



**Annual Report
Fiscal Year 2011-2012**

Tina M. Stanford, Esq.
Director

To the HONORABLE ANDREW M. CUOMO, GOVERNOR

AND

To the HONORABLE LEGISLATURE OF THE STATE OF NEW YORK

It is my pleasure to present to you the Office of Victim Services (OVS or Office) Annual Report for fiscal year 2011-2012. As you know, Chapter 56 of the Laws of 2010 eliminated the Crime Victims Board and created the Office of Victim Services. While our name has changed and our organizational structure has been modified, the agency's commitment to its mission remains steadfast – providing compensation, advocacy and direct services through a network of victim assistance program, to the State's innocent victims of crime. The 2011-2012 fiscal year presented significant challenges for OVS. It is only through the continued support of both the Governor and the Legislature that the Office has been able to continue to meet its stated mission. The information presented in this Annual Report will demonstrate that the agency readily faced these challenges to ensure that the State's innocent victims of crime continued to be well-served. Some of the most significant activities of the agency during this fiscal year included:

- Staffing increased from 75 to 78 FTE.
- Advanced legislation (Departmental Bill #7) to ensuring certain compensation awards for victims of criminal obstruction or breathing or blood circulation. Governor Cuomo enacted this measure into law as Chapter 534 of the Laws of 2011.
- Adopted regulations related to the submission of claim applications and changes of contact information to the Office of Victim Services, specifying where and how claim applications and changes to contact information may be delivered to the Office.
- Accepted 17,804 claims and disbursed \$28,996,171 in compensation to innocent victims of crime in New York State.

Though challenged, the Office of Victim Services has had a very successful year. Our continued efforts with the Governor and Legislature will ensure that the State's innocent victims of crime will continue to be well-served by an agency poised and equipped to serve them.

Respectfully,

A handwritten signature in black ink that reads "Tina M. Stanford". The signature is written in a cursive style with a large, sweeping initial "T".

Tina M. Stanford, Esq.
Director
Office of Victim Services

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Mission Statement

It is the Mission of the Office of Victim Services

to provide compensation to innocent victims of crime in a timely, efficient and compassionate manner;
to fund direct services to crime victims via a network of community-based programs; and to advocate for the rights and benefits of all innocent victims of crime.

2011 - 2012 Executive Staff

Organizational Unit	Name	Information
Director	Tina Stanford Director	OVS
Administration	Virginia Miller Deputy Director of Administration	Administration
Finance	Patricia Johnston Administrative Officer 2	Finance
Crime Victim Compensation Investigations	Claudette Christian Bullock Crime Victim Specialist III	Compensation
Crime Victim Compensation Investigations and Claim Processing Support Team	Noreen Fyvie Crime Victim Specialist III	Compensation and Claims Intake and Clerical Support
Grants	Raymond Parafinczuk Contracts Supervisor	Grants, Victim Assistance Programs
Management Information Systems	Dave Loomis Director of MIS	Computer System
Legal Unit	John Watson General Counsel	Legal issues, Legislation, FOIL Requests
Additional Medical Unit and Vocational Rehabilitation	Noreen Fyvie Crime Victim Specialist III	Additional Medical issues, Vocational Rehabilitation issues
Advocacy	Mary Haviland Deputy Director for Advocacy	Advocacy

Staffing as of 3/31/12

Tina M. Stanford, Esq., was appointed to serve a three year term as Director on June 23, 2010. She had been Chairwoman of the Crime Victims Board (CVB) since June 2007. As Director she leads the activities of the agency in meeting its threefold mission. Her primary office is in Albany.

A native of Buffalo, Director Stanford served on the Bar Foundation of Erie County and on other community boards including the board of Young Audiences of Western New York, Inc. In her capacity as head of the Office of Victim Services (OVS), she serves on the New York State Sentencing Commission, the New York State Domestic Violence Advisory Council, the Interagency Task Force on Human Trafficking and the Violence Against Women Act Advisory Committee.

Director Stanford graduated from Fordham University's honors program and earned a Juris Doctor degree from the State University of New York at Buffalo Law School. She taught Trial Technique at the law school between January 2004 and May 2007. She is admitted to practice law in New York and in the United States Western District Court.

Director Stanford uses information, compensation and advocacy to empower victims. As an Erie County Assistant District Attorney for fourteen years, she worked in the Buffalo City Court, grand jury, domestic violence/sexual assault, felony trial and appeals bureaus. As a trial prosecutor, she worked directly with thousands of crime victims and their family members seeking justice for crimes ranging from theft to murder.

Prologue

As of June 22, 2010, the Crime Victims Board (CVB) became the Office of Victim Services (OVS). Executive Law §622 created in the Executive department the Office of Victim Services.

Funding for compensation to crime victims comes from a combination of State and Federal monies. The State portion comes from the Criminal Justice Improvement Account (CJIA) which is funded by mandatory surcharges and crime victim assistance fees assessed on certain offenders. The amount of CJIA available to OVS, however, remains dependent on legislative appropriation. The Federal portion of compensation and victim and witness assistance funds comes from the Crime Victims Fund, which was established by the Federal, Victims of Crime Act (VOCA) of 1984.

OVS has provided substantial financial relief to victims of crime and their families. This includes paying unreimbursed crime-related expenses, such as medical and funeral expenses, loss of earnings or support, crime scene clean-up, the cost to repair or replace items of essential personal property, reasonable court transportation expenses, counseling expenses, moving expenses and the cost of residing at, or utilizing the services of a domestic violence shelter. Over time, compensation coverage has broadened to include counseling for step-family members, victims of kidnapping and unlawful imprisonment or stalking victims who are not physically injured.

On July 5, 1979, the agency's role was expanded and designated by the Legislature to be the advocate for crime victims' rights, needs and interests in New York State. This advocacy role resulted in OVS's formulation of legislation, subsequently enacted, which not only has protected and extended the rights of crime victims but also expanded the services and assistance available to them.

Since fiscal year 1981-82, OVS (formerly CVB) has been provided with additional funding from the New York State Legislature to award grants to local community-based programs across the State for the purpose of establishing victim/witness service delivery systems. Beginning in fiscal year 1986-87, the agency also received federal VOCA funds for this same purpose. OVS funded 189 local victim service programs in state fiscal year 2011-2012.

This report reflects the Office of Victim Services' efforts and accomplishments in meeting the needs of crime victims in state fiscal year 2011-12.

Section II: Overview of NYS Office of Victim Services

Organizational Chart

Powers and Duties of the Office

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Office of Victim Services

Director
Office of Victim Services

Legal

Victim Advocacy

Administration and
Operations

Victim Compensation

Administration Services

Information Technology

Grants

Powers and Duties of the Office

- 1. To establish and maintain a principal office and such other offices within the state as it may deem necessary.**

OVS currently maintains its principal office in Albany at 1 Columbia Circle, Suite 200, Albany, NY 12203. In addition, there are offices in New York City at 55 Hanson Place, Brooklyn, NY 11217, and in Buffalo at 65 Court Street, Room 308, Buffalo, NY 14202.

- 2. To appoint a secretary, counsel, clerks and such other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.**

The Office of Victim Services' staffing target was increased to 78 employees. Duties performed by staff are related to the agency's compensation program, its victim/witness assistance program, and its statutorily mandated advocacy role.

- 3. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of article twenty-two, including rules for the determination of claims, rules for the approval of attorneys' fees for representation before the office and/or before the appellate division upon judicial review as provided for in section six hundred twenty-nine of article twenty-two, and rules for the authorization of qualified persons to assist claimants in the preparation of claims for presentation to the office.**

During fiscal year 2011-12, the agency adopted regulations related to the submission of claim applications and changes of contact information to the Office of Victim Services, specifying where and how claim applications and changes to contact information may be delivered to the Office.

- 4. To request from the Division of State Police, from county or municipal police departments and agencies and from any other state or municipal department or agency, or public authority, and the same are hereby authorized to provide, such assistance and data as will enable the Office to carry out its functions and duties.**

In order to verify the stated crime and loss information submitted by crime victims to OVS, the Office requested needed information from the police, District Attorneys (DAs), Child Protective Services, Family Courts and other criminal justice agencies and authorities.

- 5. To hear and determine all claims for awards filed with the Office pursuant to article twenty-two, and to reinvestigate or reopen cases as necessary.**

During fiscal year 2011-12 the OVS rendered 17,804 original decisions which includes awards and denials made by the Office. Claims were reinvestigated or reopened as necessary.

