



Office of
Victim Services



New York State

Office of Victim Services

2020–21 Annual Report

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Executive Summary

New York State has had an agency dedicated to serving innocent victims of crime and their families since 1966. The enabling legislation for the agency, the second of its kind in the country and the first permanent program, came in response to public outcry over the murder of a good Samaritan, who left behind a widow with little means to care for their 15-month-old child.

The mission of the Office of Victim Services (OVS) is to provide compensation to victims of crime, their families, and other eligible individuals in a timely, efficient and compassionate manner; fund direct services to victims of crime and their families through a network of programs across New York State; and advocate for the rights and benefits of all victims of crime.

OVS provides financial relief to victims of crime and their families, which includes paying unreimbursed, crime-related expenses. Covered costs can include medical and funeral expenses, loss of earnings or support, counseling expenses for victims and family members, and moving expenses. The agency also funds a network of victim assistance programs (VAPs) that provide direct services to victims and families across New York State.

Funding for compensation to victims of crime comes from a combination of state and federal funds. The state portion comes from the Criminal Justice Improvement Account, which is funded by mandatory fines, fees and surcharges assessed on offenders. The federal funding for compensation and grants that support programs offering direct services to victims of crime come from the federal Crime Victims Fund, which was established by the federal Victims of Crime Act (VOCA) of 1984.

The Office of Victim Services also is responsible for advocating for victims of crime and their rights in New York State. This advocacy role has resulted in the agency recommending policy changes that have protected those rights and expanded available services and assistance. OVS also serves as the subject matter expert for victim compensation and assistance in New York State, acting as a clearinghouse for information relating to programs for, and challenges faced by victims of crime. As needed and requested, the agency also may conduct programmatic and fiscal analyses related to its compensation program.

OVS staff meet regularly with an Advisory Council; its Advisory Committee for the New York Crime Victims Legal Network; coalitions for victims of crime; and other advocates. The agency's director serves on advisory councils for the New York State Trauma-Informed Network, the New York State Office for the Prevention of Domestic Violence and as a member of the New York State Interagency Task Force on Human Trafficking, the New York State Council for Interstate Juvenile Supervision, New York State Judicial Committee on Women in the Courts, New York State Interagency Council on Homelessness, the New York State Council for the Interstate Compact for Adult Supervision, the New York State Supreme Criminal Court E-Filing Committee, the New York State Domestic Violence Fatality Review Team, the state's interagency team to implement the Enough is Enough campus sexual assault prevention and education law, and the federal Violence Against Women Act Advisory Committee.

OVS also is represented on the New York State Interagency Task Force on HIV / AIDS, the New York State Traumatic Brain Injury Committee, the state's Committee for the Coordination of Police

Services to Elderly Persons, the state's Disaster Preparedness Commission, the National Association of Crime Victim Compensation Boards and the National Association of VOCA Assistance Administrators.

At the national level, OVS participates in regional and national conferences and consults with, and advises, the National Association of Crime Victim Compensation Boards and the National Association of VOCA Assistance Administrators.

OVS has received funding from the New York State Legislature since 1981 to award grants to community-based programs that serve victims of crime and witnesses. The agency has received federal VOCA funds for this purpose since 1986. OVS funded 382 contracts with local victim assistance programs (VAPs) during State Fiscal Year 2020–21.

OVS and the assistance programs it supports and funds for victims of crime across New York State faced unprecedented challenges due to the COVID-19 global pandemic. The entirety of the activities described in this report took place under the shadow of COVID-19. OVS staff quickly pivoted to a remote work environment to ensure seamless processing of claims for assistance and to provide the same level of support to victim assistance programs, which also transitioned many in-person services to virtual so individuals and families would continue to receive critical services. Such remote working continued during the 2021–22 State Fiscal Year.

The agency's efforts and accomplishments during State Fiscal Year 2020–21 included:

- Making awards to 228 victim assistance programs across New York State totaling more than \$294 million. This amount reflects an additional \$13.5 million that was pro-rated amongst the awardees to assist them in meeting the challenges presented by the pandemic. These funds continue to support contracts that end on Sept. 30, 2022.
- Organizing a record of more than 30 trainings and webinars for VAPs attended by more than 6,000 advocates and direct service professionals representing more than 2,000 organizations.
- Hosting nearly 200 victim services professionals from across New York State at the agency's first virtual summit, "Seeking Solutions: Elder Abuse – Creating a Clear Vision of Where We Go from Here," from January through March 2021. The multi-week event featured nearly a dozen webinar sessions, live workgroups and special population panel discussions, all with a focus on tackling elder abuse in New York.
- Continuing to fund 86 awards to VAPs, supporting case managers, who provide comprehensive, victim-centered services with \$28.8 million in support provided over the terms of these contracts, which will end Sept. 30, 2022.
- Continuing to fund 61 awards to VAPs to provide civil legal services to victims of crime. OVS has provided \$81.7 million in support of these services through Sept. 30, 2023.
- Administering agreements with six state agencies — the Office for the Aging, Department of Corrections and Community Supervision, Division of Criminal Justice Services, Office of Children and Family Services, Office for the Prevention of Domestic Violence and the State University of New York — providing funding for projects that provide services to victims of elder abuse; sexual, domestic and interpersonal violence; and gun violence across New York State.

