



**Annual Report
Fiscal Year 2012-2013**

Elizabeth Cronin
Director

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Public Awareness and Outreach

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Letter to Governor and Legislature

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 2012-2013. As you know, this fiscal year was a transformative year for New York State with many significant statewide initiatives and OVS was an integral part of many of these. In December, 2012, OVS, as part of the Governor's restacking initiative, moved its main office from rented space to the state-owned Alfred E. Smith Office Building. OVS was in the first wave of agencies to move completely to the State's new Statewide Financial Management System (SFS) and also transitioned to the statewide email system, NYSeMail. I am proud to report that while significant staff resources were devoted to these important projects, OVS nonetheless continued to do an outstanding job, as evidenced by the statistics below, in meeting its mission of serving the State's innocent victims of crime.

In 2012-13, OVS:

- Accepted 16,745 claims and disbursed \$28,372,703 in compensation to innocent victims of crime in New York State.
- Rendered 10,541 original award decisions and 6,092 original no-award decisions.
- Issued 1,354 amended award decisions and 131 amended no-award decisions.
- Formulated the conceptual design of the Victim Services Portal which will allow for the on-line submission of claim applications.
- Renewed contracts with 186 Victim Assistance Programs.
- Transferred OVS Management Information System (MIS) staff to the Public Protection cluster of the Office of Information Technology Services (ITS).
- Completed the conversion of our phone system to VoIP in the Albany office.
- Sponsored two blood drives through the Red Cross in honor of National Crime Victims' Rights Week (NCVRW) and hosted a calendar of NCVRW events on our webpage.

The continued support of both the Governor and the Legislature remains critical to ensure that OVS is not only equipped to meet its mission, but is also successful in achieving its long term goal of allowing both victims and providers to interact with OVS in an easier and more direct manner through the use of technology. These specific goals include providing claimants with the ability to submit the OVS claim applications electronically, and allowing claimants to check on the status of a claim and providers to check on the status of payments on-line through the Victim Services Portal.

As the new Director of the Office of Victim Services, I have quickly come to appreciate the important work of the agency and the dedication of the hard working staff to achieving the agency's mission-based goals. I thank you for your past support of OVS and look forward to working with you as OVS continues its efforts to best meet the needs of the State's crime victims.

Respectfully,

Elizabeth Cronin, Esq. Director
Office of Victim Services



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.

2012 - 2013 Executive Staff

Organizational Unit	Name	Information
Director	Elizabeth Cronin, Esq. Director September 2013-Present	OVS
Director	Tina A. Stanford, Esq. Director June 2007 – July 2013	OVS
Administration	Danny Morgan 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	Emma Graham Contracts Supervisor	Grants, Victim Assistance Programs
Management Information Systems	Vacant 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	Vacant Deputy Director for Advocacy	Advocacy

About the Director – Elizabeth Cronin, Esq (September 2013-Present)

Elizabeth Cronin is Director of the New York State Office of Victim Services. She was appointed in 2013 by Governor Andrew M. Cuomo.

Previously, Ms. Cronin was the Director of the Office of Legal Affairs for the U.S. Court of Appeals for the Second Circuit. In that capacity, she was responsible for the operation of the Staff Attorney's Office and Office of Staff Counsel (Circuit Mediation) and overseeing all of the legal work produced by the Office. Her duties included supervising staff, recruitment, training, budget, handling attorney and judicial misconduct cases, and overseeing the Pro Bono Panel, among other duties. In addition, Ms. Cronin is a published author and frequent public speaker on legal and administrative topics, including prosecuting domestic violence cases, immigration law, and evidence, among others. She served on a number of advisory groups including for the Administrative Office for the U.S. Courts. She is a past president of the National Association of Appellate Court Attorneys.

Ms. Cronin was an adjunct professor in the Criminal Justice and Sociology Department at Pace University and taught classes to graduate and undergraduate students in the subjects of domestic violence, criminal justice, criminal law and law enforcement ethics. She also holds two certifications in coaching.

