumbered as of December 2006. This leaves a balance remaining of over \$286,000 for future court audits. OSA is authorized to subcontract with independent auditors to perform these audits.

During 2005, six audit reports were issued by a contract CPA firm covering three general sessions courts, two magistrates courts, and one municipal court

for the period April 1, 2004, through March 31, 2005. Beginning in September 2006, twenty-five additional audit reports were released by OSA covering the period May 1, 2005, through April 30, 2006. Additional court audits are currently in progress.

## Audit Deficiencies

We reviewed the 31 available court audits and found that 26 (84%) of the audits cited deficiencies relating to victim services funds. We identified a total of 48 deficiencies relating to funds allocated for victim services. We grouped these deficiencies into four categories as shown in Table 3.3.

**Table 3.3: Deficiencies Relating to Funds Allocated for Victim Services**

DEFICIENCY	NUMBER
In Accounting for Victim Assistance Funds	20
In Supplementary Schedule (see p. 31)	17
Insufficient Substantiation of Expenditures Charged to Victim Assistance Funds	6
Unallowable Expenditure of Victim Assistance Funds	5
<b>TOTAL</b>	<b>48</b>

The 48 deficiencies relate to a variety of weaknesses found by the auditors. Below we discuss several of these weaknesses.

- One town allocated all victim services funds accumulated in the prior year to police salaries. However, the town did not maintain any records or calculations to support the expenditure of these funds or to demonstrate how the victim assistance program benefited from this allocation. The town treasurer was unaware of the need to substantiate the expenditure.
- According to the audit report, one city did not maintain separate general ledger accounts for victim services activities. City employees were “. . . unaware that there were any regulations governing Victim’s Assistance accounting.” Therefore, the city’s accounting records did not comply with state law regarding the segregating, tracking, and carrying forward of balances relating to victim services funds.
- One county agreed to use victim services funds to reimburse the solicitor’s office for 50% of the salary for one solicitor. However, the auditors were unable to determine if this amount was reasonable since

there was no substantiation of the time devoted to victim services by the solicitor's office employee.

- Another town inappropriately expended victim services funds for routine law enforcement activities. According to the auditors, the cause for this deficiency was that town employees did not have “. . . the experience or training necessary to identify these activities.” The town agreed to repay the victim services fund for these expenditures.

The audited entities are given an opportunity to review and provide a written response to the findings prior to the audit being published. Typical responses describe the actions planned or already taken to resolve the deficiencies outlined in the audit. Fourteen (45%) of the 31 entities reviewed did not provide a written response to be included with the audit report.

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## Report Distribution and Follow-Up

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According to the provisos requiring the court audits to be performed, a copy of the completed audit report is to be submitted by OSA to the Governor as well as the chairmen of the House Ways and Means, Senate Finance, and the House and Senate Judiciary Committees.

In addition, OSA is to notify STO, SOVA, and the chief justice of the state depending on the types of errors found during the audit process. According to an STO official, they have been receiving notification of these audits and have followed up on issues involving the office. In fact, an audit of one entity prompted the collection of over \$33,900 in delinquent fine revenues in October 2006.

We found that neither SOVA nor the chief justice has been receiving notices from OSA that these audit reports are available on its website. The staff of SOVA is authorized to provide information, training, and technical assistance to state and local agencies involved in victim/witness and domestic violence assistance. Therefore, SOVA could be instrumental in following up on the deficiencies outlined in these court audits and assisting local entities in properly accounting for and spending funds allocated for victims. In addition, Court Administration and the STO are responsible for annual training for court employees on the collection and distribution of fines. The deficiencies noted in these audits would be helpful in determining the areas of training most needed by local entities. During our review, OSA notified SOVA that the court audit reports were available on OSA's website and modified the distribution list to ensure that the proper parties received notification.

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. However, we found no evidence that a comprehensive follow-up process of all interested agencies is currently in place.

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## Selection of Audited Entities

There are approximately 500<sup>1</sup> courts subject to these audits and proviso 72.80 of the FY 06-07 appropriations act requires that these court audits be selected randomly. However, rather than relying solely on a random selection process, a risk-based approach may be more effective. According to OSA, in 2004, letters were sent to several state agencies, including SOVA, DPS, PPP, etc. asking for input regarding court systems to be audited. As a result, seven courts systems were identified for audit in FY 04-05. However, when no further courts systems were identified, no further audits were conducted until FY 06-07 when the proviso was revised to allow for a random selection process.

OSA could develop a risk-based approach using the expertise of interested agencies such as STO, SOVA, and Court Administration. For example, if a local entity is delinquent in payment of court fines, STO could recommend that entity for audit to determine the extent of the problems. In addition, if an entity was brought to the attention of SOVA staff as experiencing difficulties in understanding and applying state law regarding victim assistance record-keeping, SOVA could recommend that entity for audit. Consulting with other agencies in the selection process 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.

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## Audits of Victim Services Agencies

In 2004, Richland County contracted with SOVA to conduct a programmatic and fiscal audit of the victim service delivery system in the county. The audit found that, of the four victim service areas reviewed (the sheriff and solicitors offices, county court administration, and the county detention center), all were in compliance with the requirements for victims' services contained in the South Carolina Constitution. However, the report found a lack of coordination among the four areas. In addition, the report identified over \$136,000 in victim service funds spent on non-victim services, including staff salaries, office supplies, equipment, travel, and training.