- Continuing to manage its highly successful [Training & Technical Assistance Request Program](#), which matches consultants with OVS-funded programs to deliver a wide range of custom-tailored organizational leadership and communication services trainings and webinars at no cost to programs. In just six months, TTARP processed more than 30 requests for training involving more than 300 victim service professionals.
- Maintaining the Victim Service Portal, an online system that streamlines the claims application process and allows applicants to electronically submit all necessary documentation in support of their claims. During Fiscal Year 2020-21, 80 percent (7,497) of all claims to OVS were submitted through the portal during Fiscal Year 2020–21. The agency continually evaluates the portal’s operation to ensure that claims processing is efficient and the system meets the needs of the agency, victim advocates and individuals.
- Implementing Legislative changes to OVS’ enacting statute, including the Legislature’s first significant changes to OVS’ Forensic Rape Examination Direct Reimbursement (FRE) program since 2005. This change required coordination between OVS, the Department of Health, medical providers across the state, and OVS’ software developer to ensure the Office properly implemented the changes to the law.

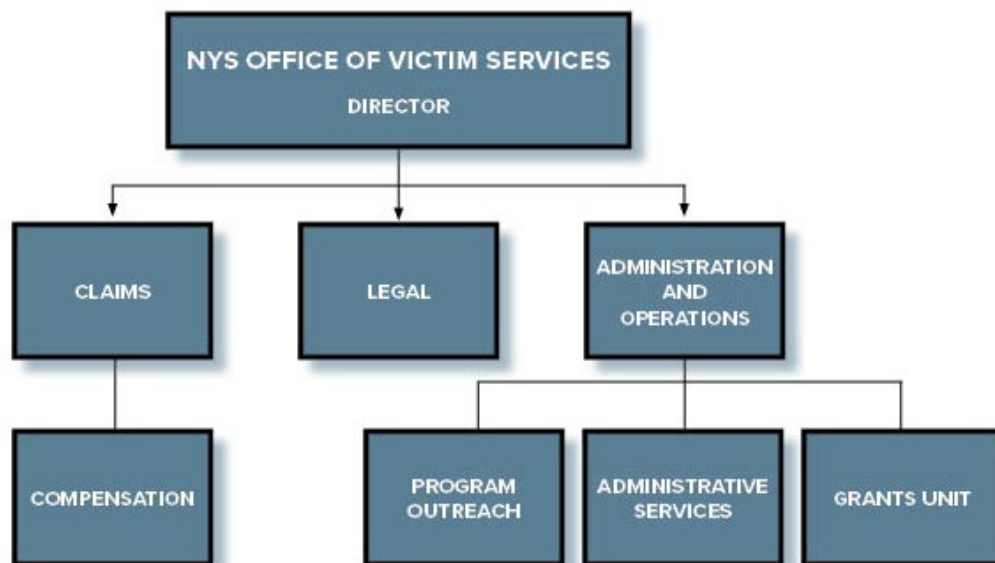
Agency Operations

Structure

The agency’s Director is appointed by the Governor and oversees the operations of the agency.

The OVS executive team includes the deputy director of administration, who oversees finance, grants, training and outreach; a general counsel, who oversees the Legal Unit; and deputy director of claims, who oversees the crime victim compensation investigation teams and the Medical Claims and Vocational Rehabilitation units.

The staffing estimate for the agency is 102 full-time equivalent positions. Duties performed by staff are related to the agency’s compensation program, its victim / witness assistance program, and its statutorily mandated advocacy role. The agency’s principal office is located at 80 South Swan St., in Albany. It has a second office at 55 Hanson Place in Brooklyn.



Disbursements for State Fiscal Years 2011–12 through 2020–21

FISCAL YEAR	PAYMENTS TO VICTIMS	VICTIM AND WITNESS ASSISTANCE	TOTAL LOCAL ASSISTANCE
2011–12	28,996,191	40,262,893	69,259,084
2012–13	27,973,708	29,379,624	57,353,332
2013–14	26,365,765	29,689,514	56,055,279
2014–15	23,886,074	30,625,000	54,511,074
2015–16	21,080,037	37,034,260	58,114,297
2016–17	23,420,253	42,406,050	65,826,303
2017–18	22,113,828	31,440,923	53,554,751
2018–19	23,311,062	47,355,749	70,666,811
2019–20	23,063,276	74,146,398	97,209,673
2020–21	18,696,108	91,476,066	110,172,174

Compensation and Claims Processing

OVS plays a key role in helping to ensure that victims of crime are aware of services, their rights in the criminal justice system and the existence of victim assistance programs in their communities.

The agency provides information cards that detail services, locations, phone numbers and websites for police departments and sheriffs' offices, which are required to distribute the information cards to victims of crime. The cards also include basic rights afforded to victims of crime and a space to write information about appropriate local victim assistance programs. The cards are available online for downloading and printing as needed.

State law requires district attorneys' offices to provide *The Rights of Crime Victims in New York State* to victims of crime or their families at no cost and to others for a fee not to exceed the cost of reproduction. In addition, those offices must report to OVS each year by Jan. 1 the number of publications it distributed annually.