Prior to joining the Second Circuit, Ms. Cronin served as an Assistant District Attorney and Deputy Bureau Chief, Westchester County District Attorney's Office where she specialized in the prosecution of domestic violence, child abuse, elder abuse and sex crimes. She tried all levels of felonies and worked closely with crime victims. Her experience included handling homicide, sexual assault, robbery, burglary, child abuse, physical assault, computer crimes, and others. She lectured and consulted extensively including with Victims Assistance Service, domestic violence shelters, hospitals, the police academy, and Lehman College among others. She also worked on developing grant proposals and assisted in drafting legislation.

Ms. Cronin served as a law clerk after law school in the Connecticut courts and was an associate attorney for a Connecticut firm before joining the D.A.'s Office and finding her passion. She received a B.A. in Politics from Fairfield University and a J.D. from Pace University School of Law.

After having spent almost her entire career in public service, Director Cronin will continue to serve the public by ensuring that OVS remains true to its mission of providing compensation to innocent victims of crime in a timely compassionate, and efficient manner; fund direct services to crime victims through its network of community based programs; and advocate for the rights and benefits of all innocent victims of crime. As Director, she will serve as the Office's representative on numerous committees and task forces, including the: OVS Advisory Council; NYS Domestic Violence Advisory Council; NYS Public Safety Accountability Task Force; National Association of Crime Victim Compensation Boards; and the National Association of VOCA Assistance Administrators.

As Ms. Cronin leads and works with the experienced and talented OVS staff and the advocacy community, OVS will continue its important mission of faithfully and effectively serving those who have been victimized by violent crime in New York State.

About the Director – Tina M. Stanford, Esq. (June 2007–July 2013)

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 lead the activities of the agency in meeting its threefold mission. Her primary office was 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 has received 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 186 local victim service programs in state fiscal year 2012-2013.

This report reflects the Office of Victim Services' efforts and accomplishments in meeting the needs of crime victims in state fiscal year 2012-13.

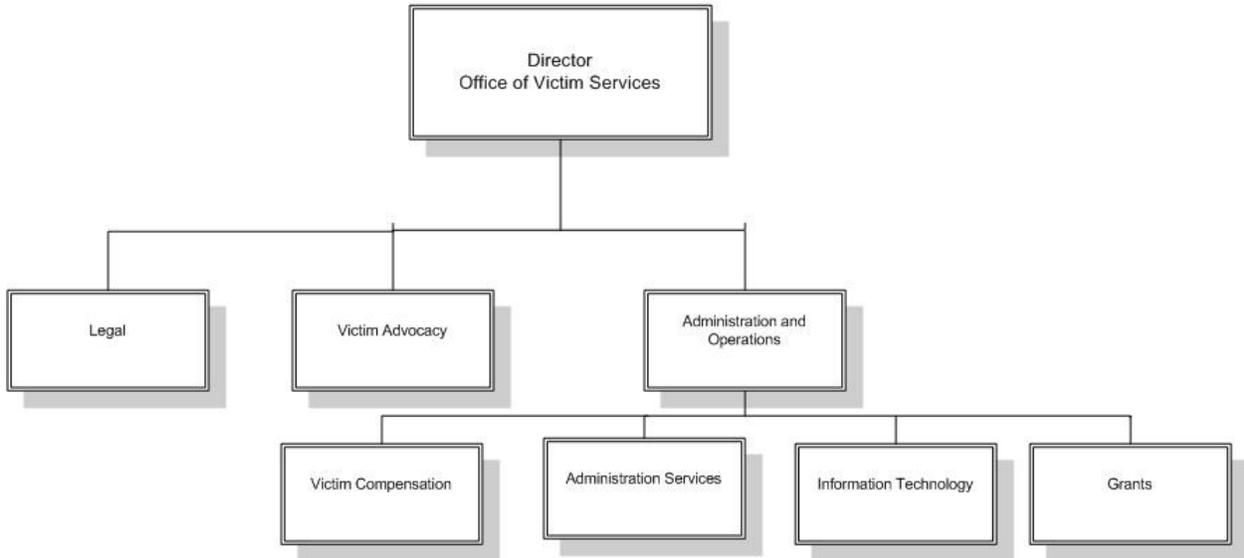
Section II: Overview of NYS Office of Victim Services