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<sup>1</sup> For audit purposes, OSA includes all magistrates in a given county as one court. Therefore, a total of approximately 300 audits would be performed to cover all the courts subject to audit.

According to a SOVA official, the audit of Richland County was done at the county's request and SOVA has no authority to initiate audits of victim service providers. According to the official, the cost of the audit was approximately \$3,000. SOVA currently has an estimated \$120,000 remaining from funds appropriated to SOVA to provide staff support for a state level advisory group on victim services (see p. 5). Allowing for programmatic and financial audits of victim service providers could help ensure that victim services funds are spent appropriately and that victims receive all the services to which they are entitled.

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## Recommendations

5. The General Assembly should amend the assessment audit proviso in subsequent appropriations acts to require that the Office of the State Auditor notify the State Office of Victim Assistance and South Carolina Court Administration of all completed court audit reports.
6. The General Assembly should amend the assessment audit proviso in subsequent appropriations acts to allow input from the State Office of Victim Assistance, the State Treasurer's Office and South Carolina Court Administration in the audit selection process. If no input is received, a random selection process should be used.
7. The General Assembly should authorize the State Office of Victim Assistance and South Carolina Court Administration to follow up to ensure that deficiencies found in court audits are corrected.
8. The General Assembly should authorize the State Office of Victim Assistance to conduct programmatic reviews of victim services agencies.
9. The State Office of Victim Assistance, in consultation with the South Carolina Victim Service Coordinating Council, should develop and distribute guidelines for the appropriate expenditure of victim services funds.

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## Supplementary Schedules

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 31 court audits (see p. 27) done by OSA, 17 of the audits identified deficiencies in the supplementary schedules. Many of the schedules did not provide accurate or reliable information concerning victim services revenues and expenditures.

The 17 deficiencies found by the auditors concerning these supplementary schedules cited a variety of problems, including:

- In six (35%) of the 17 instances, the cause cited for insufficiencies in the schedules was lack of knowledge on the part of local staff who were unaware of laws requiring the supplementary schedule. For one entity, both the town and its external financial auditors were unaware of the requirements.
- The schedule for one county overstated victim services expenditures by \$33,750. The expenses reported in the supplementary schedule did not agree to either the victim assistance special revenue fund or the county's general ledger. The auditors reported that there was "no substantiation" for the \$33,750.
- The schedule for another county underreported the balance for victim services funds by over \$5,400. When the auditors reconciled the balance shown on the schedule to the county's general ledger, the error was discovered.
- One county could not provide documentation reconciling the supplementary schedule to its general ledger. As a result, the auditors were unable to verify the accuracy of the information included in the schedule. In addition, errors in the schedule resulted in a "grossly inflated" ending balance of victim services funds at June 30, 2005.

S.C. Code §14-1-206 (E), -207(E), and -208(E) provide that the annual external audit performed by law for each county and municipality include a review of ". . . the accounting controls over the collection, reporting, and distribution of fines and assessments from the point of collection to the point of distribution" to help ensure these fines are being properly collected and remitted to STO. As part of this review, a supplementary schedule detailing all fines and assessments collected by these entities must be prepared. This schedule must show "the total funds, by source, allocated to victim services activities, how those funds were expended, and any balances carried forward." The auditors hired by OSA to perform the court audits found that there is no standardized format used for these schedules, and many schedules do not contain the required information.

State laws requiring the preparation and audit of the supplementary schedules may not be clearly understood by court, county, and municipal staff and their external independent auditors. Although the laws requiring the schedules list the information which must be reported, there is no required format. A



standardized, consistent format would make it easier to compare different entities and time periods.

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## Recommendations

10. The State Office of Victim Assistance should develop a standardized format for the supplementary schedules in consultation with the South Carolina Victim Service Coordinating Council, the Office of the State Auditor, the State Treasurer’s Office, and South Carolina Court Administration.
  11. South Carolina Court Administration should provide adequate and appropriate training regarding supplementary schedules detailing fines and assessments collected at the court level.
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## Prior Victim Services Reports and Reform Proposals

We reviewed reports and reform proposals produced by governmental and private entities that contain recommendations relating to victim services. These reports are summarized below.

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### Joint Victim/Witness Study Committee

Proviso 72.67 of the FY 99-00 appropriations act created the Joint Victim/Witness Study Committee, which published its final report on January 1, 2000. The purpose of the committee was “to assess the level of Victim Services provided and any potential duplication thereof.” The committee concluded that the victim service delivery system in South Carolina was “inherently fragmented” and determined that the State Office of Victim Assistance (SOVA) was the proper government agency to carry out the report’s recommendations.

The report said that SOVA should publish an annual listing of statewide victim services program expenditures on its website as well as a report compiling program activity of all publicly funded victim service providers. Finally, the report recommended that SOVA “conduct an ongoing evaluation of the organizational efficiency of victim/witness service delivery systems in South Carolina.”

We asked SOVA whether it had implemented the recommendations of the committee. Concerning the recommendation that SOVA collect complete information on the amount and destination of funds being spent on victim services, SOVA noted that it “receives and reviews annual reports for [the South Carolina Victim Assistance Network] and the Solicitor’s offices for Victim/Witness activities,” and that it provides “technical assistance to municipalities on the use of these funds.”