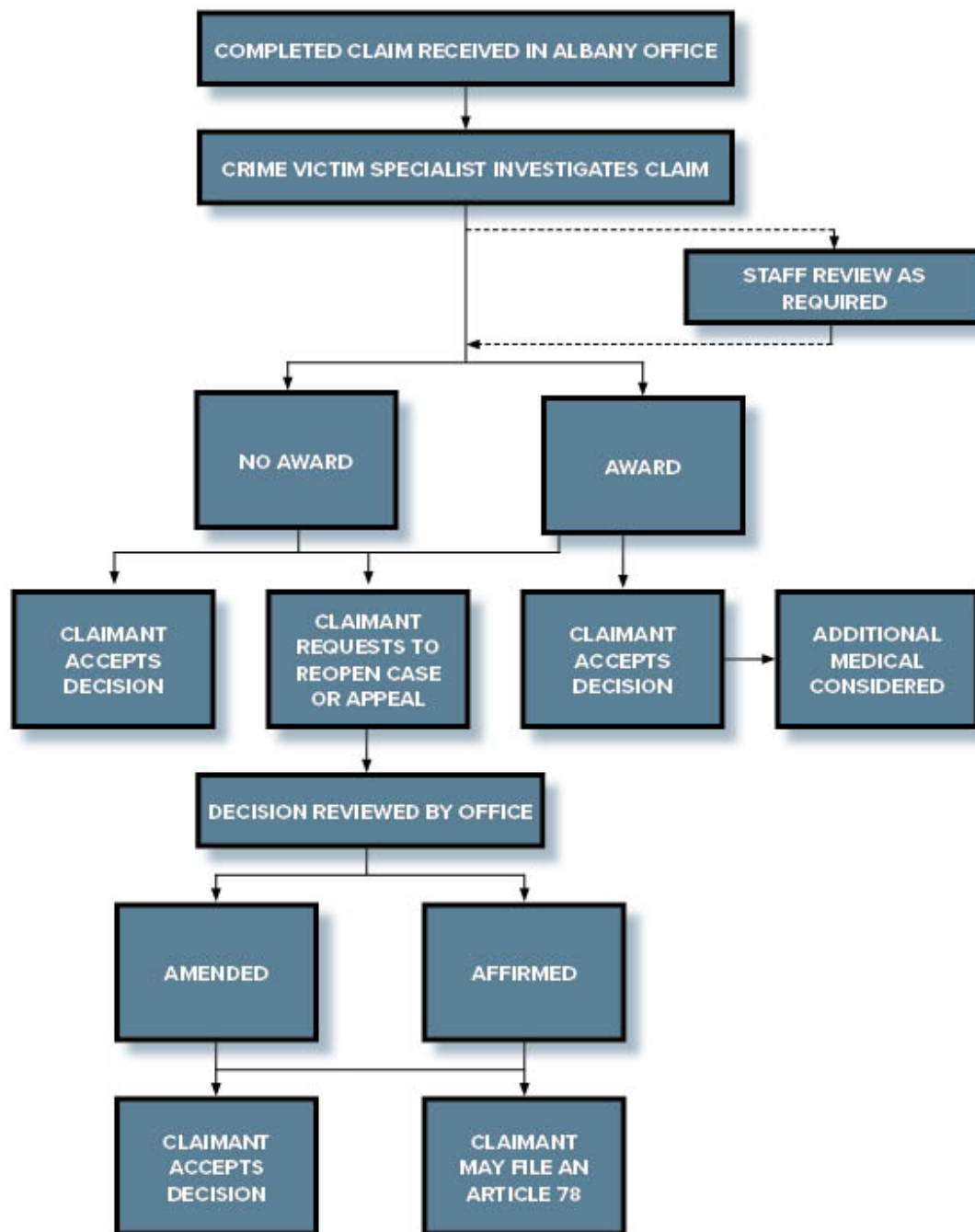
Who may be eligible for compensation?

- Individuals must be victims of a crime in New York State
- Victims of crime who were physically injured as a result of the crime
- Victims of crime who were not physically injured but are under 18, older than 60, or disabled
- Vulnerable elderly, incompetent or physically disabled persons — defined as those who are unable to care for themselves — who have savings stolen

- Certain relatives and dependents, including spouse, domestic partner, grandparent, parent, stepparent, guardian, brother, sister, stepbrother, stepsister, child, stepchild or grandchild of a victim of crime
- Those who paid for or incurred burial costs for a victim of crime
- Children who are victims or witnessed a crime
- Certain victims of unlawful imprisonment or kidnapping
- Certain stalking victims
- Victims of certain menacing, criminal mischief, robbery, harassment, criminal contempt, unlawful surveillance, dissemination of unlawful surveillance and hate crime charges
- New York State residents who are victims of terrorist acts outside of the United States
- Victims of frivolous lawsuits brought by a person who committed a crime against the victim of crime.

Compensation includes:

- Expenses for medical or other related services that are not covered by other insurance or benefit programs
- Lost earnings or loss of support up to \$600 a week, not to exceed the maximum of \$30,000
- Lost savings of vulnerable elderly, or incompetent, or physically disabled persons, not to exceed the maximum of \$30,000
- Burial expenses up to \$6,000 (for crimes committed on or after Nov. 1, 1996)
- Occupational rehabilitation expenses
- Counseling services to the victim of crime and to certain family members, in accordance with the OVS fee schedule, which is based on reasonable fee rates, depending on the credentials of the treating counselor
- The cost of repair or replacement of essential personal property lost, damaged or destroyed as the direct result of a crime, up to \$500. A maximum of \$100 in cash can be replaced
- Transportation expenses for necessary court appearances in connection with the prosecution of the crime or transportation for medical appointments necessary as a result of the crime
- Employment-related transportation expenses, due to a victim's personal physical injury as the result of a crime, up to \$2,500
- The cost of residing at or utilizing the services of a domestic violence shelter
- Crime scene cleanup expenses and / or cost of securing a crime scene, up to \$2,500
- Attorney fees — up to a maximum of \$1,000 — for representation before the agency and / or before an appellate court, upon judicial review of the victim's OVS claim.