Organizational Chart

Powers and Duties of the Office

Disbursements State Fiscal Years 2002-03 through 2012-13

Office of Victim Services



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.**

In 2012-13, OVS maintained 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 2012-13, the agency did not adopt any regulations related to Article 22 of the Executive Law.

- 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 2012-13 the OVS rendered 16,633 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 19 referrals in fiscal year 2012-13 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.**

135 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 who 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, DA's offices and the 186 victim/witness assistance programs funded by OVS in FY 2012-13.

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 811 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 grants 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 2012-13, OVS was awarded \$11,545,000 from federal funds for victim compensation. That same year the OVS received \$22,238,000 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 \$32.4 million in state and federal funds were appropriated to the Office for grant-making purposes in fiscal year 2012-13. These funds enabled the Office to assist crime victims with services in approximately 186 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.

Disbursements State Fiscal Years 2003-04 through 2012-13

FISCAL YEAR	PERSONAL	NON-	TOTAL ADMINISTRATION	PAYMENTS TO VICTIMS	VICTIM AND WITNESS ASSISTANCE	TOTAL LOCAL ASSISTANCE	GRAND TOTAL
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	6,694,782	31,751,660	30,097,426	61,849,086	68,543,868
2011-12	6,148,310	1,174,793	7,323,103	28,996,191	40,262,893	69,259,084	76,582,187
2012-13	3,877,867	2,780,361	6,658,228	27,973,708	29,379,624	57,353,332	64,011,560

Section III: Claim Processing

Mandatory Information to Crime Victims

Eligibility

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Claims Awarded by Age and Gender

Reasons for “No Award” Decisions

Appeal Decisions

Rejected Claims

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 also available for downloading and printing as needed.

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

OVS and the New York State Division of Criminal Justice Services (DCJS) are also required to develop a form to be used by all district attorney offices to report the distribution of OVS's  [The Rights of Crime Victims in New York State\(118 kb\)](#) pamphlet. The law requires district attorneys to complete the form annually and submit it to 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

Eligibility

Since its establishment in 1966, this agency has provided substantial financial relief to victims of crime and their families by paying unreimbursed crime-related expenses, including but not limited to: medical and burial expenses, loss of earnings or support, counseling costs, crime scene clean-up expenses, the cost to repair or replace items of essential personal property, reasonable court transportation expenses, assistance to crime victims acting as a good Samaritan, the cost of residing at or utilizing the services of a domestic violence shelter, and limited attorney fees.

If you are an innocent victim of a crime within New York State, you may be eligible to receive benefits from OVS.

Who may be eligible for compensation?

- The victim must be an innocent victim of the crime
- Victims of crime who were physically injured as a result of the crime
- Victims of crime who are under 18, 60 and over, or disabled, who were not physically injured
- Certain relatives and dependents, including surviving spouse, child, parent, brother, sister, stepbrother, stepsister, stepparent or person primarily dependent on the victim for support

- A surviving spouse, grandparent, parent, stepparent, guardian, brother, sister, stepbrother, stepsister, child or stepchild of a homicide victim
- Those who paid for or incurred burial costs for an innocent crime victim
- Child victims, a child who witnesses a crime, and the child's parent, stepparent, grandparent, guardian, brother, sister, stepbrother or stepsister
- Certain victims of unlawful imprisonment or kidnapping
- Certain stalking victims
- Victims of terrorist acts outside of the US who are a resident of New York State
- Victims of frivolous lawsuits brought by a person who committed a crime against the victim

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.