Regarding the recommendation that SOVA issue a report compiling program activity of all publicly funded victim service providers, SOVA replied that it “does receive reports on the use of funds passed through our office.” This, however, is only a portion of all victim service funds spent in South Carolina. The Joint Victim/Witness Study Committee’s recommendation that SOVA post an annual listing of statewide victim service program expenditures on its website has not been implemented. Also, SOVA has not posted a report listing program activity for all publicly funded victim services programs. An official at SOVA stated that SOVA does not have the authority to compile information for such a report.

Regarding the recommendation that it “conduct an ongoing evaluation of the organizational efficiency of victim/witness service delivery systems in South Carolina”, SOVA stated that it “has posted an RFP to establish a state-level advisory group to coordinate victim services and reduce duplications.” This group, the Victim Services Coordinating Council, met on February 2, 2007. Finally, while SOVA has not conducted an ongoing evaluation of the organizational efficiency of victim service delivery systems, this issue may be addressed by the Victim Services Coordinating Council.

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## Victim Services Advisory Committee Findings and Recommendations

The report *Victim Services Advisory Committee Findings and Recommendations* was written by a committee coordinated by the South Carolina Office of the Attorney General pursuant to a proviso in the FY 98-99 appropriations act. In a 9–5 vote, the advisory committee recommended the centralization of the administration of victim services in South Carolina, citing unequal delivery of victim services throughout the state. However, the advisory committee’s minority report recommended against the transfer of victim service revenue to a statewide department, stating that local agencies would be more responsive to the public.

The committee’s recommendation that the administration of victim services be centralized has not been adopted (see p. 5). However, legislation has been proposed that would create a cabinet level Department of Crime Victim Services (see below).

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## A Vision for Crime Victim Services 2004

The South Carolina Victim Assistance Network (SCVAN), a non-governmental victim advocacy organization, made recommendations for the delivery of victim services in its report *A Vision for Crime Victim Services 2004*. This report recommended the formation of a cabinet level Department of Crime Victim Services and stressed the need for more consistent delivery and enforcement of victim services, the need for accountability of victim services funds, improved training of personnel and protection of the solvency of the victim compensation fund. SCVAN's recommendations included the adoption of a law that would create a restricted list of uses for victim service funds from the assessments and surcharges imposed by Act 141 (see Appendix C).

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## Balancing the Scales

The 1997 report *Balancing the Scales: A Master Plan for Crime Victim Services in South Carolina* was published by the National Crime Victims Research and Treatment Center at the Medical University of South Carolina and by Tidwell and Associates, a private consulting firm. The purpose of this report was to provide a plan for implementing the provisions of the South Carolina Victims' Bill of Rights constitutional amendment. This report recommended the creation of a comprehensive victim notification system and an information system for tracking services to crime victims. In addition, the report recommended obtaining systematic feedback from victims about services rendered to them by the criminal justice system and victim assistance agencies.

The *Balancing the Scales* report's recommendation that a comprehensive victim notification system be established has been at least partially implemented through the VINE and IVIS systems (see p. 24).

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## Department of Crime Victim Services

In 2003 a bill was introduced in the General Assembly that would have reorganized the delivery of victim services in South Carolina. The bill, S. 180, would create a cabinet level victim service agency called the Department of Crime Victim Services. Agencies that would be incorporated into the Department of Crime Victim Services include the State Office of Victim Assistance, the South Carolina Advisory Board for Victim Service, and the part of the Department of Public Safety's Office of Safety and Grants Division that administers victim services grants.

The Department of Crime Victim Services would consist of five divisions:

DIVISION OF VICTIM COMPENSATION would be responsible for administering the Victims' Compensation Fund.

DIVISION OF VICTIM SERVICE PROGRAMS AND TRAINING would formulate statewide standards for victim services and coordinate training of all victim service providers.

DIVISION OF INFORMATION TECHNOLOGY SERVICES would be responsible for receiving electronic transfer of data from local entities and for overseeing a statewide computer network used to keep victims and victim service providers informed.

DIVISION OF OPERATIONS AND ADMINISTRATION would manage the Department of Crime Victim Services and monitor "the revenues collected pursuant to provisions on crime victim services, the Victims' Compensation Fund...and other revenues received by the department."

DIVISION OF VICTIM SERVICE GRANTS would be responsible for "receiving and reviewing grant applications from victim service providers" and for monitoring the compliance of victim service providers.

Under S. 180, the portions of fees, fines, and assessments collected under South Carolina law that currently go to SOVA would instead go to the new department. Assessment revenue retained by local governments to be used for victim services "must be reported to the Department of Crime Victim Services for its review and in a manner prescribed by the department . . . ."

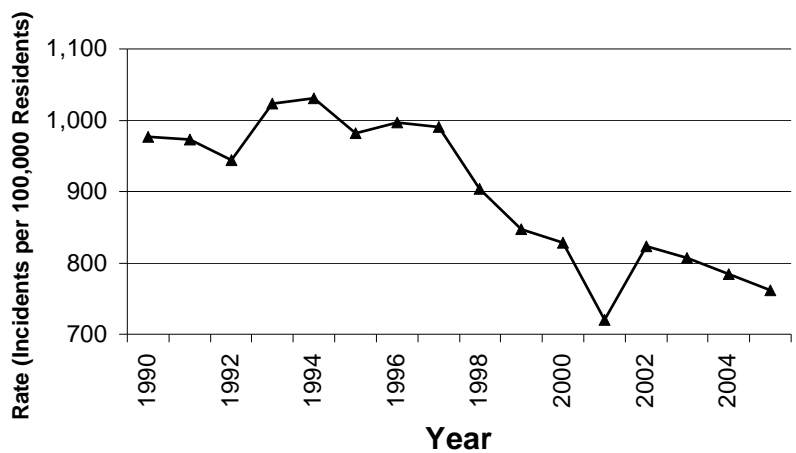
The Department of Crime Victim Services would also produce an annual report that would include audits concerning all agencies that receive public funds designated for victim services and information on all publicly funded victim service providers. Also, the department would be allowed to "Conduct an ongoing evaluation of the organizational efficiency of victim/witness service delivery systems in South Carolina."