The Claim Process

Emergency Awards

In those instances where a victim of crime will suffer undue hardship and is likely to be eligible for compensation, OVS may provide an emergency award before a final decision is made on the claim. OVS typically authorizes emergency awards for burial expenses, medication, relocation expenses, security devices, lost earnings or support or emergency medical equipment. The agency is authorized to award up to \$3,000 for burial expenses and up to \$2,500 for other expenses. During Fiscal Year 2020–21, the agency approved 458 emergency awards totaling \$1,196,572.

The victim of crime must meet the agency's eligibility criteria to receive an emergency award, including providing the police department or precinct where the crime was reported and the assigned police complaint number. OVS typically determines an individual's eligibility within 24 to 72 hours, depending on the information provided and nature of the claim. Individuals can apply for an emergency award by visiting an OVS-funded victim assistance program.

Forensic Rape Examination Direct Reimbursement

OVS directly reimburses providers that are licensed by New York State to perform forensic rape examination services and provide related care.

This reimbursement system is designed to ensure that victims and survivors of sexual assault are not billed for any forensic rape examination services, and it is an exception to the agency's payer of last resort rule. OVS reimburses providers when individuals do not have private health insurance or opt not to use their health insurance; this provides for the personal privacy of sexual assault victims. The facility performing these exams may not bill OVS if victims of sexual assault voluntarily elect to use their private health insurance benefits to cover the cost. A licensed health care provider must file a direct reimbursement claim form and an itemized bill for services with OVS within one year of the examination to receive reimbursement.

State law related to reimbursement changed 2½ months after 2020–21 fiscal year began, which required OVS to upgrade its FRE claims processing system. Effective June 15, 2020, medical providers have received reimbursements ranging from \$800 to \$2,500; prior to that date, reimbursement was capped at \$800. The current reimbursement is determined by itemized charges for healthcare services provided to the individual who was the victim of the assault. Reimbursement for specific services, such as physical exams and medications, is based on the current Medicaid fee schedule. During 2020–21, OVS reimbursed health care providers \$1,405,697 for 2,269 forensic rape examination claims. Technology upgrades delayed the processing of claims received in 2020–21; the agency continues to process these claims and will ensure providers receive the reimbursement to which they are entitled under the law.

Claims

The Office of Victim Services handles three types of compensation claims: personal injury, death, and essential personal property (EPP).

VAPs are required to assist victims with filing applications with OVS, which also accepts claims directly from individuals. Before it accepts a claim, the agency requires certain documents, depending on the type of crime and the type of victim (for example, a child or someone older than 60). OVS then investigates each claim to determine whether an individual is eligible for

assistance. If an individual is deemed eligible, OVS determines if their expenses are also eligible for reimbursement and awards the claim.

While the agency primarily assists victims who have suffered personal injury as a result of violent crimes, such as murder, rape, robbery or assault, it also can compensate victims who have not been injured but were victims of certain other crimes, such as burglary, larceny, stalking, kidnapping and unlawful imprisonment.

Under certain circumstances, OVS pays for the repair or replacement of EPP if an individual did not sustain personal injury. Individuals who are 60 years old or older submit the majority of claims awarded solely for EPP, so OVS has a unit that exclusively handles and expedites these claims. There are numerous OVS-funded victim assistance programs serving older adults and the elderly. During the Fiscal Year 2020–21, the agency accepted 1,784 of these types of claims, which represented 25 percent of all claims accepted.

To verify crime and expense information submitted to OVS, the agency routinely requests needed information from police agencies, district attorneys' offices, child protective services, courts and other criminal justice agencies and authorities.

During the most recent 10 fiscal years, OVS accepted a total of 132,666 claims for review to determine eligibility. The following chart details accepted claims by year.

FISCAL YEAR	TOTAL CLAIMS ACCEPTED
2020–2021	7,058
2019–2020	9,682
2018–2019	9,952
2017–2018	10,648
2016–2017	11,992
2015–2016	15,683
2014–2015	15,840
2013–2014	17,262
2012–2013	16,745
2011–2012	17,804

Claims Accepted by Type: 2020–21

CLAIM TYPE	ACCEPTED
Personal Injury	4,454
Death	820
Essential Personal Property	1,784
Total	7,058

Claims Rejected: 2020–21

During 2020–21, the agency rejected 451 applications because they were missing required information about the claimant, and / or the crime, and could not be investigated. It is the policy of OVS to contact claimants or work with a victim service provider assisting a victim whose application is incomplete to obtain any missing information. If the agency rejects a claim and then subsequently receives missing information, OVS will process the claim. The following chart details the most common reasons for claims being rejected.

REASONS	NUMBER
Application Not Signed / No Authorization Submitted	126
No Police Complaint Number	118
Claimant Under the Age of 18	63
No Police Agency Name	94
No Crime Date	58

Original Decisions: 2020–21

OVS rendered 8,067 original decisions, either awarding claims or denying them. It is important to note that claims awarded in a fiscal year do not directly correlate to the number of claims accepted by the agency in that year: A claim accepted during one fiscal year may be awarded in a subsequent year. OVS also reinvestigated or reopened claims as necessary.