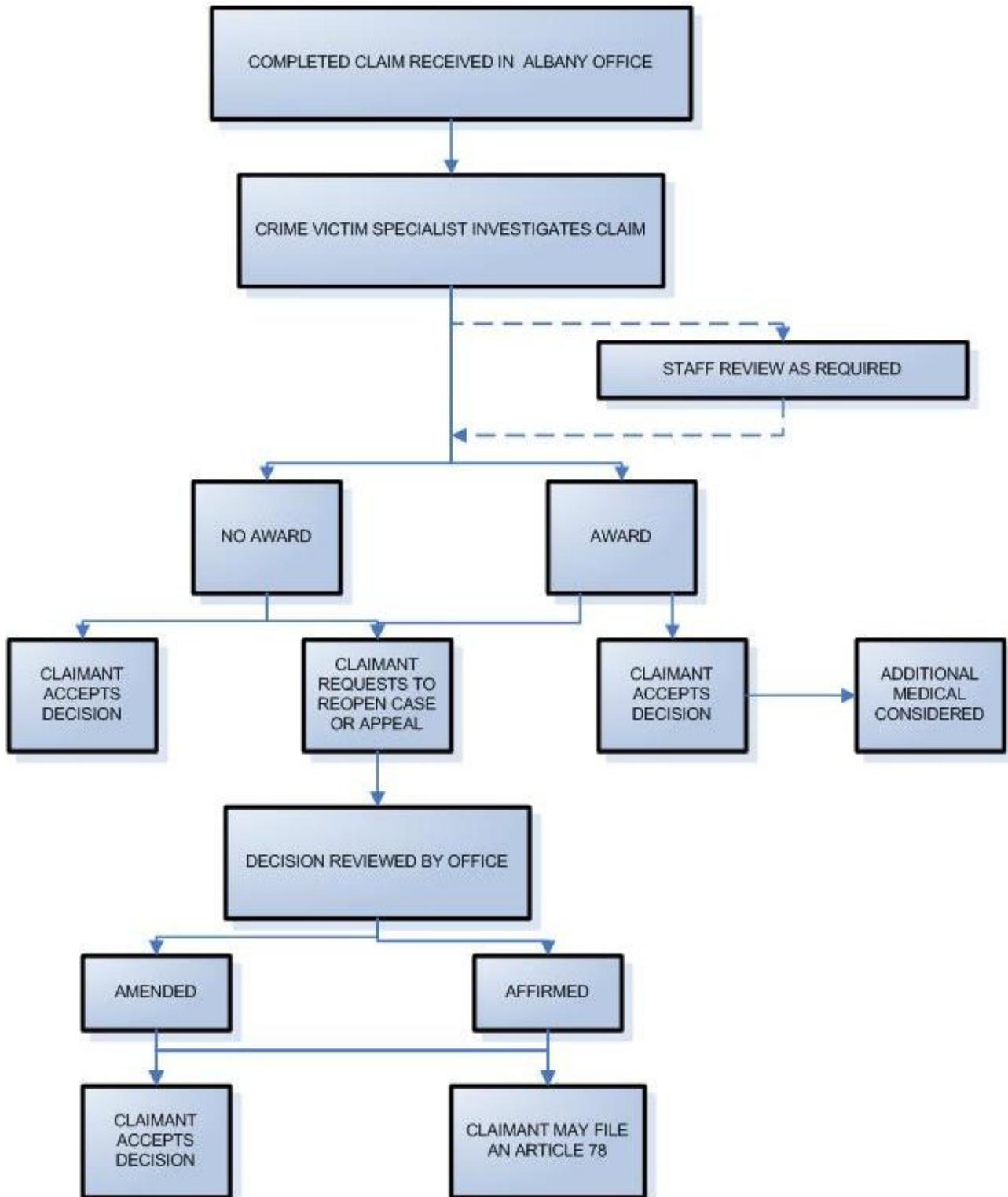
You May Obtain Emergency Benefits If:

- 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 2012-2013, 538 emergency awards totaling \$1,027,766 were granted.