This bill was introduced during the 2003-2004 session and was sent to the Senate judiciary committee where it received a favorable majority report. No further action was taken and, as of February 2007, the bill has not been reintroduced.

# Victims and Crime

According to the Federal Bureau of Investigation (FBI) and South Carolina Law Enforcement Division's (SLED) Uniform Crime Reporting (UCR) system, South Carolina's 2005 violent crime rate was 761.1 incidents per 100,000 residents. The violent crime rate is on an overall downward trend.

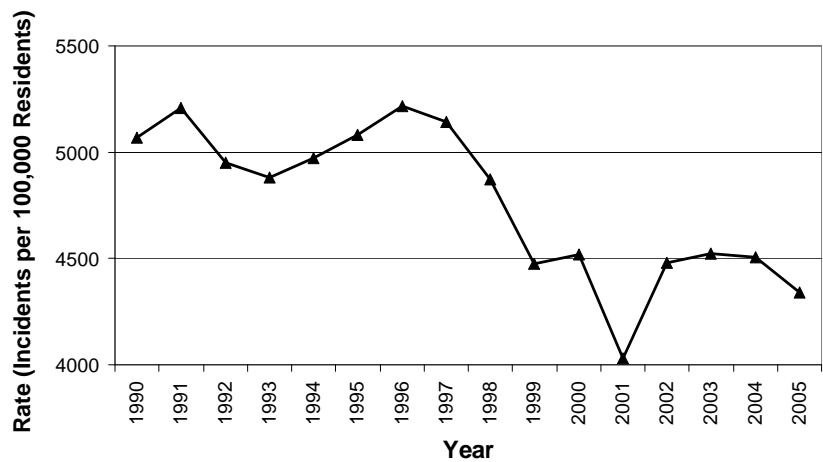
**Chart A.1: Violent Crime Rate**



Source: SLED

The nonviolent crime rate was 4339.4 incidents per 100,000 residents and the nonviolent crime rate is slowly decreasing over time.

**Chart A.2: Non-Violent Crime Rate**



Source: SLED

According to 2005 data from SLED, the most likely murder victim in South Carolina is a black male between the ages of 25 and 34. Females account for 99% of rape victims with white females accounting for 60% of that group. The most likely robbery and assault victims are white males between the ages of 25 and 34.

Between 2003 and 2005, South Carolina law enforcement agencies increased the number of crimes cleared (i.e. arresting and charging a suspect). In 2005, 54% of violent crimes and 17% of nonviolent crimes were cleared.

# Victim Services Laws

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## Victim Responsibilities

According to S.C. Code §16-3-1515, in order to obtain certain services, victims must inform a law enforcement agency, a prosecuting agency, a summary court judge, the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, or the Department of Juvenile Justice, as appropriate, of their current contact information, the financial impact that the particular crime has had on them, their desire to be present for hearings, and their desire to make an oral impact statement at sentencing. Victims are also responsible for submitting written impact statements to the prosecuting agency or summary court judge (summary courts are magistrates and municipal courts).

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## Law Enforcement Responsibilities

Under S.C. Code §16-3-1520, law enforcement agencies are charged with:

- Providing the victim with a free copy of the incident report.
- Informing the victim of the rights and services available.
- Assisting the victim with obtaining compensation.
- Informing the victim of the status of the investigation and the pending case.

Law enforcement is responsible for informing a victim of the status of the case until a judgment is reached in magistrate or municipal court, a juvenile offender is referred to the Department of Juvenile Justice, or the case is referred to a prosecutor to pursue in criminal court.

After the arrest or detention of the person accused of committing the offense against the victim, law enforcement must make a reasonable attempt to notify the victim of the arrest or detention and of the appropriate pretrial release hearing, such as a bond hearing. Law enforcement is also responsible for informing the victim of the release of an accused juvenile offender to his parent or guardian. Upon the arrest or detention of the accused, a law enforcement agency must provide the agency charged with custody of the accused the name, mailing address, and telephone number of each victim. Upon the detention of the accused, a law enforcement agency must provide the victim's name, mailing address, and telephone number to the summary court and the prosecuting agency.

In cases in which a defendant has bond set by a summary court judge, the arresting agency must reasonably attempt to notify the victim of his right to attend the bond hearing and make recommendations to the presiding judge.

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## Responsibilities of Judges

The summary court judge must notify the victim of his right to attend preliminary hearings. In addition, upon referral of a case to the summary court, the summary court must notify the victim of his rights, provide the victim with a victim impact statement form, and reasonably attempt to notify the victim in advance of all hearings. However, according to officials at the South Carolina Court Administration, summary court judges are not directly responsible for notifying victims of bond hearings because the judge is usually not aware of the offender's or victim's identity before the hearing.

In addition, S.C. Code §§16-3-1525(H)(2), (I)(1), and (J)(2) require that, before proceeding in a bond hearing, judges of family, magistrate, municipal, and circuit courts must verify with the agency having custody of the alleged offender that a reasonable attempt was made to notify the victim. If notice was not given, the hearing must be delayed.

