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# CRIME VICTIM RIGHTS AND VICTIM SERVICES



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## VICTIM RIGHTS

- The legislature has heard the pleas of victims and enacted laws to protect victims' rights. Under the new laws, "a victim is entitled to a free copy of the initial incident report and a document describing the victim's rights and eligibility for services and benefits. S. C. Code Ann. § 16-3-1520." *State v. Becka*, 333 S.C. 676, 511 S.E.2d 396 (Ct.App. 1999). In § 16-3-1510(1) a victim is defined as "any **individual** who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a criminal offense, as defined in this section. 'Victim also includes any individual's spouse, parent, child or the lawful representative of a victim who is: (a) deceased; (b) a minor; (c) incompetent; or (d) physically or psychologically incapacitated.'"

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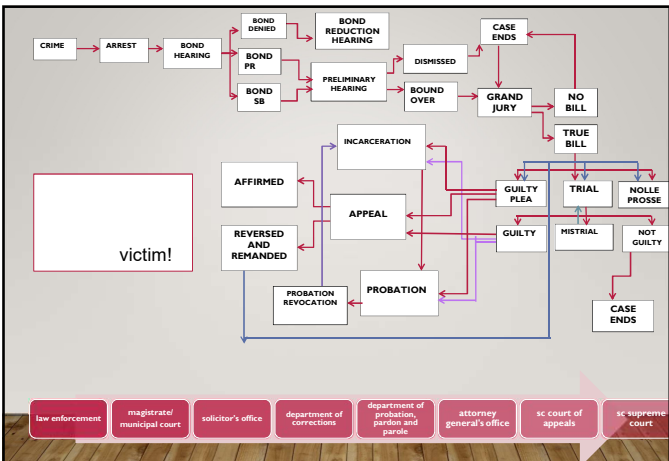
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## VICTIM RIGHTS

Victims' rights are a matter with which all courts and law enforcement **must** be concerned. This section will focus on those rights for which the Summary Court Judge is responsible. For a victim or prosecution witness to exercise his or her rights under the "Victim and Witness Service" article, the victim or witness **must** provide a Summary Court Judge with his or her legal name, current mailing address, and current telephone number upon which the summary court **must** rely in discharging its duties under the law.

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## CRIME VICTIM: DEFINED ...

S.C. Code Section 16-3-1510

An individual who suffers

- **Direct or threatened**
  - **Physical, psychological or financial harm**
- As a result of the **commission or attempted commission** of a crime
- Victim also includes:
  - victim's **spouse, parent or child** or the
  - lawful representative** a victim who is
    - deceased
    - a minor
    - incompetent
    - physically or psychologically incapacitated




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## CRIME VICTIMS' CONSTITUTIONAL RIGHTS

"At least treat us as well as  
you do the offenders ..."




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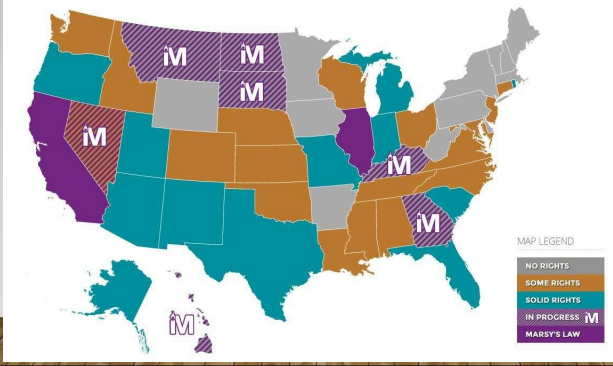
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### STRONGEST VICTIM SERVICES IN



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### WRITTEN OR ORAL VICTIM IMPACT STATEMENT

- § 16-3-1515(C) provides "[a] victim who wishes to be present for any plea, trial, or sentencing must notify the prosecuting agency or summary court judge of his desire to be present. This notification may be included in a written victim impact statement."
- If the victim wishes to submit a written victim impact statement to the summary court judge, he or she must provide it within appropriate time limits set by the summary court judge. § 16-3-1515 (D). If the victim wishes to make an oral victim impact statement to the court at the time of sentencing, the victim must notify the summary court judge of this desire in advance of the sentencing. § 16-3-1515 (E).