Claimants eligible for emergency assistance can visit the Albany, Brooklyn or Buffalo OVS offices 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 2009-2010 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 2012-2013.

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 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 2012-2013, OVS paid \$4,183,401 on 5,370 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 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
2012-2013	16,745

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 3,167 claims in fiscal year 2012-13 solely for repair or replacement of essential personal property in which there was no personal injury. These claims represented 19% of the total claims accepted in the fiscal year.

Claims Accepted and Claims Awarded by Type

Claim Type	# Claims Accepted	# Claims Awarded
Personal Injury	12,767	8,479
Death	811	658
Essential Personal Property	3,167	1,404
TOTAL	16,745	10,541

Disbursements by Claim Type Fiscal Year 2012-2013

Type of Claim	# of Claims Paid	Disbursement Amount
Personal Injury	7,031	\$ 19,704,393
Death	737	\$ 3,130,771
Essential Personal Property	1,527	\$ 326,372
Forensic Rape Exam Direct Reimbursement	5,370	\$ 4,183,401
*TOTAL	14,665	\$ 27,344,937

*Total disbursements does not include payments for emergency awards.

Claims Awarded by Age and Gender

Original Awards by Age and Gender

Of the 10,539 victims for whom an original decision was awarded, the largest portion were persons between the ages of 18-29 (3,486 claims or 33%); this was true for both men (1,587 claims or 33%) and women (1,885 claims or 34%) 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 the 45-59 yr. age group.

Original Award Decisions by Age and Gender State Fiscal Year 2012-2013

Age	Sex	# Awarded	\$ Awarded
0-12	Female	340	\$93,639
	Male	273	\$111,812
	Unknown	6	\$2,140
13-17	Female	305	\$102,035
	Male	303	\$232,564
	Unknown	5	\$1,649
18-29	Female	1,885	\$758,584
	Male	1,587	\$2,421,737
	Unknown	14	\$14,804
30-44	Female	1,467	\$652,212
	Male	1,180	\$1,646,263
	Unknown	15	\$28,079
45-59	Female	832	\$394,277
	Male	874	\$1,206,254
	Unknown	9	\$1,203
60 and over	Female	780	\$211,560
	Male	659	\$274,054
	Unknown	5	\$825

Reasons for “No Award” Decisions

The “No Information Supplied” and “Not Eligible” were the most frequent reasons for a “no award” decision. 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	2,870
Not Eligible	752
Unable to Locate Claimant	525
Domestic Violence No Physical Injury	259
Child Not Victim or Witness	211
No Compensable Loss	186

Unable to Locate Police Report	185
No Cooperation with Police or DA	143
Claim Withdrawn	113
Duplicate Claim	103
Conduct Contributing	91
Pending Police Investigation	89
Not Essential Personal Property	87
Unable to Substantiate	72
Victim Not a Victim of Crime	72
No Crime	68
Lost Property	46
Business Loss	37
Conflicting Data	35
Victim Over 18 and Must File for Self	24
Accident	23
Hit and Run, Leaving the Scene of Property Damage	20
Legal Guardian Must File Claim	18
Pending Trial	11
No Funeral Loss	10
Not Victim of Criminal Act	10
Claimant Died from Unrelated Cause	9
Police Report Filed More Than One Week After Crime	6
Crime Not in New York State	5
Year Late Filed	4
Died From Injuries	3
Transportation Not Covered	2
Crime Not in USA	1
No Financial Difficulty	1
World Trade Center – Unsubstantiated Injury	1

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.

89 Claimants requested an Appeal of their decision during 2012-2013. The Administrative panel reviewed 135 decisions and 54% of the original decisions were affirmed without change.