Both the family court judge and circuit court judge are required to review the victim's written or oral impact statement before sentencing. Also, these judges must address the issue of restitution. In cases in which the sentence is more than 90 days, the summary court must forward within 15 days a copy of the victim impact statements or the victim's contact information, or both, to the Department of Corrections, the Department of Probation, Parole and Pardon Services, or the Board of Juvenile Parole, the Department of Juvenile Justice, and a diversion program.

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## Prosecuting Agency's Responsibilities

In cases in which a defendant has a bond proceeding before a circuit court judge or in cases in which a juvenile has a detention hearing before a family court judge, the prosecuting agency (such as the solicitor's office) must reasonably attempt to notify the victim of his right to attend the hearing and make recommendations to the judge. Also, the prosecuting agency must attempt to notify each victim of his right to submit an impact statement for consideration by the circuit or family court judge at the disposition proceeding, and must provide the victim with an impact statement form. The prosecution agency must also aid the victim in filling out the impact form, familiarize the victim with court procedure, refer the victim to the appropriate service agencies, and inform the victim of hearings. The prosecuting agency must maintain the victim's original impact statement.

The prosecutor is responsible for informing the victim of the status of the case from the time the prosecutor receives the case to be handled in criminal or family court. However, this responsibility does not extend to preliminary hearings.



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## Responsibilities of Custodial and Post Conviction Agencies

Under South Carolina law, the agency with custody of the offender must reasonably attempt to notify the victim before the release of the offender or transfer of an offender to a less secure facility or diversionary program, or after the escape of the offender.

For example, the Department of Juvenile Justice (DJJ) must make a reasonable effort to confer with the victim before placing a juvenile offender in a diversion program, issuing a recommendation for diversion, referring the juvenile to the prosecuting agency for prosecution, issuing a recommendation for evaluation, or taking other action. DJJ must reasonably attempt to keep the victim informed of the status and progress of the case from the time the case is referred to DJJ by law enforcement to the time DJJ refers the case to the prosecuting agency.

Under S.C. Code §16-3-1545(A), the victim must be informed that a written impact statement may be submitted when the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, or the Department of Juvenile Justice conducts any proceeding relating to the victim's case after the case has been decided. These agencies must also attempt to notify the victim, if the victim desires, of post-conviction proceedings affecting the probation, parole, or release of the offender, and of the victim's right to attend and comment at those proceedings.

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## Attorney General's Responsibilities

Upon receiving notice of appeal or other post-conviction action by a person convicted of an offense involving a victim, the Attorney General must request the victim's personal information from the Department of Corrections, the Department of Probation, Parole and Pardon Services, the Board of Juvenile Parole, or the Department of Juvenile Justice, as appropriate. The Attorney General must confer with victims regarding the defendant's post-conviction proceedings and keep the victim reasonably informed of the status of the appeal or other post conviction proceedings. Also, the Attorney General must attempt to notify the victim in advance of all post conviction proceedings.

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**Appendix B**  
**Victim Services Laws**

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# Victim Services Funding

## Court Assessments

Anyone who is convicted of, pleads guilty or no contest to, or forfeits bond for an offense tried in general sessions, magistrate, or municipal court must pay not only the fine amount but also additional charges known as assessments and surcharges. Since the FY 02-03 appropriations act, the assessments in general sessions, magistrate, and municipal court have been raised from 100% to 107.5% of the fine imposed.

The table below illustrates how to calculate the total amount of revenue derived from a \$100 fine in magistrate court for a criminal violation. A 107.5% assessment for a \$100 fine is \$107.50. Also added to the assessment is the \$25 surcharge under S.C. Code §14-1-211(A)(1) that is used for victim services. Finally, another \$25 surcharge is added to the total pursuant to Proviso 73.2 of the FY 06-07 appropriations act. Thus, for a \$100 fine in magistrate court, a person actually pays a total of \$257.50 due to assessments and surcharges.

**Table C.1: Assessment and Surcharges Applied to a Fine in Magistrate Court**

EXAMPLE OF FINE IN MAGISTRATE COURT	
Fine	\$100.00
107.5% Assessment	107.50
Victim Surcharge	25.00
Law Enforcement Funding Surcharge	25.00
<b>TOTAL</b>	<b>\$257.50</b>

Source: Court Administration

Local officials must remit 38% of the assessment revenue from general sessions court and 12% of the revenue from magistrate court and municipal court to the county or city to be used exclusively for the provision of services for the victims of crime. Funds must first be used to cover the cost of victim services provided by local law enforcement, local detention facilities, prosecutors, and the courts. Second priority must be given to programs that expand victim services beyond those required by Chapter 3 of Title 16, and all unused assessment revenue must be carried forward from year to year and be used exclusively for victim services.

The increase in the assessment percentage results in a change in the percentages of the assessments that are retained by local government and remitted to the state. In addition, the percent of the state remittance that goes to the State Office of Victim Assistance (SOVA) is also modified. For

example, prior to the increase in the assessment from 100% to 107.5%, 38% of the assessment from general sessions court was retained by the local government; that percentage is now 35.35%. In addition, the percentages remitted to STO and distributed to SOVA have also changed (see Table C.2).