- 6. To direct medical examination of victims.**

In order to determine the causal relationship between the injuries claimed by victims and the medical services rendered or to be rendered, approximately 23 referrals in fiscal year 2011-12 were made to medical, psychological, chiropractic or dental consultants.

- 7. To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence. The powers provided in this subdivision may be delegated by the Director to any member or employee. A subpoena issued under this subdivision shall be regulated by the civil practice law and rules.**

177 claim decisions were reviewed and had decisions rendered by the Office as a result of appeals submitted by crime victims or their family members. Oaths and affirmations were administered, subpoenas were issued when deemed necessary and testimony was taken.

8. To take or cause to be taken affidavits or depositions within or without the State.

The OVS has taken affidavits or depositions when it was deemed necessary.

9. To establish and maintain a special investigative unit to expedite processing of claims by senior citizens and special emergency situations, and to promote the establishment of a volunteer program of home visitation to elderly and invalid victims of violent crime.

OVS has designated an essential personal property (EPP) unit to handle only EPP claims. The majority of original awarded claims submitted by senior citizens (60 yr. and over) are for EPP only, therefore this unit is expediting the claims of most senior citizens. In addition, OVS has advocates which handle special emergency situations. There are also numerous OVS funded community victim assistance programs serving the elderly across the state.

10. To advise and assist the governor in developing policies designed to recognize the legitimate rights, needs and interests of crime victims.

OVS annually submits a list of legislative proposals to the Governor for his review and for the subsequent development of his legislative program. OVS reviews legislation at the request of the Governor and provides comment on the impact, if any, to the agency and crime victims.

11. To coordinate state programs and activities relating to crime victims.

During the fiscal year, OVS regularly met with its Advisory Council and with crime victims' coalitions and other crime victim advocates. The Director serves on the New York State Sentencing Commission, the NYS Domestic Violence Advisory Council, the Interagency Task Force on Human Trafficking, and the Violence Against Women Act Advisory Committee. OVS is also represented on the NYS Interagency Task Force on HIV/AIDS, the NYS Traumatic Brain Injury Committee, the Committee for the Coordination of Police Services to Elderly Persons, the NYS Disaster Preparedness Commission, the National Association of Crime Victim Compensation Boards, and the National Association of VOCA Assistance Administrators.

12. To cooperate with and assist political subdivisions of the State and not-for-profit organizations in the development of local programs for crime victims.

Information and referral services have been requested by and provided to the police, county sheriff's departments, county executives, DAs offices and the 189 victim/witness assistance programs funded by OVS in FY 2011-12.

These programs provided services ranging from crisis intervention/counseling to assisting crime victims with filing for compensation. In addition, there were VAP trainings in regional locations as well as individual site locations which were conducted by the Grants Unit. Approximately 500 individuals were trained this year by the Grants Unit. Different topics were covered at these various VAP trainings which included compensation, VOCA guidelines, fiscal reporting guidelines and OVS guidelines. When necessary, OVS provided technical assistance and produced Advisory Bulletins on current issues or policies, which are available on our website (www.ovs.ny.gov).

13. To study the operation of laws and procedures affecting crime victims and recommend to the Governor and Legislature proposals to improve the administration and effectiveness of such laws.

OVS tracks legislative bills potentially affecting crime victims. The Office also keeps abreast of rules and regulations potentially affecting crime victims proposed by other State agencies, most notably: the Division of Criminal Justice Services, the Department of Corrections and Community Supervision, the Division of State Police and the Office for the Prevention of Domestic Violence.

14. To establish an Advisory Council to assist in formulation of policies on the problems of crime victims and to provide recommendations to the Director to improve the delivery of services to victims by the Office.

Since March 1985, experts in the field of victim assistance, human services and criminal justice have provided the Office with their knowledge and expertise relating to crime victim policy and service delivery through the Advisory Council.

15. To work with national associations, statewide coalitions, regional coalitions, victim service providers, and other advocates to address and advance the rights and interests of crime victims of the state.

The Office consults regularly with the National Association of Crime Victim Compensation Boards, and the National Association of VOCA Assistance Administrators and participates in their regional and national conferences. In addition, OVS staff attends regional coalition meetings around the State and works with Victim Assistance Programs, allied professionals and other State agencies to advance the rights and interests of crime victims of the State.

16. To promote and conduct studies, research, analysis and investigations of matters affecting the interests of crime victims.

OVS was able to conduct several ad-hoc programmatic and fiscal analyses related to its compensation program as needed and requested.

17. To coordinate training opportunities for crime victim advocates and service providers.

Each month the Office provides compensation training to Victim Assistance Program (VAP) staff in each of its three offices. This is designed to ensure that victim advocates around the State are fully informed about the benefits available through the Office to innocent crime victims. In addition, the Grants Unit staff offer a variety of training programs to VAPs on issues related to their grants with OVS. The legal staff offers training on restitution and the OVS Direct Reimbursement Forensic Rape Exam program. In addition, Grants staff are available to provide on-site technical assistance to VAPs as needed.

18. To serve as a clearinghouse for information relating to crime victims' problems and programs.

OVS continues to maintain a multi-disciplinary clearinghouse of studies, books, reports, journals, and other printed materials relating to crime victims. These materials address the rights, needs and interests of crime victims as they pertain to victim compensation, victim assistance and the status of victims in the criminal justice system.

19. To accept, with approval of the Governor, as agent of the state, any grant including federal grants, or any gifts for the purpose of article twenty-two. Any monies so received may be expended by the Office to effectuate any purpose of article twenty-two, subject to the applicable provisions of the State Finance Law.

In fiscal year 2011-12, OVS was awarded \$11,523,000 from federal funds for victim compensation. That same year the OVS received \$23,970,000 from federal funds for victim assistance.

20. To render each year to the Governor and the Legislature, on or before December first of each year, a written report on the Office's activities including, but not limited to, specific information on each of the subdivisions of section 623 of the Executive Law, and the manner in which the rights, needs and interests of crime victims are being addressed by the state's criminal justice system. Such report shall also include, but not be limited to:

- a) Information transmitted by the Office of Probation and Correctional Alternatives under subdivision five of section 390.30 of the Criminal Procedure Law and subdivision seven of section 351.1 of the Family Court Act which the Office shall compile, review and make recommendations on how to promote the use of restitution and encourage enforcement.
- b) Information relating to the implementation of and compliance with article twenty-three of the executive law by the criminal justice agencies and the "crime victim-related agencies"

of the state. Such report shall also include but not be limited to information regarding crime victim service programs, including:

- (1) the programs funded by the office;
- (2) other sources of funding for crime victims service programs;
- (3) an assessment of the adequacy of the current level of appropriation to the office to meet the reasonable needs of crime victims service programs for funding under section six hundred thirty-one-a of this article; and
- (4) an estimate of the reasonable needs of programs in the next fiscal year.

Victim Impact Statements

The Office of Probation and Correctional Alternatives (OPCA) transmitted to OVS data detailing the number of family court victim impact statements and criminal court victim impact statements requested, received and sent to court through the OPCA.

Restitution

A successful restitution collection initiative is dependent upon the cooperation and coordination of the other criminal justice components, as well as the statutory authority to fulfill the objectives of the program. Following are the OVS's recommendations regarding restitution:

- Repeal penal law exempting defendants from paying surcharge if restitution is paid in full. (A.7956 of 2009/2010)
- Prosecuting attorneys should be encouraged to use a standard victim impact statement which solicits information regarding pecuniary damages suffered by the victim, as well as any benefits paid by OVS.
- The DA should also be encouraged to use a standardized sentencing order which incorporates restitution as part of sentencing in all criminal cases.
- Clerks of the courts should be more diligent in distributing monies collected from the offender and in notifying OVS of monies collected.
- All officers preparing Pre-Sentencing Reports should ask the victim if they have applied to the OVS and/or if they have received an award from the OVS and the amount.
- DAs should be more diligent in their responsibility to file restitution orders as civil judgments in order to facilitate collection efforts and use a standardized restitution order which can be found on our website at www.ovs.ny.gov.
- Clerks should be more diligent in properly recording the filed orders and the named judgment creditors in order to facilitate collection efforts.
- The Office of Court Administration (OCA) should encourage the use of the Judges' Desk Reference on Restitution which was prepared by OVS and provided to both OCA and the Judicial Institute.