Rejected Claims

For claims submitted during the state fiscal year 2012-2013, there were 1,262 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 Complaint Number	746
No Police Agency Name	487
Claimant Under the Age of 18	383
No Crime Date	254
Application Not Signed	173

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 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 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; and
- 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 one 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 Unit approved payments totaling \$1,151,291 for counseling payments to victims on 594 claims throughout the year. Homecare for disabled victims was paid on 77 claims during the year totaling \$4,048,956. They also paid \$8,355,131 on 1,900 claims for other medical and claim related expenses.

During state fiscal year 2012-2013, claimants received \$240,237 for vocational rehabilitation benefits from OVS. During this fiscal year, Vocational Rehabilitation included vehicle modifications, durable medical equipment, and home modifications.

Loss expense type	Award amount
Ambulance	306,682
Counseling	1,151,291
Court Transportation	23
Dentist	769,072
Doctor	3,161,843
Durable Medical Equipment (DMI)	36,681
Education	93
Funeral	25,640

Home Care - Facility	1,810,110
Home Care - Individual	2,238,846
Home Modifications	105,361
Hospital	3,335,880
Medical Consultant	65,297
Medical Supplies	169,733
Medical Transportation	59,211
Other	7,990
Pharmacy/Medications	213,116
Security System	315
Vehicle Modifications	98,195
Total:	13,555,379

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 2012-2013, over 78,000 people visited the OVS website, which is an increase of approximately 4,000 visitors from the previous fiscal year. Nearly 250,000 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 22 – 28, 2012 and the theme was, "Extending the Vision, Reaching Every Victim."
2. OVS hosted a blood drive at the Empire State Plaza in Albany in partnership with the Red Cross in commemoration of NCVRW.
3. OVS hosted a NCVRW Brooklyn Informational Fair with local Victim Assistance Programs that filled a room at 55 Hanson Place and invited employees from the building to come and visit. An Informational Fair was also held in Albany at the Empire State Plaza with local Victim Assistance Programs.
4. In fiscal year 2012- 2013, 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 60 NCVRW events posted in a week-long calendar for each county in New York State.
5. The Governor issued a proclamation declaring April 22 - 28, 2012 Crime Victims Week in New York state.
6. 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.
7. 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.
8. The Annual Report for fiscal year 2011-2012 was distributed by December 1, 2012 as required by statute.

Section VI: Grants Unit

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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 four 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.
4. Coordinate statewide training activities.

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 2012-13, \$7,067,000 in state Criminal Justice Improvement Account (CJIA) funds were appropriated, and \$23,970,000 in 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 topics such as 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, investigators in the claim processing unit rotate presenting the monthly VAP compensation trainings in Albany, Buffalo and 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 2012-2013 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.

	2012-13 AWARD
Anti-Trafficking	\$140,700
Child Advocacy Centers	\$525,454
Community Offices & Criminal Justice Programs (5 programs)	\$1,910,486
Sexual Assault/Rape Hotline	\$164,691

Additionally, in the 2012-13 federal fiscal year, OVS awarded grants to the following victim service programs:

Program Name	2012-13 AWARD
A New Hope Center	\$285,479
Adirondack Health Institute, Inc.	\$181,940
Albany County Crime Victims	\$363,984
Allegany County District Attorney	\$32,561
Alternatives for Battered Women	\$114,661
Arbor Development	\$100,082
Barrier Free Living	\$68,207
Behavioral Health Services North, Inc.	\$252,819
Behavioral Health Services North, Inc.	\$74,820
Bellevue Hospital Center Victim Services Program	\$300,656
Beth Israel Medical Center	\$113,358
Bronx County Office of the District Attorney	\$209,735
Bronx Independent Living Services, Inc.	\$116,736
BronxWorks, Inc.	\$63,519
Brooklyn Chinese-American Association	\$49,862
CAC Foundation, Inc.	\$86,323
CAMBA, Inc.	\$125,395
Catholic Charities of Chemung & Schuyler Counties	\$92,035
Catholic Charities of Fulton & Montgomery Counties	\$189,072
Catholic Charities of Herkimer County	\$63,860
Catholic Charities of Schoharie County	\$46,796
Catholic Charities of the Diocese of Albany on behalf	\$151,081
Catholic Charities of the Roman Catholic Diocese of	\$206,269
Cattaraugus Community Action	\$263,824
Cayuga Counseling Services, Inc.	\$105,997
Cayuga County District Attorney's Office	\$34,287
Center for the Elimination of Violence in the Family	\$98,931
Chances and Changes, Inc.	\$105,565
Chautauqua County District Attorney's Office	\$117,681
Child Advocacy Center of Putnam County	\$91,747
Child and Adolescent Treatment Services	\$155,009
Child and Family Services of Erie County	\$55,413
Children of Bellevue, Inc.	\$294,969
Clinton County Advocacy Center	\$42,959
Coalition Against Child Abuse and Neglect	\$125,514
Columbia Memorial Hospital	\$88,931
Community Action of Greene County, Inc.	\$199,534
Community Agency for Senior Citizens, Inc.	\$300,456
CONNECT, Inc.	\$47,775
Crime Victims Assistance Center, Inc.	\$445,610