**Table C.2: 2006-2007  
Appropriations Act Court  
Assessments**

COURT	ASSESSMENT	PERCENT OF		
		ASSESSMENT RETAINED BY LOCAL GOVERNMENT	ASSESSMENT REMITTED TO STATE	STATE REMITTANCE TO SOVA
General Sessions	107.5% of the fine imposed	35.35%	64.65%	11.83%
Magistrate	107.5% of the fine imposed	11.16%	88.84%	18.82%
Municipal	107.5% of the fine imposed	11.16%	88.84%	10.38%

Source: Court Administration and STO.

## Court Surcharges

With certain exceptions, a \$100 surcharge is imposed on all convictions obtained in general sessions court. Also with exceptions, a \$25 surcharge is imposed on all convictions obtained in magistrate and municipal court. Surcharge revenue must be retained by the jurisdiction which heard the case and for the purpose of providing services for victims of crime.

As with assessment revenue, surcharges must first be used to cover the cost of victim services provided by local law enforcement, local detention facilities, prosecutors, and the courts. Any additional funds can be used to fund related services that go beyond those provided by local governments. Unused surcharge funds must be carried forward from year to year and be used exclusively for victim services.

## Other Fees to Support the Victims' Compensation Fund

Certain percentages of other court fees go to support the Victim's Compensation Fund administered by SOVA (see p. 5) as shown in the table below.

**Table C.3: Other Fees, Assessments and Court Generated Revenue**

S.C. STATUTE	DESCRIPTION	PERCENT OF REVENUE REMITTED	
		STATE TREASURER'S OFFICE	VICTIMS COMPENSATION FUND
§14-1-203	Fees for Spousal and Dependant Children Support Actions	44%	6.2%
§14-1-204	Filing Fee for Complaints or Petitions in Civil Actions	56%	4.47%
§14-1-205	Costs, Fees, Fines, Penalties, Forfeitures, and other Revenues Generated by Circuit and Family Courts	44%	10.34%

Source: South Carolina Code of Laws.

## Attorney General Opinions

The Office of the South Carolina Attorney General has published opinions discussing the appropriate use of funds raised by the assessment and surcharge statutes.

- A July 30, 2003, opinion addressed whether a county council could divert victim service funds to the county alcohol and drug commission, and concluded that "...in no event, may a county or municipality use revenue generated by the forgoing statutes (victims assistance revenues) to fund projects or matters not related to victims' services."
- A July 10, 2003, opinion stated that it would be improper for a city's victims' advocate fund to be used for the purpose of funding any organization which provides services to non-crime victims, and thus concluded that victim service funds should not be given to the American Red Cross to aid fire victims.
- An October 1, 2001, opinion held that a sheriff's office could not use victim assessment revenues to fund a monitoring program for defendants charged in drug-related offenses.
- A January 4, 2000, Attorney General opinion stated that the assessment and surcharge statutes prohibit a county or municipality from creating "a central victims assistance office in lieu of appropriating funds directly to law enforcement, solicitors, courts, and jails."

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**Appendix C**  
**Victim Services Funding**

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# Agency Comments

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Twelve agencies reviewed this report. We provided the State Office of Victim Assistance (SOVA) in the Governor's Office the full report, and we provided excerpts from the report to 11 other agencies.

The following agencies submitted comments which are included in this appendix:

State Office of Victim Assistance  
Department of Social Services  
Office of State Auditor  
Department of Probation, Parole and Pardon Services

The following agencies had no comments on the final report:

Attorney General's Office  
Department of Health and Environmental Control  
State Treasurer's Office  
Department of Juvenile Justice  
Department of Public Safety  
South Carolina Court Administration  
Commission on Prosecution Coordination  
Department of Corrections

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**Appendix D**  
**Agency Comments**

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# State of South Carolina

## Office of the Governor

MARK SANFORD  
GOVERNOR

OFFICE OF EXECUTIVE  
POLICY AND PROGRAMS

March 19, 2007

Mr. George L. Schroeder, Director  
Legislative Audit Council  
1331 Elmwood Avenue, Suite 315  
Columbia, South Carolina 29201

Dear Mr. Schroeder,

Thank you for the opportunity to provide comments on the Legislative Audit Council report entitled *An Overview of Victim Services in South Carolina*. The State Office of Victim Assistance ("SOVA") generally concurs with the recommendations contained in this report and believes that, if implemented, greater accountability and efficiency in the provision of victim services in South Carolina could be achieved. Indeed, some of the legislative recommendations, if enacted by the General Assembly, would provide SOVA with the statutory authority critical to creating a more unified, equitable and efficient service delivery system for victims of crime in our state.

The report indicates that there may be better uses for the additional funds appropriated via proviso by the General Assembly to fulfill the duties of §16-3-1410 other than the creation of a resource library or production of public service announcements. While we agree that funds from this section could be used to fund programmatic audits of victim assistance expenditures by SOVA, if given statutory authority, there still remains a need for continued outreach to help increase the number of crime victims accessing services. These outreach efforts would be enhanced by public service announcements promoting awareness of victim services and greater resources for victims and advocates and are in line with language contained in §16-3-1410(C) and §16-3-1410(E). Moreover, these outreach efforts would not utilize all of the funds designated for this section, but would leave adequate funds for other activities. Therefore, if SOVA is given the statutory authority to conduct programmatic and financial reviews of victim service agencies, we would agree that the funds designated herein could be used for both the outreach efforts and the reviews.

The report also notes in the section titled "Prior Victim Services Reports and Reform Proposals" that SOVA has not implemented the Joint Victim/Witness Subcommittee's recommendation to post an annual listing of statewide victim service expenditures and activities due to a lack of authority.