21. To make grants to local crime victim service programs and carry out related duties under section 631-a of article twenty-two.

Approximately \$34.4 million in state and federal funds were appropriated to the Office for grant-making purposes in fiscal year 2011-12. These funds enabled the Office to assist crime victims with services in approximately 189 programs. In addition to the auditing and monitoring functions, the Grants unit provided continuing technical assistance and support to Grants Victim Assistance programs.

22. To delegate to specified employees of the Office the power to disallow claims under circumstances where regulations of the Office provide for disallowance without prejudice to reopening of claims.

Rules and regulations implementing this subdivision are in place. These rules allow staff to close specific types of claims without prejudice to their reopening.

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Disbursements State Fiscal Years 2002-03 through 2011-12

**(For prior fiscal years 1966-67 through 1970-71
please consult previous annual reports or request it from the OVS)
(This table includes prior-years' carryover)**

FISCAL YEAR	PERSONAL	NON-	TOTAL ADMINISTRATION	PAYMENTS TO VICTIMS	VICTIM AND WITNESS ASSISTANC	TOTAL LOCAL ASSISTANCE	GRAND TOTAL
2002-03	4,700,044	1,679,198	6,379,242	49,501,826	26,005,289	75,507,115	81,886,357
2003-04	4,394,699	1,375,073	5,769,772	31,763,966	25,528,784	57,292,750	63,062,522
2004-05	4,425,172	1,471,291	5,896,463	27,457,258	28,564,841	56,022,099	61,918,562
2005-06	4,676,075	1,274,813	5,950,888	26,188,262	23,628,953	49,817,215	55,768,103
2006-07	4,571,729	1,455,573	6,027,302	28,024,638	25,728,088	53,752,726	59,780,028
2007-08	4,594,228	1,347,183	5,941,411	27,427,450	29,435,614	56,863,064	62,804,475
2008-09	4,733,353	1,349,476	6,082,829	27,348,258	29,731,477	57,079,735	63,162,564
2009-10	5,134,729	2,144,990	7,279,719	25,345,981	29,242,026	54,588,007	61,867,726
2010-11	4,873,488	1,857,294	6,730,782	31,751,660	30,097,426	61,849,086	68,579,868
2011-12	6,148,310	1,174,793	7,323,103	28,996,191	40,262,893	69,259,084	76,582,187

**Please note that the 2010-11 numbers for administration disbursements, and therefore the grand total disbursements, have been corrected to fix a typographical error.

Section III: Claim Processing

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Mandatory Information to Crime Victims

Chapter 173 of the Laws of 2006

Many victims of crime have no knowledge of the existence of services provided by the Office of Victim Services (OVS), or any awareness of their basic rights or the availability of victim assistance programs in their communities. This lack of information is a grave disservice to one of the State's most vulnerable populations – innocent victims of crime.

To address this problem, Chapter 173 of 2006 was enacted to ensure that crime victims are made aware of their rights and are informed about the existence of victims' services and programs. This law requires OVS to provide information cards to police agencies for distribution to crime victims. The cards inform crime victims of the OVS's locations, phone numbers, website address and services. The card also includes information on a victim's basic rights and provides space for handwritten entry of appropriate local victim assistance programs. The cards have been distributed to law enforcement agencies across the State. This on-line version of the form is available for you to download and print as needed.

Police Card –  [English\(513 kb\)](#) /  [Spanish\(41.3 kb\)](#)

This law also required the OVS and the New York State Division of Criminal Justice Services (DCJS) to develop a form to be used by all district attorney offices to report the distribution of the OVS's  [The Rights of Crime Victims in New York State\(118 kb\)](#) pamphlet. The law requires the district attorneys to complete the form annually and submit it to the OVS each year by January 1. Additionally, district attorneys are required to make this report available to crime victims or their families free of charge or to others for a fee not to exceed the cost of reproduction.

[Download pdf viewer](#) 

District attorneys may download a copy of the reporting form  [here\(11.4 kb\)](#) . Completed forms may be electronically submitted to ovsdata@ovs.ny.gov

Compensation Awards

Compensation May Be Awarded If:

- The victim was an innocent victim of the crime
- The crime was reported to a criminal justice agency within one week or justification for the delay can be shown. In cases involving sex offenses, a "criminal justice agency" shall include any medical facility that provides a forensic physical examination for victims of rape and sexual assault.

Compensation Benefits Include:

- Expenses for medical or other related services not covered by other insurance or benefit programs
- Lost earnings or loss of support up to \$600 per week and up to a total maximum of \$30,000.
- Burial expenses up to \$6,000 (for crimes committed on or after November 1, 1996)
- Occupational rehabilitation expenses
- Counseling services to the victim and to certain family members are paid in accordance to the OVS fee schedule. The fee schedule 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 (\$100 Cash)
- 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
- The cost of residing at or utilizing the services of a domestic violence shelter
- Crime scene cleanup expenses and/or securing a crime scene up to \$2,500
- Attorney fees for representation, to a maximum of \$1,000.

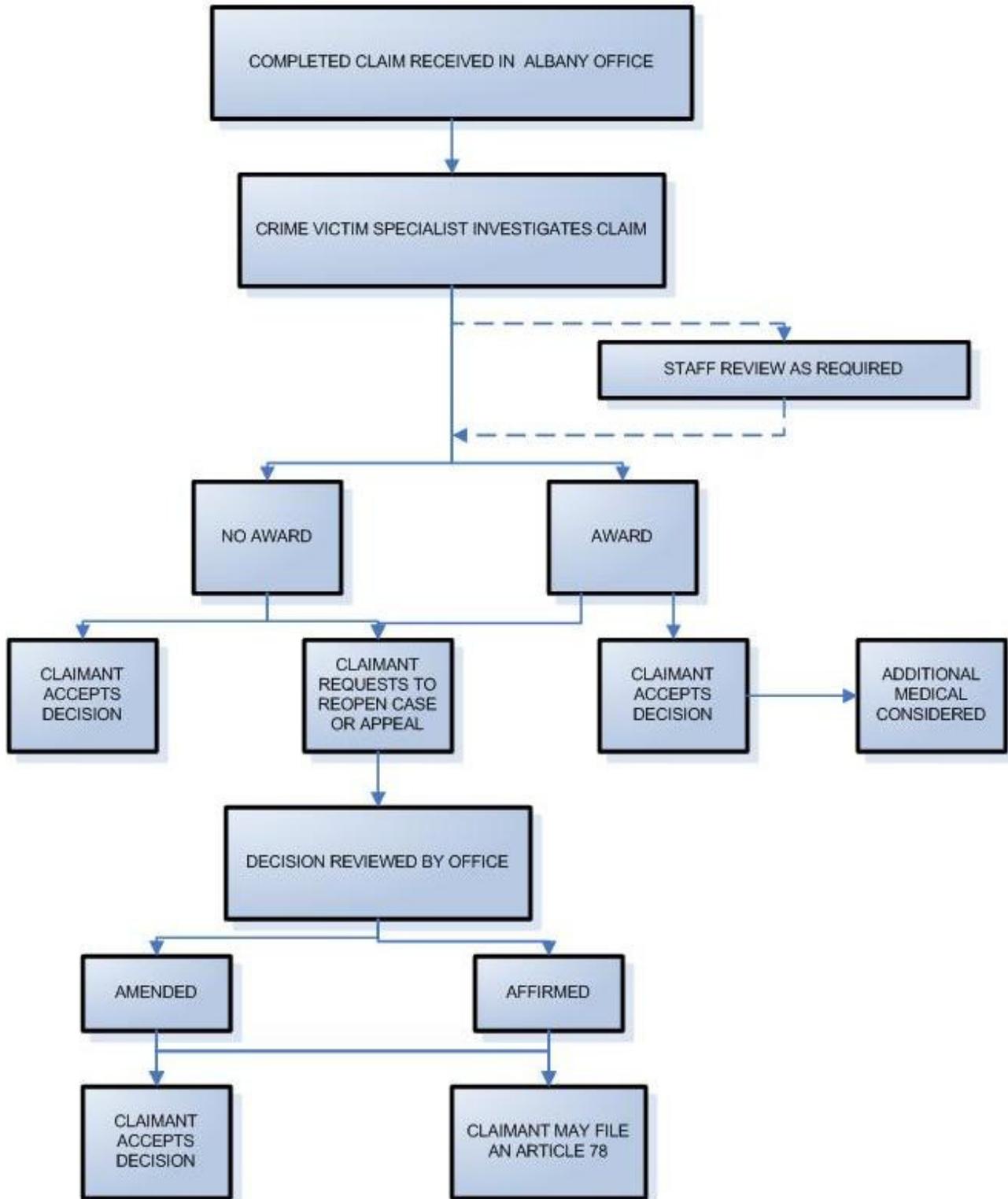
You May Obtain Emergency Benefits If:

- You are deemed to be potentially eligible for compensation benefits and would suffer undue financial hardship if some immediate payment is not made. Emergency award maximum amounts are \$2,500.