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### BOND HEARING



§ 16-3-1525(H) pertains to cases in which a defendant has bond set by a summary court judge. § 16-3-1525(H) (2) and (3) apply to summary court judges. Under subsection (2), "the summary court judge, before proceeding with a bond hearing in a case involving a victim, must ask the representative of the facility having custody of the defendant to verify that a REASONABLE attempt was made to notify the victim sufficiently in advance to attend the proceeding. § 16-3-1525 (N) requires that notification may not be only be electronic or other automated communication or recording. **However, after three such unsuccessful attempts, personal contact with the victim should be attempted. If notice was not given in a timely manner, the hearing must be delayed for a reasonable time to allow notice.**"

Subsection (3) requires the summary court judge to "impose bond conditions which are sufficient to protect a victim from harassment or intimidation by the defendant or persons acting on the defendant's behalf."

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## PRELIMINARY HEARINGS

When a summary court judge schedules a preliminary hearing in a case which involves a victim, the judge must follow § 16-3-1525(K) which states: "[u]pon scheduling a preliminary hearing in a case involving a victim, the summary court judge reasonably must attempt to notify each victim of each case for which the defendant has a hearing of his right to attend." § 16-3-1525 (N) requires that notification may not be only by electronic or other automated communication or recording. After three such unsuccessful attempts, personal contact with the victim should be attempted

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## DUTY TO NOTIFY VICTIM OF VICTIMS RIGHT

§ 16-3-1535 addresses the Summary Court's duty to notify a victim of his or her rights under this section.

(A) The summary court, upon retaining jurisdiction of an offense involving one or more victims, reasonably **must** attempt to notify each victim of his right to:

- (1) be present and participate in all hearings;
- (2) be represented by counsel;
- (3) pursue civil remedies; and
- (4) submit an oral or written victim impact statement, or both, for consideration by the summary court judge at the disposition proceedings.

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## DUTY TO NOTIFY VICTIM OF VICTIMS RIGHT

B) The summary court **must** provide to each victim who wishes to make a written victim impact statement a form that solicits pertinent information regarding the offense, including:

- (1) the victim's personal information and supplementary contact information;
- (2) an itemized list of the victim's economic loss and recovery from any insurance policy or any other source;
- (3) details of physical or psychological injuries, or both, including their seriousness and permanence;
- (4) identification of psychological services requested or obtained by the victim;
- (5) a description of any changes in the victim's personal welfare or family relationships; and
- (6) any other information the victim believes to be important and pertinent.

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### DUTY TO NOTIFY VICTIM OF VICTIMS RIGHT

- (C) The summary court judge must inform a victim of the applicable procedures and practices of the court.
- (D) The summary court judge reasonably must attempt to notify each victim related to the case of each hearing, trial, or other proceeding.
- (E) A law enforcement agency and the summary court must return to a victim personal property recovered or taken as evidence as expeditiously as possible, substituting photographs of the property and itemized lists of the property including serial numbers and unique identifying characteristics for use as evidence when possible.
- (F) The summary court judge must recognize and protect the rights of victims and witnesses as diligently as those of the defendant.

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### DUTY TO NOTIFY VICTIM OF VICTIMS RIGHT

**(G) In cases in which a summary court judge sentences a defendant to more than ninety days, the summary court judge must forward, within fifteen days, a copy of each victim's impact statement or the name, mailing address, and telephone number of each victim, 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. This information must remain confidential and shall not be disclosed directly or indirectly, except by order of a court of competent jurisdiction or as necessary to provide notifications, or services, or both, between these agencies, these agencies and the prosecuting agency, or these agencies and the Attorney General**

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### FORMS VICTIMS SHOULD BE PROVIDED BY THE SUMMARY COURT

The following three (3) forms should be provided to all victims of criminal offenses as defined in S.C. Code Ann. Section 16-3-1510(3). Copies of the forms are included for your use. SEE FORMS.

- 1. Victim Notification Form - SCCA/560
- 2. Victim Impact Statement - SCCA/561
- 3. Victim's Rights Information Sheet - SCCA/562

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## PRETRIAL INTERVENTION PROGRAM (PTI)

Another law which concerns a victim's rights is § 17-22-80 which provides:

Prior to any person being admitted to a pretrial intervention program the victim, if any, of the crime for which the applicant is charged and the law enforcement agency employing the arresting officer shall be asked to comment in writing as to whether or not the applicant should be allowed to enter an intervention program. In each case involving admission to an intervention program, the solicitor or judge, if application is made to the court pursuant to § 17-22-100, shall consider the recommendation of the law enforcement agency and the victim, if any, in making a decision

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## VICTIM SERVICES

### What is a Victim Advocate?

- [What Is It?](#)
- [Roles and Training](#)
- [How Advocates Work with Victims](#)