Mr. George L. Schroeder, Director  
March 19, 2007  
Page 2

First, local funding streams vary from county to county. Second, counties and municipalities are not always maintaining appropriate supplemental schedules. Therefore, it is questionable whether accurate records for posting are being provided. SOVA's Annual Report, however, does contain information on the use of victim assistance funds in solicitor's offices and is posted on the SOVA website.

The "Prior Victim Services Reports and Reform Proposals" also suggests that SOVA has not conducted ongoing evaluation of the organizational efficiency of victim service delivery systems. It is important to note that SOVA has contracted with the South Carolina Victim Assistance Network ("SCVAN") for many years to serve as a state level advisory group to promote coordination of services prior to the creation of the Victim Services Coordinating Council ("VSCC"). In addition, SOVA has partnered with SCVAN and MUSC to host a statewide Victim Assistance Academy with promoting efficiency and collaboration in victim services as one of its goals. SOVA agrees, however, that a more structured approach to ongoing evaluation would be beneficial through the VSCC.

SOVA is also in agreement with the report findings that the responsibilities of the Victim Advocate Policy Committee, though still necessary and relevant, should be transferred to the VSCC or the Commission on Prosecution Coordination. As stated in the report, the VSCC is the appropriate entity to be the primary authority on issues such as grants consolidation, victim notification, and the development of appropriate reporting mechanisms for victim assistance expenditures. Finally, establishing oversight authority through SOVA for victim assistance funds should result in improvements in the provision of victim services.

Thank you for the opportunity to comment on this report.

Sincerely,



Ashlie Lancaster  
Director

# DSS

## *Serving Children and Families*

WENDELL PRICE, INTERIM STATE DIRECTOR

March 20, 2007

Mr. George L. Schroeder, Director  
SC Legislative Audit Council  
1331 Elmwood Ave. Suite 315  
Columbia, SC 29201

Dear Mr. Schroeder:

Thank you for providing a copy of excerpts of your report entitled *An Overview of Victim Services in South Carolina*. We appreciate the opportunity to provide input for publication in this report.

Page 13 of this report describes the Department of Social Services' responsibility for administering state and federal funds for victim services. As described in the report, DSS does not provide direct services but instead contracts with non-profit organizations to serve victims of domestic violence and sexual assault. The report also accurately states that the Governor has designated DSS to administer federal funds concerning domestic violence and sexual assault.

Your report recommends that the State Office of Victim Assistance, in consultation with the Victim Services Coordinating Council examine grants made by DSS, the Department of Health and Environmental Control and the Department of Public Safety. Your recommendation, in addition, is for the State Office of Victim Assistance to determine if the grants could be consolidated under one agency and to recommend statutory changes to the General Assembly. Should there be a statutory change, or should the Governor designate another agency to administer grant funds, DSS, of course, would comply.

Thanks for the opportunity to address your findings and recommendations. Please feel free to contact me if you need further information.

Sincerely,



Wendell Price  
Interim State Director

WP:cb



# State of South Carolina



## Office of the State Auditor

1401 MAIN STREET, SUITE 1200  
COLUMBIA, S.C. 29201

RICHARD H. GILBERT, JR., CPA  
DEPUTY STATE AUDITOR

(803) 253-4160  
FAX (803) 343-0723

March 14, 2007

Mr. George L. Schroeder, Director  
South Carolina Legislative Audit Council  
1331 Elmwood Avenue, Suite 315  
Columbia, South Carolina 29201

Dear Mr. Schroeder:

The Office of the State Auditor's Office appreciates you providing us an opportunity to review and comment on the report entitled *An Overview of Victim Services in South Carolina*. Until we received your letter, dated February 13, 2007, we were unaware that this Office was included in the scope of this engagement. We do acknowledge assisting members of your staff and providing them with information pertaining to the State Auditor's role in the audits of court fines, fees and assessments, but at no time were we informed that the Office of the State Auditor was included in the scope of the examination. During our conversation we were asked about report distribution and whether we had distributed reports to State Office of Victims Assistance (SOVA). Your office also requested that we provide copies of the court examinations to you as they were completed and issued. We believe we complied with all of your requests.

We extracted the following from your report. Our response follows each excerpt.

### **Internal Controls**

"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."

We agree with the contents of the above finding. Section 72.80 of the 2006-07 Appropriation Act states, "The State Auditor is directed to submit a copy of the completed audit report to the Chairmen of the House Ways & Means Committee, Senate Finance Committee, House Judiciary Committee, Senate Judiciary Committee, and the Governor. If the State Auditor finds that any authority has over remitted the state's portion of the funds collected by the authority or over reported or over retained crime victims funds, the State Auditor shall notify the State Treasurer to make the appropriate adjustment to the authority. If the State Auditor finds that any authority has under remitted, incorrectly reported, incorrectly retained, or incorrectly allocated the state or victim services portion of the funds collected by

Mr. George L. Schroeder, Director  
March 14, 2007  
Page Two

the authority, the State Auditor shall determine where the error was made. If the error is determined to have been made by the county or municipal treasurer's office, the State Auditor shall notify the State Office of Victim Assistance for the crime victim portion and chief administrator of the county or municipality of the finding..."

Based on our conversations with your staff and our subsequent follow-up we realized that SOVA had not been receiving notification that the court engagements had been issued. We promptly telephoned SOVA and notified them that several court reports had been issued and the reports were available on our office web page. We then modified our distribution list to ensure that all parties identified in Proviso 72.80 received notification. This change was made effective January 8, 2007.