To learn more about our compensation program, please read the  [**OVS Guide to Compensation**](#) and the [**Frequently Asked Questions**](#) under our "Help for Crime Victims" button.

For a copy of our claim application, please click  [**here\(1.17 mb\)**](#).

What Happens When You File a Claim



Emergency Awards

In those instances where a crime victim will suffer undue hardship and is likely to be eligible for compensation, the NYS Office of Victim Services (OVS), according to statute, may advance an emergency award before a final decision is made on the claim. Under emergency conditions, OVS is authorized to award up to \$2,500. The OVS typically authorizes emergency awards for burial expenses, medication, relocation expenses, security devices, lost earnings/support or emergency medical equipment. The crime victim must still meet the agency's eligibility criteria listed in the prior section. Claimants will need to know the police station where the crime was reported and the assigned police complaint number. During fiscal year 2011-2012, 549 emergency awards totaling \$1,106,666.13 were granted.

Claimants eligible for emergency assistance can visit the Albany or Brooklyn OVS office from 9:00 a.m. - 5:00 p.m. or call 1-800-247-8035 for assistance. Faxed applications for Emergency Awards are accepted. The claim is then investigated and the application is either denied or awarded. OVS funded programs may also assist victims with filing for emergency assistance. Claimants should be advised that the process may take 24-72 hours.

Forensic Sexual Assault Direct Reimbursement

Under legislation signed into law in 2003 and effective as of April 1, 2005, OVS provides direct reimbursement to providers of forensic rape examination services. The reimbursement fee covers the examiner's services, related facilities' costs, basic laboratory tests and pharmaceuticals.

This reimbursement ensures that sexual assault survivors are not billed for any forensic rape examination services. It provides for the personal privacy of sexual assault victims, while reimbursing providers when the victim does not have access to private health insurance or chooses not to use private health care insurance for the forensic examination. However, if a victim voluntarily assigns his or her private insurance benefits to cover the forensic exam, the hospital or health care facility may not bill the OVS.

The reimbursement rate was set by statute in fiscal year 2010-2011 to be itemized charges up to \$800. This fee is to be reviewed annually and may, if appropriate, be adjusted by OVS in consultation with the Department of Health. The fee remained unchanged in fiscal year 2010-2011.

To access these program funds, a licensed health care provider who has performed a forensic rape examination must file the direct reimbursement claim form and an itemized bill for services. The claim must be received within one year of the examination.

Detailed instructions for filing claims are available on the OVS's website. Claim forms are supplied inside of the Sexual Offense Evidence Collection Kits distributed to health care providers by the Division of Criminal Justice Services. Claim forms may also be downloaded from our website and are available by mail upon request.

For fiscal year 2011-2012, OVS paid \$4,276,915 on 5,497 forensic sexual assault examination claims through this program.

Claims Accepted

All law enforcement agencies in New York State are required to provide victim notification cards, claim applications and information brochures relating to the availability of crime victim compensation to every victim of a crime. All hospitals are also required to have these claim applications available and to display the OVS's posters in their emergency rooms. In addition, Victim Assistance Programs funded by OVS are required to aid victims in filing claim applications with OVS. The agency's own advocate staff also assist victims with the application process. Victims, of course, may apply to OVS on their own. These are just some of the means by which claim applications are submitted to the OVS. Certain fundamental elements of the application must be completed in order for the claim to be "accepted" by OVS.

Fiscal Year Claims Accepted

2002-2003	18,751
2003-2004	20,012
2004-2005	14,750
2005-2006	13,873
2006-2007	13,699
2007-2008	13,602
2008-2009	15,929
2009-2010	16,910
2010-2011	18,120
2011-2012	17,804

Claims Awarded

In addition to providing compensation to victims of violent crimes (murder, rape, robbery, and assault) who have suffered personal physical injury, the OVS is also able to compensate certain victims of burglary, larceny, stalking, kidnapping and unlawful imprisonment.

It should be noted that the OVS accepted 3,154 claims in fiscal year 2011-12 solely for repair or replacement of essential personal property in which there was no personal injury. These claims represented 18% of the total claims accepted in the fiscal year.

Claims Accepted and Claims Awarded by Type

Claim Type	# Claims Accepted	# Claims Awarded
Personal Injury	13,688	8,915
Death	962	743
Essential Personal Property	3,154	1,608

Disbursements by Claim Type Fiscal Year 2011-2012

Type of Claim	# of Claims Paid	Disbursement Amount
Personal Injury	7,270	\$ 19,757,228
Death	861	\$ 4,575,252
Essential Personal Property	1,744	\$ 386,776
Forensic Rape Exam Direct Reimbursement	<u>5,497</u>	<u>\$ 4,276,915</u>
TOTAL	15,372	\$ 28,996,171

Claims Awarded by Age and Gender

Original Awards by Age and Gender

Of the 11,266 victims for whom an original decision was awarded, the largest portion were persons between the ages of 18-29 (3,681 claims or 33%); this was true for both men (1,753 claims or 34%) and women (1,921 claims or 32%) also from this same age range.

Female victims accounted for 54% and male victims were 46% of all the original decisions awarded. Female victims had more original award decisions among all age groups, except for 13-17 yr. and 45-59 yr. age groups.

Original Award Decisions by Age and Gender State Fiscal Year 2011-2012

Age	Sex	# Awarded	\$ Awarded
0-12	Female	486	\$136,692
	Male	336	\$135,292
	<u>Unknown</u>	<u>3</u>	<u>\$1,000</u>
13-17	Female	354	\$95,932
	Male	358	\$202,202
	<u>Unknown</u>	<u>1</u>	<u>\$100</u>
18-29	Female	1,921	\$830,266
	Male	1,753	\$2,929,189
	<u>Unknown</u>	<u>7</u>	<u>\$5,445</u>
30-44	Female	1,626	\$742,240
	Male	1,214	\$1,879,009
	<u>Unknown</u>	<u>8</u>	<u>\$4,801</u>
45-59	Female	813	\$494,573
	Male	851	\$806,328
	<u>Unknown</u>	<u>4</u>	<u>\$9,317</u>
60 and over	Female	861	\$317,127
	Male	667	\$294,432
	<u>Unknown</u>	<u>2</u>	<u>\$5,372</u>

Reasons for "No Award" Decisions

The "No Information Supplied" and "Not Eligible" were the most frequent reasons for a "no award" decision being rendered for claims that were not awarded. Claims closed for "No Information Supplied" are often subsequently re-opened at a later date when the claimant has submitted the required information.

Reason for No Award Decision	# of Claims
No Information Supplied	2,917
Not Eligible	786
Unable to Locate Claimant	420
Domestic Violence No Physical Injury	270
Claim Withdrawn	100
Unable to Locate Police Report	168
No Cooperation with Police or DA	141
Duplicate Claim	104
Not Essential Personal Property	97
Unable to Substantiate	84
Child Not Victim or Witness	148
Pending Police Investigation	59
Conduct Contributing	87
No Crime	104
No Compensable Loss	112
Victim Not a Victim of Crime	59
Lost Property	51
Victim Over 18 and Must File for Self	21
Hit and Run, Leaving the Scene of Property Damage	30
Business Loss	27
Accident	28
Conflicting Data	48
Legal Guardian Must File Claim	19
Year Late Filed	10
Crime Not in New York State	15
Not Victim of Criminal Act	15
Pending Trial	8
World Trade Center - No Physical Injury	1
Claimant Died from Injuries	5
Claimant Died from Unrelated Cause	4
Civil Lawsuit Ongoing	4
Police Report Filed More Than One Week After Crime	1
Crime Not in USA	1
World Trade Center – Unsubstantiated Injury	7
No Funeral Loss	1
	5,952

Appeal Decisions

Claimants dissatisfied with the decision of the OVS may, within 30 days of the decision date, make an application in writing to the Director of the Office of Victim Services for an administrative review of the decision. An informal hearing is scheduled, if necessary, and the claimant may present any evidence or argument relevant to the claim. The decision of the Administrative review panel in affirming or modifying the original decision becomes the final decision of the OVS. A claimant aggrieved by a final decision of the OVS may within four months commence a proceeding to review the decision pursuant to Article 78 of the Civil Practice Law and Rules.