Claims Awarded by Type: 2020–21

CLAIM TYPE	AWARDED
Personal Injury	3,266
Death	694
Essential Personal Property	821
Total	4,781

Awarded Claims by Age and Sex

More than half (53 percent) of claims awarded involved individuals who ranged in age from 18 to 44, and 53 percent of claims involved females. The following chart details awarded claims by age groups and sex, as identified by the claimant: male (M), female (F) or not reported (NR).

AGE	SEX	CLAIMS AWARDED
0–12	F	144
0–12	M	68
0–12	NR	1
13–17	F	107
13–17	M	83
13–17	NR	0
18–29	F	615
18–29	M	556
18–29	NR	5
30–44	F	745
30–44	M	606
30–44	NR	5
45–59	F	345
45–59	M	355
45–59	NR	4
60 and older	F	597
60 and older	M	540
60 and older	NR	5
Total		4,781

Claims Paid: 2020–21

OVS provided approximately \$17.3 million to victims of crime and their families and reimbursement to medical providers for forensic rape exams. The number of claims paid during any fiscal year may exceed the number of claims awarded during that year due to the time it takes to process claims. In addition, claims can be paid over multiple years because New York is the only state in the nation that does not have a cap on medical or mental health expenses.

The following chart does not include emergency awards (see Page 7 for that information).

CLAIM TYPE	NUMBER	AMOUNT
Personal Injury	2,138	\$13,096,324
Death	673	\$2,608,157
Essential Personal Property	899	\$232,416
Forensic Rape Exam Direct Reimbursement	2,269	\$1,405,697
Total	5,979	\$17,342,594

No Award Decisions

During 2020–21, OVS investigated and determined that 3,286 claims were ineligible for assistance; these are known as no award decisions. These claims may have been received by the agency during this fiscal year or a prior one.

The agency deemed 1,876 of those claims ineligible because individuals failed to provide necessary documentation and / or information.

Under state regulations and agency rules, those claims can be reevaluated if an individual subsequently provides necessary documents. OVS determined another 325 claims were ineligible under the law.

This chart details other reasons claims were deemed ineligible.

No Award Reason and Claim Totals

REASON	NUMBER
No Information Supplied	1,876
Not Eligible	325
Child not a Victim or Witness	166
Unable to Locate Claimant	136
Unsubstantiated or No Crime	123
Individual not a Victim of Crime	112
Duplicate Claim	73
No Cooperation	68
Unable to Locate Police Report	61
Pending Police Investigation	61
Domestic Violence Incident without Physical Injury	54
Withdrawn	53
Essential Personal Property (EPP) Only (no other compensable loss)	42
Not Eligible and No EPP Items	23
Individual Older than 18 and Must File for Self	22
Accident	16
Business Loss	11
Not Essential Personal Property	9
Hit and Run, Leaving the Scene of Property Damage	9
Not Victim of Criminal Act	8
Contributing Conduct	7
Lost Property	6
No Funeral Loss	6
Crime not in New York State	6
Legal Guardian Must File Claim	4
Pending Trial	3
Claimant Died from Unrelated Causes	2
No Physical Injury	2
Conflicting Data	1

Appeals

Within 30 days of a decision date, individuals may submit a written request for an administrative review of decision to the OVS director. Upon receipt, the agency examines the request to see whether the claim can be reopened based on new information. If the claim cannot be reopened, it proceeds to an appeal, which is handled by an Administrative Review Panel. The panel hears any evidence or argument by the individual relevant to the claim and its decision, either affirming or modifying the agency's decision, is the agency's final determination.

During 2020–21, 80 claimants filed appeals, including some filed in the same year and others from prior years. Seventy percent of those decisions were affirmed without changes. Individuals may challenge the Administrative Review Panel's decision by bringing a proceeding under Article 78 of the state's Civil Practice Law and Rules. That challenge must occur within four months of the panel's decision.

Vocational Rehabilitation Services and Additional Medical Services

The agency's Vocational Rehabilitation Unit strives to improve the quality of life for individuals who have been permanently disabled as a direct result of a crime. The unit is staffed by a registered nurse who:

- Manages the vocational and occupational rehabilitation program for victims and survivors of crime;
- Reviews the claimant's treatment plan to ensure services are allowable and related to the crime;
- Refers the claimant to an independent medical consultant, as needed, for further professional opinion on service needs and causal-related services;
- Reviews any requests for home modifications necessitated by a disability due to a crime (the home modification process takes on average between 12 and 18 months to complete);
- Reviews requests from claimants for costly medical equipment (i.e., wheelchairs, beds, prosthesis, vehicle modifications, etc.) and works with vendors for reasonable and customary costs;
- Assists the agency's Additional Medical Unit with interpreting medical bills and records;
- Reviews medical bills, reports and claimant requests for appropriateness to injuries sustained from the crime;
- Reviews requests for educational assistance for job retraining;
- Develops and maintains cooperative relationships with community resources to assist the victim in achieving pre-injury status or maximum potential; and
- Negotiates with providers on bills in excess of \$20,000 to agree on accepting some percentage of the bill as payment in full.