### **Internal Controls**

"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."

We do not disagree that a risk-based approach may be a better method of selecting audit engagements. However the General Assembly mandated in Section 72.80 of the 2006-2007 Appropriation Act that court system examinations were to be selected randomly and we have complied with this mandate. Furthermore, for a risk based approach to work it requires the involvement of all interested parties. The following describes the process we adopted prior to the enactment of Section 72.80 of the 2006-2007 Appropriation Act.

The Office of the State Auditor began receiving an appropriation to pay for court engagements in fiscal year 2004-2005. Section 72.92 of the 2004-2005 Appropriation Act provided this agency \$250,000 for the purposes described in that section. At that time, because of the number of court systems and the limited funding received we developed an approach and communicated it to the Office of the State Treasurer, Department of Probation, Parole and Pardon Services, Department of Public Safety, Commission on Indigent Defense, Attorney General's Office, Department of Mental Health, State Law Enforcement Division, Department of Juvenile Justice, Office of Victim Assistance, and Medical University of South Carolina. The following is an excerpt from our letter addressed to the State Treasurer dated September 20, 2004,

"To best utilize the limited funds provided under Section 72.92, the Office of the State Auditor will conduct examinations of the court systems described in paragraph one as follows. Section 33.7 (D) of the 2004-2005 Appropriation Act states, "The State Treasurer may request the State Auditor to examine the financial records of any jurisdiction which he believes is not timely transmitting the funds required to be paid to the State Treasurer pursuant to subsection (B)."

We will use Section 33.7 as guidance and will conduct examinations of the court

Mr. George L. Schroeder, Director  
March 14, 2007  
Page Three

systems as requested by the Office of the State Treasurer. In addition, if a State agency receiving allocations from court fees, fines, or forfeitures suspects that a county, municipality or court system is not remitting revenues as required by law, we recommend that they contact the Office of the State Treasurer to determine if further investigation is warranted.

As entities are identified, we will contract with public accounting firms to conduct an agreed-upon procedures engagement which will identify specified procedures to be followed. We will authorize as many engagements as funding allows.”

On February 15, 2005 we received a request from the State Treasurer’s Office to conduct an examination of seven court systems. Those seven reports were completed and issued in October 2005. No further requests were received and no additional examinations were performed until fiscal year 2007.

Last March during our budget hearings with the Senate Finance Committee, Senator Thomas expressed his concerns about the lack of audit coverage over the county and municipal court systems. We explained to Senator Thomas and the other members of the committee our approach. We explained that we had limited knowledge of the court systems and that we relied heavily on the State agencies that were more familiar with the court systems to provide us with input.

During the 2006 legislative session the General Assembly modified the method for selecting court engagements. Section 72.80 requires a random selection process. We contracted with a public accounting firm to conduct 30 court examinations. The results of the examination included numerous findings which suggested that the persons responsible for managing the programs in some cases did not have a thorough understanding of the requirements of the law. The findings also indicated the need for training.

We hope that is letter addresses your concerns. If we can be of further assistance please contact me at (803) 253-4160, extension 203.

Sincerely your,

A handwritten signature in black ink, appearing to read "Richard H Gilbert Jr". The signature is fluid and cursive, with a large initial "R" and "G".

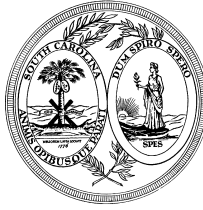
Richard H Gilbert, Jr., CPA  
Interim State Auditor





**State of South Carolina**  
**Department of Probation, Parole and Pardon Services**

**MARK SANFORD**  
Governor



**SAMUEL B. GLOVER**  
Director

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March 19, 2007

Perry Simpson  
Audit Manager  
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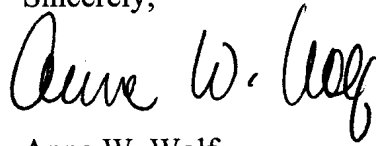
Dear Mr. Simpson:

I would like to provide a brief overview of the construct of victim services within the SC Department of Probation, Parole and Pardon Services. There are two tiers of assistance within the Department; the Central Office, Office of Victim Services, provides notification and assistance to victims whose offenders are eligible for parole hearings. These duties include accompaniment to parole hearings so that victims may exercise their right to attend and be heard. The Office of Victim Services also notifies and accompanies victims for pardon hearings. Additionally, this division provides notification to victims on specific types of releases (e.g. release to Community Supervision) as well as notification of receipt of their contact information. This Office also oversees the operation of the remote videoconferencing site in Charleston, which allows victims to participate in parole hearings without traveling to Columbia. This site was made possible by a Victims of Crime Act (VOCA) grant through the SC Department of Public Safety, Office of Justice Programs.

The second tier of victim services is represented by the Victim Services Coordinators who are housed in the county offices. The Coordinators provide a variety of services to crime victims whose offenders are under any type of supervision conducted by the Department. These services include, in part, notification and accompaniment to violation hearings, notification in the event an offender absconds, and assistance with restitution questions. Once a supervision case is closed, the Coordinators notify victims of the closure.

Should you have any questions or comments please feel free to contact me at 734-9274. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Anne W. Wolf". The signature is written in a cursive style with a large initial "A" and a stylized "W".

Anne W. Wolf,  
Director of Victim Services

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