105 Claimants requested an Appeal of their decision during 2011-2012. The Administrative panel reviewed 177 decisions and 55% of the original decisions were affirmed without change.

Rejected Claims

For claims submitted during the state fiscal year 2011-2012, there were 1,064 applications that the OVS could not process for various reasons. When a claim is rejected there can be more than one reason why the claim could not be processed. The most common reason a claim is rejected is because the claimant failed to provide some or all of the crime reporting information. Applications are also frequently missing the date of birth or social security number of either the claimant or victim or both. All applications must also be signed by the claimant. The claimant must also be at least 18 years of age to file a claim. If a victim is under the age of 18, a parent or guardian must file the claim unless he or she can prove they are legally an emancipated minor.

Claims Missing Required Information

No Police Agency Name	425
No Police Complaint Number	613
No Crime Date	181
Application Not Signed	178
Claimant Under the Age of 18	309

The OVS will contact the claimant and request the missing information. If at any time in the future the missing information is provided, the claim will then be processed.

Section IV: Rehabilitation Services & Additional Medical Services

Rehabilitation Services and Additional Medical Services Objectives

Additional Medical and Vocational Rehabilitation Services Disbursements

Rehabilitation Services and Additional Medical Services Objectives

The overall objective of the Vocational Rehabilitation Unit is to improve the quality of life for individuals permanently disabled as a direct result of a crime. The Vocational Rehabilitation Unit is comprised of one 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 causally-related;
- 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 necessary as a result of a disability due to a crime. Home modifications are a major undertaking and the process currently takes between 12-18 months on average to complete;
- Reviews requests from claimants for high cost medical equipment (i.e. wheelchairs, beds, prosthesis, vehicle modifications etc.). Works with vendors for reasonable and customary costs;
- Assists the Additional Medical Unit personnel in 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.

Additional Medical and Vocational Rehabilitation Services Disbursements

The Additional Medical Claims Unit is comprised of one Senior Supervisor, **seven** Agency Program Aide staff and two support staff. This unit is responsible for processing medical bills that are received subsequent to a decision. The claimant may submit requests for reimbursement at any time during their lifetime for causally related expenses. Since the claimant may submit such bills at any time during their lifetime, the base number of claimants submitting bills for consideration is expanding each year.

The Additional Medical Claims Unit approved payments totaling **\$1,235,404** for counseling payments to victims on **577** claims throughout the year. Homecare for disabled victims was paid on **63** claims during the year totaling **\$4,192,898**. They also paid **\$7,199,465** on **1,736** claims for other medical and claim related expenses.

During state fiscal year **2011-2012**, claimants received **\$204,503** for vocational rehabilitation benefits from OVS.

During this fiscal year Vocational Rehabilitation included vehicle modifications, durable medical equipment, and home modifications.

Durable Medical Equipment (DME)	\$ 124,342
Vehicle Modifications	\$ 19,125
Home Modifications	\$ 61,036
Counseling	\$ 1,235,404
Home Care	\$ 4,192,898
Hospital	\$3,225,257
Dentist	\$753,473
Doctor	\$2,653,105
All Other Payments	\$ 642,554
	\$ 12,907,194

Section V: Public Awareness and Outreach

Public Awareness and Outreach

Public Awareness and Outreach

The OVS attempts to reach out to all victims of crime and increase awareness of the agency through a variety of mechanisms, including our public website, funded victim assistance programs, trainings for victim service providers, National Crime Victims Rights' Week events, victim notification cards, the posting of OVS posters, collaborations with other public protection agencies and victim advocacy.

The OVS and its Executive Staff are active participants in the National Association of Crime Victims Compensation Boards (NACVCB) and the National Association of VOCA Assistance Administrators (NAVAA). Regional and national meetings, along with e-mail communications between the states and the NACVCB and the NAVAA allow us to learn of the other states' practices, the problems they face and the possible solutions and new issues/developments in the field.

The fulfillment of our responsibility to provide awareness of the benefits available under the statute is considered to be an extremely important and ongoing duty of the OVS. One way the OVS achieves this is by utilizing our website to provide the public with information about such things as compensation, victim assistance programs, events/trainings and our forms/publications. During fiscal year 2011-2012, nearly 74,000 people visited the OVS website, which is an increase of approximately 30,000 visitors from the previous fiscal year. Over 251,000 pages on the site were viewed during these visits.

In addition, the OVS continues to intensify its efforts to make the public more aware of its compensation program by attending or providing a speaker at many events throughout the State. The following highlight some of the public awareness activities undertaken by the OVS and its staff:

1. National Crime Victims' Rights Week (NCVRW) was April 10- 16, 2011 and the theme was, "Reshaping the Future-Honoring the Past" This message recognized the hard work that has been done and the continued work which we must do for crime victims.
2. OVS hosted a blood drive at the Empire State Plaza in Albany in partnership with the Red Cross in commemoration of NCVRW.
3. In fiscal year 2011- 2012, OVS once again featured a statewide calendar of community-based National Crime Victims' Rights Week (NCVRW) events on its agency's website to help promote awareness of this observance. There were 45 events in 24 different counties scheduled throughout the week of April 10 - 16, 2011 in commemoration of NCVRW and were posted in a week-long calendar for each county in New York State.
4. The Governor issued a proclamation declaring April 10-16, 2011 Crime Victims Week in New York state.
5. Our public website continues to highlight current news items on its home page under the "What's New" section and lists all pertinent events and training on the home page as well.
6. The OVS legal staff continued to make available education and training on compensation, the FRE program and restitution to organizations across the State. The presentation "Crime Victim's Compensation and the Issue of Restitution" is accredited by the New York State Continuing Legal Education Board. Any attorney who attends the presentation is able to receive 1.5 Continuing Legal Education (CLE) credits.
7. The Annual Report for fiscal year 2010-2011 was distributed by December 1, 2011 as required by statute.

Section VI: Grants Unit

Grants Unit

Victim/Witness Assistance Programs

Grants Unit Sponsored Training

Statewide Advisory Council

Listing of Grants to Victim/Witness Assistance Programs

Grants Unit

The Grants Unit of the OVS oversees contracts based on the federal fiscal year, which is from October 1 - September 30, and the unit is responsible for three primary objectives:

1. Distribute federal Victim of Crime Act (VOCA) awards through an open, competitive process.
2. Administer and monitor the programmatic and fiscal activities of community-based victim/witness assistance programs throughout the State.

These Victim and Witness Assistance 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 crime victims compensation and other benefits.

3. Coordinate the activities of the statewide advisory council.

Victim/Witness Assistance Programs

Since 1981, OVS has been provided with a legislative appropriation for the purpose of making grants for the provision of local victim/witness assistance and services. Initially, twenty-three programs received grant funds for this purpose. In fiscal year 2009-10, 189 victim/witness assistance programs received grant awards from the OVS, ranging from \$32,000 to over \$1.8 million. OVS supports statewide, comprehensive victim/witness assistance services in all sectors of the community. Criminal justice agencies, non-profit victim programs and specific municipal programs all receive support. Examples include DA offices, Probation Departments, YWCA's, local police departments, hospitals, and Catholic Charities organizations.

During the state fiscal year 2011-12, \$6,392,613 in state Criminal Justice Improvement Account (CJIA) funds were appropriated, and \$25,334,859 federal Victims of Crime Act (VOCA) funds were appropriated for grant-making purposes in victim assistance.

All grant awards are made to programs based on proposals received in response to a Request for Proposal (RFP) issued by the OVS. This process enables the OVS Grants Unit to assess a program's needs based on area needs, past performance and other available resources within a geographical area. The OVS grants funds to existing programs to enable them to expand their services, as well as to new programs which demonstrate the need and ability to provide services to crime victims. We are a major source of funding for the Department of Corrections Victim Information Notification Everyday program (VINE). The State Police also received a grant through OVS to fund the hiring and training of victim advocates with the New York State Police Troops, which provides services to underserved areas in New York State, especially outlying rural areas. OVS also provides funds to the NYS Office for the Prevention of Domestic Violence (OPDV) to support services to those who are affected by domestic violence. Funding also allows OPDV to inform and direct the State's policy efforts and coordinate domestic violence training, education and outreach efforts.