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## VICTIM SERVICES

- In June of 2008 Governor Sanford signed a bill requiring all personnel providing services to victims to be "Certified Victim Advocates" effective January 2009
- Established Office of Victim Services Education and Certification
- Advocates are now required to complete 12 hours of approved training yearly to maintain certification
- Will mandate how Act 141 funds can be spent

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# VICTIM SERVICES

Victim advocates are professionals trained to support victims of crime. Advocates offer victims information, emotional support, and help finding resources and filling out paperwork. Sometimes, advocates go to court with victims. Advocates may also contact organizations, such as criminal justice or social service agencies, to get help or information for victims. Some advocates staff crisis hotlines, run support groups, or provide in-person counseling. Victim advocates may also be called victim service providers, victim/witness coordinators, or victim/witness specialists.

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# VICTIM SERVICES

## Roles and Training

Advocates' responsibilities vary depending on their job description and where they work typically, the role of an advocate may include:

- Providing information on victimization;
- Providing information on crime prevention;
- Providing information on victims' legal rights and protections;
- Providing information on the criminal justice process;
- Providing emotional support to victims;
- Helping victims with safety planning;
- Helping victims with victim compensation applications;
- Helping victims submit comments to courts and parole boards;

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# VICTIM SERVICES

## How Advocates Work with Victims

Advocates offer victims information about the different options available to them and support victims' decision-making. Advocates do not tell victims what to do. Advocates are committed to maintaining the highest possible levels of confidentiality in their communications with victims.

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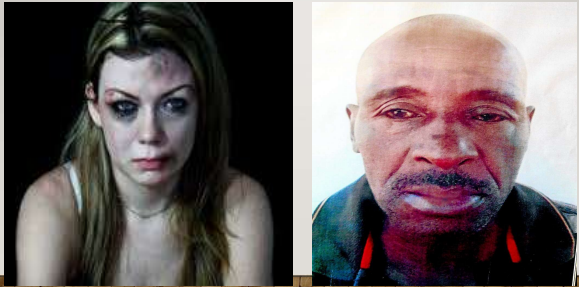
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# EXAMPLE



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# VICTIM SERVICES

## SOVA- Benefits

- The eligibility requirements to receive services from SOVA are:
- The crime must have occurred in South Carolina.
- The victim must have been directly injured, physically or emotionally.
- The victim must not have initiated, provoked, caused, or contributed to the incident.
- The victim must not have been engaged in any illegal activity at the time of the incident.
- The victim must cooperate with the State Office of Victim Assistance.
- The victim must cooperate with law enforcement.
- The claim must have been filed within 180 days from the date of the incident or the discovery of crime and the crime must not have occurred more than four years ago.

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# VICTIM SERVICES

## SC Victim Assistance Network (SCVAN)

- |                    |                                   |
|--------------------|-----------------------------------|
| Food               | Clothes                           |
| Prescriptions      | Lodging                           |
| Home Repairs/Locks | Crime Scene Cleanup               |
| Transportation     | Medical Equipment                 |
| Towing/Storage     | Expenses to Attend Court Hearings |

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## VICTIM SERVICES

- Citizens Against Spouse Abuse  
[www.say.net/casa](http://www.say.net/casa)
- Lowcountry Help  
[www.lowcountryhelp.org](http://www.lowcountryhelp.org)
- National Crime Victims Research and Treatment Center at the Medical University of South Carolina  
[www.musc.edu/cvc](http://www.musc.edu/cvc)
- Post Trauma Resources  
[www.posttrauma.org](http://www.posttrauma.org)
- South Carolina Coalition Against Domestic and Sexual Assault  
[www.sccadvasa.org](http://www.sccadvasa.org)
- South Carolina Office of the Attorney General  
[www.sattorneygeneral.org](http://www.sattorneygeneral.org)
- Assistance Network  
[www.scvan.org](http://www.scvan.org)
- Governors Crime Victims Ombudsman  
[www.ombudsman.sc.gov](http://www.ombudsman.sc.gov)

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**803-734-0357**  
**CVO@SCAG.GOV**

### Crime Victim Ombudsman

Nataki Brown

Deputy Director

Sarah Beth Coe

Eron Schoolcraft

Elizabeth Fulford

Victims' Rights Compliance Specialist



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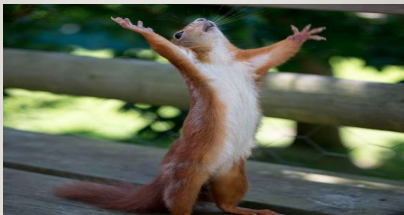
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# THE END



# QUESTIONS

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