The agency's Medical Claims Unit processes medical bills that individuals receive after OVS has approved their claim. New York is the only state in the nation that does not have a cap on medical or counseling expenses, which allows these eligible individuals to receive reimbursement from OVS for these costs throughout the course of their lifetime.

During 2020–21, the Medical Claims Unit approved 1,301 claims that resulted in almost \$12 million in vocational rehabilitation assistance to victims. The following chart outlines the services received by those individuals.

LOSS EXPENSE TYPE	AWARD
Home Care – Individual	\$4,497,578.42
Hospital	\$1,484,208.31
Doctor	\$1,261,527.60
Counseling	\$1,260,255.58
Home Care – Facility	\$990,479.11
Durable Medical Equipment (DMI)	\$658,259.78
Dentist	\$638,158.21
Medical Consultant	\$260,930.67
Medical Supplies	\$231,984.54
Ambulance	\$231,846.87
Pharmacy / Medications	\$168,209.04
Home Modifications	\$160,707.71
Medical Transportation	\$50,540.15
Addiction Recovery Treatment	\$29,586.47
Vehicle Modifications	\$28,332.84
Moving / Storage	\$7,847.42
Other	\$1,657.06
Storage	\$1,350.00
Education	\$537.00

Grants

The agency's Grants Unit administers federal Victims of Crime Act (VOCA) and state Criminal Justice Improvement Account funding that supports community-based organizations and system-based programs serving victims of crime and their families. These programs provide a comprehensive array of services, such as crisis intervention, legal assistance, counseling, emergency financial assistance, transportation, intervention, information, referrals, telephone counseling and assistance with filing for compensation and other benefits. The unit oversees the open, competitive process that determines how grants are awarded; monitors the agencies that receive grants to ensure funding is spent in accordance with federal and state laws; oversees and supports the activities of the Office of Victim Services' Advisory Council; and coordinates statewide training for VAPs and other agencies, including law enforcement and health care providers.

Victim Assistance Programs

OVS receives state and federal funding to provide grants to community-based service providers that assist victims of crime and witnesses across New York State. Providers receiving these grants include criminal justice agencies, such as police and probation departments and district attorneys' and sheriffs' offices; hospitals and health care providers; and nonprofit organizations, such as YWCAs, rape crisis centers, and community action programs.

During 2020–21, the agency had appropriations totaling \$163 million for grant making: \$150 million in federal VOCA-supported appropriations and \$13 million from the state's Criminal Justice Improvement Account.

OVS makes this funding available through a request for applications, which allows the Grants Unit to assess a provider's ability to serve victims of crimes and their families using criteria that gauges need, services provided, capacity, and effectiveness.

Grant funding allows providers to maintain, or in some cases, expand services to their communities. Without funding from OVS, many programs for victims of crime and witnesses could not exist. For example, the agency is a major source of funding for the Victim Information and Notification Everyday (VINE) program. This program, offered by the state Department of Corrections and Community Supervision and the New York State Sheriffs' Association, notifies individuals when an offender's incarceration status in a local or state correctional facility changes.

The state Comptroller's Office [Open Book New York website](#) lists all contracts with OVS. The agency currently administers:

- 228 Victim assistance program contracts;
- 86 Case manager contracts;
- 61 Attorney services contracts;
- Memorandums of agreement with other state agencies; and
- Three single-source contracts with specific providers.

Statewide Advisory Council

State Executive Law allows the Office of Victim Services to establish an advisory council "to assist in formulation of policies on the problems of victims of crime and to provide recommendations to the director to improve the delivery of services to victims by the office."

The council must have at least 16 members who demonstrate an active interest in, or professional knowledge of, the problems, needs and treatment of victims of crime. Appointed by OVS, members serve three-year terms, and, each year, elect a president and vice president to lead the council.

The New York State Coalition Against Domestic Violence and the New York State Coalition Against Sexual Assault each must have a representative on the council. Other members must be active members of one of the five regional service provider coalitions. In addition, members of the state legislature or other individuals with a special interest in victim issues may be invited to serve as non-voting, ex-officio members.

The council has five standing committees with the following responsibilities:

- The *Legislative Committee* studies and suggests legislation for consideration by the agency, in addition to monitoring legislation related to victims of crime and keeping the council informed of any relevant changes.
- The *Program Committee* reviews, analyzes and reports on victim, fiscal and administrative issues common among service providers that are funded by the agency. The committee focuses on concerns directly affecting program administration, including budgeting, staffing and the grant process.
- The *Compensation and Service Committee* informs the agency of unmet needs and advises how to improve services for victims of crime. The committee reviews and discusses victim compensation issues and may recommend changes to compensation applications, benefits and services.
- The *Social Justice Committee* studies the effects of social and economic inequality on marginalized victims of crime and reports findings and recommendations to the agency to address those issues.
- The *Public Outreach Committee* notifies the agency of efforts to inform victims of crime and the general public about issues faced by victims of crime, linking efforts from across the state and offering planning and implementation information to any service provider.

Training and Outreach

The OVS Training and Outreach Unit oversees all training for agency funded VAPs. Staff identify training needs; procure and execute statewide programming; and coordinate outreach and events that allow OVS to promote its work and the service providers it funds. The Training and Outreach Unit plans and implements OVS's biennial statewide conference, distributes the agency's quarterly newsletter, *OVS Outreach*, and facilitates public awareness initiatives, including agency press conferences and events to mark National Crime Victims' Rights Week.