The Grants Unit has the fiduciary responsibility of safeguarding government grant funds. Unit auditors and program monitors perform on-site reviews for contract compliance. In addition to the contract and performance reviews, the auditors and monitors provide continuing technical and program assistance to OVS's grant-funded programs.

Grants Unit Sponsored Training

Regional Trainings

The Grants Unit provides training and updates via regional crime victim service provider meetings. These meetings are located in five geographic regions of the state and are conducted monthly, bi-monthly or quarterly. Training provided has included compensation benefits and claims processing, fiscal reporting requirements, VOCA guidelines, and updates on OVS regulations and guidelines. Additionally, program monitors provide technical assistance and training to victim assistance programs as part of on-site monitoring

In addition to the training the Grants Unit provides two investigators in the claim processing unit rotate presenting the monthly VAP compensation trainings in Albany, Buffalo or Brooklyn.

Statewide Advisory Council

Article 22, § 623(14) empowers the Office of Victim Services to establish an advisory council “to assist in formulation of policies on the problems of crime victims and to provide recommendations to the director to improve the delivery of services to victims by the office.” The Office of Victim Services elects to establish such council in the following manner:

There is hereby established an Advisory Council on victim issues. The goal shall be to maintain a council of 16 members appointed by the Office, who have demonstrated an active interest in or obtained professional knowledge of the problems, needs and treatment of victims. Additionally, the Office has designated standing memberships for the New York State Coalition Against Domestic Violence and the New York State Coalition Against Sexual Assault on the Advisory Council. Advisory Council members shall maintain active membership in one of the five regional crime victim service provider’s coalitions.

Membership shall reflect the diversity of the state and its people. In the spirit of diversity, the Office shall endeavor to maintain a significant level of representation of minority populations. The Office shall solicit nominations from the council, coalitions, and other interested parties on a regular basis for new members or to fill vacancies.

Additionally, members of the Legislature or other individuals having a special interest in victim issues may be invited by the Office to participate on the council as non-voting ex-officio members.

The council shall elect a President and Vice-President at the first meeting of each council year.

Members of the council shall be appointed, by the Office, for terms of three-years. In the interest of the council, members may serve a limit of one term then have a break in membership to the council for at least one-year before resubmitting an application.

The council shall have a President and Vice-President and shall organize itself into five standing committees. The council members working within their regional crime victim service provider coalition shall be assigned committee work at the beginning of each council year. The assignments shall be made by the Office and shall rotate at the beginning of each council year. The five standing committees are:

The **Legislative Committee** shall study and suggest legislation to the OVS legal staff for consideration by the Office. The committee shall also monitor legislative efforts related to crime victims and keep the council informed of any relevant changes.

The **Program Committee** shall review, analyze, and report on victims, fiscal, and administrative issues which are common among crime victims programs especially those funded by the New York State Office of Victim Services. The committee shall primarily focus on concerns that directly impact program administration including budgeting, staffing, the grant process, statistical and narrative report forms, monitoring and evaluation and development.

The **Compensation & Service Committee** shall inform the Office of victims’ unmet needs and advise on possible ways to better serve crime victims in State of New York. The committee shall review and discuss any victim compensation issues, including information from other sources and states and may make recommendations in regard to compensation applications, benefits, and services.

The **Social Justice Committee** shall study the effects of social and economic oppression on marginalized populations of crime victims and report findings and recommendations to the Office.

The **Public Outreach Committee** shall notify the Office of efforts to inform crime victims and the general public on victims’ issues. The committee shall also link efforts from across the state and offer planning and implementation information to any victim service provider.

The Office may choose from time-to-time establish ad-hoc groupings or task forces to pursue specific issues. These groups shall report to the council and the Office under the aegis of one of the standing committees.

The council shall have the duty to encourage public understanding of the needs of victims and the status of victims' rights. The council shall advise the Office in establishing statewide goals and objectives for advancing services to victims and implementing victims' rights. The council shall have the power to consider any matter relating to the improvement of crime victims' programs and to advise the Office. The Office shall assist the Council by disseminating information to council members relative to reports and follow-up, and provide members' access to the VAP Forum to facilitate discussion amongst members and committees between meetings.

Council members shall be an active participant of one of the five regional crime victim service provider coalitions. Council members are responsible for bringing committee work forward at each coalition meeting and are responsible for gathering information from the region and transmitting suggestions and issues back to the council and Office. The Office shall invite representatives from the council to report to the Office during one quarterly meeting with the Office. Council members may attend these meetings at one of the three Office of Victim Services office locations

Listing of Grants to Victim/Witness Assistance Programs

In the 2011-2012 federal fiscal year, OVS awarded eight grants to Safe Horizon, Inc. These grants support several different victim service programs, each operating in one or more of New York City's five boroughs. These programs and their respective grant awards are noted below.

	Revised 2010-11 AWARD*	2011-12 AWARD
Anti-Trafficking	\$139,680	\$143,571
Child Advocacy Centers	\$508,329	\$536,178
Community Offices & Criminal Justice Programs (5 programs)	\$1,894,570	\$1,949,475
Sexual Assault/Rape Hotline	\$163,762	\$168,052

Additionally, in the 2011-12 federal fiscal year, OVS awarded grants to the following victim service programs:

Program Name	Revised 2010-11 AWARD*	2011-12 AWARD
A New Hope Center	\$280,193	\$291,305
Adirondack Health Institute, Inc.	\$178,834	\$185,653
Albany County Crime Victims	\$360,988	\$371,412
Allegany County District Attorney	\$32,663	\$33,225
Alternatives for Battered Women	\$117,001	\$117,001
Arbor Development	\$102,124	\$102,124
Barrier Free Living	\$66,050	\$69,599
Behavioral Health Services North, Inc.	\$251,335	\$257,979
Behavioral Health Services North, Inc.	\$74,292	\$76,347
Bellevue Hospital Center Victim Services Program	\$300,834	\$306,792
Beth Israel Medical Center	\$112,395	\$115,671
Bronx County Office of the District Attorney	\$207,804	\$214,015
Bronx Independent Living Services, Inc.	\$117,918	\$119,118
BronxWorks, Inc.	\$62,400	\$64,815
Brooklyn Chinese-American Association	\$50,880	\$50,880
CAC Foundation, Inc.	\$84,812	\$88,085
CAMBA, Inc.	\$127,954	\$127,954
Catholic Charities of Chemung & Schuyler Counties	\$91,032	\$93,913
Catholic Charities of Fulton & Montgomery Counties	\$187,454	\$192,931
Catholic Charities of Herkimer County	\$63,882	\$65,163

Catholic Charities of Schoharie County	\$46,389	\$47,751
Catholic Charities of the Diocese of Albany on behalf	\$146,813	\$154,164
Catholic Charities of the Roman Catholic Diocese of	\$206,577	\$210,479
Cattaraugus Community Action	\$264,520	\$269,208
Cayuga Counseling Services, Inc.	\$105,053	\$108,160
Cayuga County District Attorney's Office	\$34,987	\$34,987
Center for the Elimination of Violence in the Family	\$99,326	\$100,950
Chances and Changes, Inc.	\$102,814	\$107,719
Chautauqua County District Attorney's Office	\$114,579	\$120,083
Child Advocacy Center of Putnam County	\$92,122	\$93,619
Child and Adolescent Treatment Services	\$148,290	\$158,172
Child and Family Services of Erie County	\$54,403	\$56,544
Children of Bellevue, Inc.	\$292,374	\$300,989
Clinton County Advocacy Center	\$41,754	\$43,836
Coalition Against Child Abuse and Neglect	\$125,788	\$128,076
Columbia County District Attorney's Office	\$96,760	\$96,952
Columbia Memorial Hospital	\$87,987	\$90,746
Community Action of Greene County, Inc.	\$153,564	\$157,688
Community Agency for Senior Citizens, Inc.	\$304,860	\$306,588
CONNECT, Inc.	\$47,037	\$48,750
Crime Victims Assistance Center, Inc.	\$438,964	\$454,704
Crime Victims Support Services of	\$239,682	\$251,874
Crown Heights Jewish Community Council	\$138,808	\$138,808
Delaware Opportunities, Inc.	\$103,747	\$111,100
Division of State Police	\$754,135	\$791,052
Domestic Violence and Rape Crisis Services	\$161,223	\$164,537
Dominican Women's Development Center	\$107,355	\$110,464
DWA FANM, Inc.	\$41,472	\$41,472
EAC, Inc.	\$70,690	\$72,558
East Harlem Neighborhood Based	\$145,319	\$150,580
East Side Community Group for Senior Services	\$42,196	\$42,196
Elmira Police Department/Victim Services Program	\$72,462	\$74,208
Empire Justice Center	\$44,172	\$45,468
Equinox, Inc.	\$272,125	\$280,207
Erie County District Attorney	\$317,037	\$311,924
Erie County Probation Department	\$53,908	\$55,060
Family Services, Inc.	\$380,992	\$390,457
Fordham-Tremont Community Mental Health	\$50,099	\$50,099
Friends of the Chautauqua County Child Advocacy Program, Inc.	\$63,598	\$63,598
Fulton County District Attorney	\$90,573	\$96,664
GCSO Genesee Justice	\$166,470	\$172,773
Good Shepherd Services	\$196,031	\$201,760
Greenwich House, Inc.	\$102,960	\$106,053

HANAC, Inc.	\$106,981	\$106,981
Harlem Hospital Center	\$72,953	\$72,953
Herkimer County District Attorney's Office	\$52,323	\$54,291
Hope's Door	\$339,303	\$349,340
In Our Own Voices, Inc.	\$61,868	\$63,536
Institute for Puerto Rican/Hispanic Elderly, Inc.	\$136,637	\$137,505
J.E. & Z.B. Butler Child Advocacy Center	\$43,170	\$44,294
Jacobi Medical Center	\$110,274	\$113,582
Jamaica Service Program for Older Adults, Inc.	\$140,153	\$140,153
Kings County District Attorney's Office	\$355,205	\$355,205
Kingsbridge Heights Community Center	\$218,661	\$224,694
Korean American Family Service Center	\$88,074	\$88,074
Legal Services NYC (Staten Island Legal Services)	\$108,017	\$110,796
Lewis County Opportunities, Inc.	\$55,680	\$57,600
Liberty Resources, Inc.	\$151,929	\$156,625
Lincoln Medical and Mental Health Center	\$68,246	\$72,774
Livingston County District Attorney's Office	\$48,409	\$49,839
Mechanicville Area Community Services Center, Inc.	\$34,788	\$34,788
Mental Health Association in Orange County, Inc.	\$68,863	\$68,863
Metropolitan Hospital Center	\$81,297	\$83,654
Monroe County District Attorney's Office	\$170,717	\$173,143
Monroe County Sheriff's Office	\$184,863	\$190,561
Mothers Against Drunk Driving	\$95,622	\$99,330
Mount Sinai Adolescent Health Center	\$88,088	\$90,654
Mount Sinai School of Medicine - Elder Abuse Program	\$48,540	\$49,957
Mount Sinai Sexual Assault and	\$409,154	\$421,431
My Sisters' Place, Inc.	\$284,374	\$292,470
Nassau County Coalition Against	\$454,616	\$467,713
Nassau County on behalf of the Office	\$150,717	\$156,302
Neighborhood Self Help by Older Persons Projects, Inc.	\$90,492	\$90,492
New York Asian Women's Center, Inc.	\$213,543	\$218,417
New York City Department for the Aging	\$394,216	\$394,216
New York City Gay & Lesbian Anti-Violence Project	\$161,379	\$169,590
New York County District Attorney's Office	\$236,109	\$236,109
New York Presbyterian Hospital DOVE Program	\$226,220	\$232,906
New York Presbyterian Hospital Weill-Cornell Program	\$125,036	\$128,826
New York State Department of Corrections and Community Supervision	\$280,608	\$280,608
New York State Office for the Prevention	\$86,281	\$88,870
New York State Office of Victim Services	\$248,481	\$260,654
New York State Sheriffs' Association Institute, Inc.	\$498,185	\$501,850
Niagara County Department of Mental Health	\$92,446	\$95,210
Niagara County Sheriff's Office	\$225,832	\$234,940

Niagara Falls Memorial Medical Center	\$147,463	\$151,782
North Brooklyn Coalition Against Family Violence	\$70,125	\$70,125
North Central Bronx Hospital	\$189,165	\$196,731
North Shore University Hospital	\$130,341	\$132,725
Northwest Buffalo Community Center, Inc.	\$220,080	\$228,283
Office of the Albany County District Attorney	\$93,202	\$95,898
Office of the Queens County District Attorney	\$254,303	\$254,303
Onondaga County District Attorney's Office	\$88,452	\$94,362
Ontario County District Attorney's Office	\$66,233	\$72,231
Opportunities for Otsego, Inc.	\$106,593	\$109,853
Orange County Probation Department	\$303,551	\$318,385
Orleans County District Attorney's Office	\$99,825	\$103,763
Oswego County Opportunities, Inc.	\$173,165	\$178,094
Parents for Megan's Law, Inc.	\$78,711	\$81,453
Planned Parenthood Mohawk Hudson, Inc.	\$132,613	\$136,880
Planned Parenthood of the	\$160,180	\$166,167
Planned Parenthood of the North Country, Inc.	\$189,222	\$198,966
Polish Community Center Of Buffalo, Inc.	\$198,001	\$205,737
Putnam County District Attorney's Office	\$41,313	\$44,019
Putnam/Northern Westchester Women's	\$179,271	\$185,371
Rape Crisis of the Southern Tier, a Program of	\$155,056	\$160,346
Rensselaer County District Attorney's Office	\$118,911	\$122,506
RETREAT, Inc.	\$155,969	\$163,966
Richmond County District Attorney's Office	\$134,972	\$134,972
Ridgewood Bushwick Senior Citizens Council, Inc.	\$64,362	\$65,814
Rochester Police Department	\$266,613	\$275,442
Rockland Family Shelter	\$528,762	\$544,066
Safe Harbors of the Finger Lakes, Inc.	\$155,896	\$162,305
Safe Homes of Orange County	\$48,469	\$48,469
Samaritan Hospital	\$377,686	\$389,346
Sanctuary for Families, Inc.	\$241,942	\$248,668
Saratoga Center for the Family	\$123,537	\$126,666
Saratoga County District Attorney's Office	\$68,352	\$68,352
Schenectady County District Attorney's Office	\$162,095	\$176,444
Schuyler County District Attorney's Office	\$47,776	\$49,565
Seneca County Mental Health	\$54,470	\$58,157
Society for the Protection and Care of Children	\$139,663	\$142,967
SOS Shelter, Inc.	\$127,490	\$131,331
Southern Tier Health Care System, Inc.	\$90,464	\$93,287
St. Lawrence County District Attorney's Office/	\$106,493	\$108,386
St. Lawrence Valley Renewal House for	\$159,996	\$167,169
St. Lawrence Valley Renewal House for Victims of	\$182,930	\$188,241
St. Luke's-Roosevelt Hospital - Center West Village	\$266,461	\$275,039

St. Luke's-Roosevelt Hospital Center	\$422,085	\$482,349
START Children's Center, Inc.	\$169,241	\$174,317
Suffolk County District Attorney's Office	\$123,870	\$123,870
Suicide Prevention and Crisis Service, Inc.	\$303,800	\$320,869
Sullivan County Probation Department	\$58,736	\$61,559
The Advocacy Center of Tompkins County	\$215,602	\$222,350
The Children's Aid Society	\$78,066	\$80,423
The Family Counseling Center of Fulton County, Inc.	\$43,431	\$45,217
The Legal Aid Society of Rochester, NY, Inc.	\$108,046	\$112,297
The New York Center for Children	\$76,842	\$76,842
The Reach Center at Mental Health Association	\$185,129	\$190,506
The Salvation Army	\$45,960	\$45,903
The Salvation Army - Jamestown	\$164,287	\$170,649
Tri-Pact, Inc.	\$58,572	\$61,369
Ulster County Probation	\$244,803	\$245,614
Unity House of Troy, Inc.	\$126,667	\$129,009
Urban Justice Center	\$102,432	\$103,392
Vera House, Inc.	\$388,080	\$398,879
Victim Resource Center of the Finger Lakes, Inc.	\$83,165	\$86,045
Victims Assistance Center of Jefferson County, Inc.	\$527,726	\$538,174
Victims Information Bureau of Suffolk, Inc.	\$436,314	\$448,107
Violence Intervention Program, Inc.	\$573,800	\$588,979
Warren County District Attorney's Office	\$112,923	\$120,868
Wayne County Office of Victim/Witness Services	\$47,220	\$48,932
Westchester Community Opportunity Program, Inc.	\$666,108	\$694,049
Westchester County District Attorney's Office	\$217,165	\$223,438
Westchester County Probation Department	\$93,463	\$96,419
Wyckoff Heights Medical Center	\$64,226	\$64,226
Wyoming County District Attorney's Office	\$83,393	\$88,082
YWCA of Cortland, New York, Inc.	\$71,513	\$72,915
YWCA of Niagara, Inc.	\$118,908	\$122,447
YWCA of Schenectady, Inc.	\$258,512	\$266,075
YWCA of the Mohawk Valley	\$308,834	\$328,053