In 2020–21, the unit organized a record of over 30 trainings and webinars for VAPs attended by more than 6,000 advocates and direct service professionals, who represented more than 2,000 organizations.

Additional unit efforts and highlights from 2020–21 are featured below.

Seeking Solutions Elder Abuse Summit

OVS hosted nearly 200 victim services professionals from across New York State at the agency's first virtual summit, "Seeking Solutions: Elder Abuse – Creating a Clear Vision of Where We Go from Here," from January through March 2021. The multi-week event featured nearly a dozen webinar sessions, live workgroups and special population panel discussions, all with a focus of tackling elder abuse in New York.

Training & Technical Assistance Request Program

The agency's [Training & Technical Assistance Request Program](#) processed over 30 requests for custom-tailored organizational leadership and communication services trainings and webinars. More than 300 victim services providers and allied professionals from nearly two dozen different organizations took advantage of this no-cost professional development programming for OVS-funded VAPs.

Training Needs Assessment

In 2020–21, OVS partnered with the Center for Human Services Research at the University at Albany to conduct a needs assessment to inform the provision of training to OVS-funded service providers over the next three to five years. Results from this assessment provided valuable information on preferred methods of delivery, resources / topics and recommendations for future OVS training efforts. This needs assessment project was completed in March of 2021.

New Title IX Changes Webinar Series

In response to the U.S. Department of Education issuing long-expected Regulations around Title IX of the Education Amendments of 1972, OVS and SUNY teamed up to offer a series of webinar trainings on the impact these changes may have when serving victims of sexual harassment and violence on college campuses. Nearly 500 attendees from more than 200 organizations attended the webinars offered over the Summer of 2020.

VAP Training Center Resources

In addition to hosting webinars and trainings for thousands of direct service professionals, the OVS Training & Outreach Unit also manages multiple resources for victims of crime and victim service providers.

Featured resources made available via the [VAP Training Center](#) in 2020–21 included:

- [OVS VAP Connect](#) – A new online community forum for OVS-funded victim assistance programs to come together, network and share best practices. Launched in the summer of 2020, OVS VAP Connect quickly gained more than 400 registered users in 2020–21.
- OVS Training Listserv – Utilized for training announcements, advisory bulletins, funding opportunities and more, the OVS Training Listserv issued more than two dozen periodic national, state and regional updates to approximately 8,000 subscribers in 2020–21.
- [OVS Training YouTube Channel](#) – Featuring up-to-date resources and recently recorded training opportunities for victim assistance programs, the OVS Training YouTube Channel logged nearly 16,000 views and over 2,000 hours of watch time in 2020–21.

A calendar of current trainings, access to previous training materials, and more resources are also available on the [VAP Training Center's webpage](#).

Additional OVS Training

Within the Grants Unit, contract managers provide technical assistance and training as part of their on-site monitoring responsibilities, and staff attend at regional coalition meetings with providers in five geographic regions of the state to provide updates and information from OVS. Those coalition meetings occur monthly, bi-monthly or quarterly. Claims Processing Unit investigators also host monthly compensation trainings in Albany and Brooklyn for all VAPs. The agency also offers a training for attorneys, accredited by the state’s Continuing Legal Education Board, on compensation and restitution for victims of crime and restitution.

Legal Unit

The agency’s general counsel oversees its Legal Unit, which is staffed by an associate attorney, a senior attorney and support staff. The unit provides legal counsel to the director and agency staff; reviews legislation at the request of the governor and makes recommendations for executive action; monitors legislation and new laws impacting victims of crime and the operation of the agency; develops proposals for statutory changes and necessary regulations; assists in enforcing the state’s “Son of Sam” law; and oversees the agency’s collection efforts. There were no regulations proposed or adopted during 2020–21.

The Legal Unit also oversees the Forensic Rape Examination Direct Reimbursement program (see page 7), coordinates the review of claim decisions and makes final determinations on appeals submitted by victims of crime or their family members (see Page 13). As part of this process, the agency can administer oaths and affirmations, issue subpoenas and take testimony when necessary. OVS also obtains affidavits or deposition when it deems them to be necessary.

“Son of Sam” Law

The state’s “Son of Sam” Law, named after a moniker given to serial killer David Berkowitz, allows OVS to freeze financial assets of individuals convicted of certain crimes so their victims can obtain court-ordered monetary settlements. The agency can freeze profits of a crime, such as money received for a book or movie, or funds of a convicted person, defined as “all funds and property received from any source” by a person convicted of a “specified crime.” The law also requires that any individual or entity paying or receiving profits from a crime, or funds of a convicted person, notify OVS of those funds.

Under the funds of a convicted person provision, the agency must determine whether the crime for which a conviction was obtained is a “specified crime,” as defined by law (primarily serious felonies). If the agency receives notice of profits from a crime, the conviction must be a felony offense to meet the requirements for the “Son of Sam” Law.

OVS notifies victims of crime about the assets, and if those victims advise the agency that they wish to proceed with a claim, the assets are frozen. This provides a three-year window for victims of crime to retain a lawyer and initiate a lawsuit.

Despite the courts being closed for a period during 2020–21, the agency froze \$2,375,866 under the law's funds of a convicted person provision; there was no activity from profits from a crime. The chart below details 10 years of activity under the law:

FISCAL YEAR	AMOUNT FROZEN
2020–21	\$2,375,866
2019–20	\$3,836,037
2018–19	\$3,419,517
2017–18	\$4,133,934
2016–17	\$2,061,216
2015–16	\$10,377,047
2014–15	\$1,620,131
2013–14	\$1,272,371
2012–13	\$2,350,389
2011–12	\$1,731,159

Subrogation and Restitution

When OVS provides a monetary award to a victim of crime, the agency has a lien on any funds recovered by the victim through a civil proceeding brought against the defendant or any other responsible third party. The state also is authorized to commence a civil action against a victim's assailant or any liable third party if the victim declines to do so. This assignment to the state of the victim's cause of action is called subrogation. If a civil action results in the victim receiving a financial award greater than the OVS award, the agency only receives the amount equal to what it paid the victim.

Restitution is money paid to a victim by the perpetrator of the crime and is designed to compensate the victim for the losses incurred as a result of the crime. OVS has a lien on restitution when the agency makes a monetary award to a claimant and that claimant receives restitution for the same loss.

SUBROGATION AND RESTITUTION BY MONTH FOR 2020–21			
Month	Subrogation	Restitution	Total
April 2020	\$100.00	\$3,629.81	\$3,729.81
May 2020	\$800.00	\$3,935.18	\$4,735.18
June 2020	\$12,949.93	\$4,071.05	\$17,020.98
July 2020	\$2,640.18	\$2,626.62	\$5,266.80
August 2020	\$164.59	\$5,305.21	\$5,469.80
September 2020	\$12,583.51	\$9,864.75	\$22,448.26
October 2020	\$7,951.97	\$18,912.91	\$26,864.88
November 2020	\$40,844.67	\$15,018.10	\$55,862.77
December 2020	\$15,600.00	\$11,173.10	\$26,773.10
January 2021	\$32,671.40	\$6,557.59	\$39,228.99
February 2021	\$30,694.32	\$7,160.64	\$37,845.96
March 2021	\$15,024.15	\$2,233.53	\$17,257.68
Total	\$172,024.72	\$90,488.49	\$262,513.21

2020 Chapter Laws Affecting Victims of Crime and Related Issues

Chapter 4 (Signed: 02/03/2020, Effective: 02/03/2021): Increase penalties for illegal U-turns committed by stretch limousines.

Chapter 37 (Signed: 04/17/2020, Effective: 04/17/2020): Require hospital domestic violence training programs be given to nursing, medical, social work, security, and other clinical personnel working in service units. This section would also clarify that domestic violence and victim assistance organizations are responsible for coordinating services to victims.

Chapter 55 (Signed: 04/03/2020, Subpart A, Effective: 03/22/2020, Subpart S, Effective: 06/15/2020): Subpart A – Amends the underlying chapter relating to rights of sexual offense victims; provides that sexual offense victims shall be informed that a rape crisis or victim assistance organization is available to provide victims with transportation from a medical facility. Subpart S – Amends the underlying chapter providing for payment assistance and other information for HIV post-exposure prophylaxis and other health care services for sexual assault victims.

Chapter 70 (Signed: 04/17/2020, Effective: 12/20/19): Amends the underlying chapter to make several technical changes to ensure that domestic partners become fully eligible to receive compensation from the Office of Victim Services.

Chapter 71 (Signed: 04/17/2020, Effective: 06/17/2020): Amends the underlying chapter by allowing the Department of State to consult with multiple advocacy groups recognized by the Federal Department of Justice or Health to assist with programming in relation to domestic violence and sexual awareness.

Chapter 94 (Signed: 06/12/2020, Effective: 06/12/2020): Establishes criminal penalties for the use of a chokehold by a police or peace officer causing serious physical injury or death.

Chapter 130 (Signed: 08/03/2020, Effective: 08/03/2020): Extends by one year the period of time during which otherwise time-barred civil claims revived by the Child Victims Act may be initiated.

Chapter 144 (Signed: 08/24/2020, Effective: 08/24/2020): Allows courts to waive certain surcharges and fees when it is determined that the defendant is under 21 years of age and demonstrates either that the fee would impose an undue hardship, it prevents successful reintegration, or that the interests of justice require it.

Chapter 204 (Signed: 10/07/2020, Effective: 10/07/2020): Adds a new member to the Office for the Prevention of Domestic Violence (OPDV) advisory council and to repeal certain sections of law pertaining to their mandate.

Chapter 233 (Signed: 10/07/2020, Effective: 04/05/21): Defines “employment-related transportation expenses” for the Office of Victim Services as the costs in excess of those normally incurred by a person, due to their personal physical injury(ies) as the result of a crime. Such expense to be reimbursed at no more than \$2,500, for the period of time necessary, as determined by the relevant medical information.

Chapter 257 (Signed: 11/11/2020, Effective: 05/10/2021): Requires the commissioners of the Office of Temporary and Disability Assistance (OTDA) and Division of Criminal Justice Services to jointly submit a report annually regarding detailed information of services provided to survivors of human trafficking.

Chapter 261 (Signed: 11/11/2020, Effective: 11/11/2020): Prohibits a party to an order of protection from remotely controlling any connected devices of a person protected by such order.

Chapter 382 (Signed: 12/31/2020, Effective: 03/31/21): Ends the practice of suspending a driver’s license for the non-payment of fines and fees and for failure to appear in court.