*(2011-12 award amounts were inadvertently reported in the 2010-11 annual report)

Section VII: Legal Unit

2011 Chapter Laws Affecting Crime Victim and Related Issues
New York's "Son of Sam" Law
Subrogation and Restitution

2011 Chapter Laws Affecting Crime Victim and Related Issues

Chapter	
9	Provides clarification to determine the expiration date of an order of protection issued in relation to a family offense Eff. Date 05/13/2011
148	Establishes the crimes of menacing and assault on a judge Eff. Date 11/17/2011
11	Includes harassment, sexual misconduct, forcible touching, sexual abuse, stalking and criminal mischief within offenses which may constitute domestic violence Eff. Date 04/13/2011
502	Establishes an address confidentiality program in the office of the secretary of state for domestic violence victims who need to maintain secrecy of their location Eff. Date 06/23/2012
222	Creates the missing vulnerable adults clearinghouse Eff. Date 10/23/2011
258	Relates to certain notices and stipulations in certain domestic violence actions and proceedings Eff. Date 11/29/2011
506	Directs municipal police training council to establish policies and procedures for police officers, relating to investigation of and intervention into sex offenses Eff. Date 12/22/2011
507	Relates to the information required by the sex offender registry Eff. Date 09/23/2011
513	Relates to the definition, and information provided about, sex offenders Eff. Date 09/23/2011
34	Extends the judicial hearing officer pilot program in the family courts of the seventh and eighth judicial districts for 3 more years Eff. Date 06/01/2011
24	Relates to the interagency task force on human trafficking Eff. Date 05/17/2011
309	Adds criminal obstruction of breathing or blood circulation and strangulation to the list of actionable allegations in family offense petitions Eff. Date 08/03/2011
440	Relates to permitting social services officials in an adult protective service

	investigation access to certain confidential records Eff. Date 08/17/2011
313	Relates to unauthorized recording offenses; includes data storage devices in the definition of recording; provides for restitution to victims Eff. Date 11/01/2011
532	Requires level two sex offenders to register their employment address and relates to certain requirements of distribution of the subdirectory Eff. Date 09/23/2011
534	Relates to awards for victims of criminal obstruction of breathing or blood circulation Eff. Date 12/22/2011
377	Relates to access to records of the differential response program for child protection assessments or investigations Eff. Date 08/03/2011
606	Creates an abuse prevention notification system Eff. Date 07/25/2012

*These measures were enacted during the 2011 Legislative Session/calendar year.

New York’s “Son of Sam” Law

Section 632-a of the Executive Law, also known as New York’s “Son of Sam” Law, was enacted in 1977 in response to numerous media offers of payment to David Berkowitz, notoriously known as the “Son of Sam,” for his “story.” The law was intended to divert any such payments to the victims of Berkowitz and the victims of any other criminal who received “profits from a crime.”

The “Son of Sam” Law was amended to its present form on June 25, 2001. This amendment added a new category: “funds of a convicted person.” “Funds of a convicted person” means all funds and property received from any source by a person convicted of a “specified crime.” This definition was added to the law as “profits from a crime” was focused solely on profits directly related to the crime, such as the sale of the criminal’s “story” for a book or movie. The definition of “crime” was also expanded to include federal crimes committed in New York. In addition, anyone paying or receiving “funds of a convicted person” or “profits from a crime” must notify OVS of the existence of the money.

Once OVS is notified of the existence of “funds of a convicted person” OVS determines if the underlying crime, committed by the perpetrator, is in fact a “specified crime” (primarily serious felonies). If the notice is given pursuant to “profits from a crime,” then the crime can be any crime by a perpetrator in New York. OVS will notify the crime victims to inquire if they want OVS to freeze the “funds” or “profits,” in order to give the victim time to retain a lawyer and initiate a lawsuit. The victims have three years to sue the perpetrator from the discovery of “funds of a convicted person” or “profits from a crime.”

The current law has been working effectively and has withstood all legal challenges.

During fiscal year 2011-12, the OVS froze \$1,731,159 in funds under “funds of a convicted person.” There was no activity from “profits from a crime.”

FROZEN FUNDS OF A CONVICTED PERSON FISCAL YEAR 2002-2003 THROUGH 2011-12

FISCAL YEAR AMOUNT FROZEN

2002-2003	\$1,561,888
2003-2004	\$1,277,654
2004-2005	\$1,304,855
2005-2006	\$1,493,185
2006-2007	\$547,741
2007-2008	\$397,284
2008-2009	\$1,334,683
2009-2010	\$3,570,143
2010-2011	\$1,197,610
2011-2012	\$1,731,159

Subrogation and Restitution

When a person accepts a monetary award from OVS, OVS has a lien on any civil recovery obtained by the victim against the defendant or any other responsible third party. The State is also authorized to commence a civil action against a victim’s assailant or any liable third party if the victim declines to commence such action. This assignment to the State of the victim’s cause of action is called subrogation. In the event that the victim’s cause of action is in an amount greater than the Office’s award, only that portion of the cause of action which equals the amount of the award is assigned to the Office.

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

The Office of Victim Services’ presentation “Crime Victim’s Compensation and the Issue of Restitution” was granted accreditation by the New York State Continuing Legal Education Board. Any attorney who attends the presentation will now be able to receive 1.5 Continuing Legal Education (CLE) credits in the category of Areas of Professional Practice. The ability to receive this credit will encourage attorneys to attend this important presentation and OVS hopes that this added attention to the issue of restitution will increase the instances of restitution awards to victims.

RESTITUTION AND SUBROGATION COLLECTED FISCAL YEAR 2011 - 2012

Month	Subrogation	Restitution	Total
April 2011	\$55,937	\$8,853	\$64,790
May 2011	\$14,335	\$12,560	\$26,895
June 2011	\$43,120	\$17,663	\$60,783
July 2011	\$8,963	\$10,785	\$19,748
August 2011	\$18,978	\$39,223	\$58,201
September 2011	\$40,632	\$18,646	\$59,278
October 2011	\$11,460	\$16,737	\$28,197
November 2011	\$15,061	\$4,039	\$19,100
December 2011	\$20,599	\$7,442	\$28,041
January 2012	\$38,192	\$4,840	\$43,032
February 2012	\$110,301	\$13,702	\$124,003
March 2012	<u>\$4,532</u>	<u>\$9,683</u>	<u>\$14,215</u>
Total	\$382,110	\$164,173	\$546,283

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Section VIII: Advocacy Unit

Advocacy Program

Advocacy Program

The Advocacy Program is supported with federal Victims of Crime Act funds. This program is staffed with three advocates who work out of the Albany, Buffalo and Brooklyn OVS offices. For many claimants, their first contact with OVS is with the Advocacy Program. It provides emergency assistance, assistance with filing claims and helps those with incomplete claims to complete their applications for compensation. Services are provided to primary and secondary victims via telephone and in-person. Examples of victims served include adult and/or child victims of sexual assault, domestic violence victims, elder abuse victims, survivors of homicide victims, victims of robbery and victims of assault.

Services provided include:

- Emotional support and information
- Referrals to additional services from local programs
- Assistance navigating the criminal justice system, and
- Advocacy for issues related to the crime.

Between April 1, 2011 and March 31, 2012, the Advocacy Program handled 2,555 new cases including 447 Emergency Awards.