Crime Victims Support Services of	\$246,837
Crown Heights Jewish Community Council	\$136,032
Delaware Opportunities, Inc.	\$108,878
Division of State Police	\$775,231
Domestic Violence and Rape Crisis Services	\$161,246
Dominican Women's Development Center	\$108,255
EAC, Inc.	\$71,107
East Harlem Neighborhood Based	\$147,568
East Side Community Group for Senior Services	\$41,352
Elmira Police Department/Victim Services Program	\$72,724
Empire Justice Center	\$44,559
Equinox, Inc.	\$274,603
Erie County District Attorney	\$305,686
Erie County Probation Department	\$53,959
Family Services, Inc.	\$382,648
Fordham-Tremont Community Mental Health	\$49,097
Friends of the Chautauqua County Child Advocacy Program, Inc.	\$62,326
Fulton County District Attorney	\$94,731
GCSO Genesee Justice	\$169,318
Good Shepherd Services	\$197,725
Greenwich House, Inc.	\$103,932
HANAC, Inc.	\$104,841
Harlem Hospital Center	\$71,494
Herkimer County District Attorney's Office	\$53,205
Hope's Door	\$342,353
In Our Own Voices, Inc.	\$62,265
Institute for Puerto Rican/Hispanic Elderly, Inc.	\$134,755
J.E. & Z.B. Butler Child Advocacy Center	\$43,408
Jacobi Medical Center	\$111,310
Jamaica Service Program for Older Adults, Inc.	\$137,350
Kings County District Attorney's Office	\$348,101
Kingsbridge Heights Community Center	\$220,200
Korean American Family Service Center	\$86,313
Legal Services NYC (Staten Island Legal Services)	\$108,580
Lewis County Opportunities, Inc.	\$56,448
Liberty Resources, Inc.	\$153,493
Lincoln Medical and Mental Health Center	\$71,319
Livingston County District Attorney's Office	\$48,842
Mechanicville Area Community Services Center, Inc.	\$34,092
Mental Health Association in Orange County, Inc.	\$67,486
Metropolitan Hospital Center	\$81,981
Monroe County District Attorney's Office	\$169,680
Monroe County Sheriff's Office	\$186,750
Mothers Against Drunk Driving	\$97,343
Mount Sinai Adolescent Health Center	\$88,841
Mount Sinai School of Medicine - Elder Abuse Program	\$48,958
Mount Sinai Sexual Assault and	\$413,002
My Sisters' Place, Inc.	\$286,621

Nassau County Coalition Against	\$458,359
Nassau County on behalf of the Office	\$153,176
Neighborhood Self Help by Older Persons Projects, Inc.	\$88,682
New York Asian Women's Center, Inc.	\$214,049
New York City Department for the Aging	\$386,332
New York City Gay & Lesbian Anti-Violence Project	\$166,198
New York County District Attorney's Office	\$231,387
New York Presbyterian Hospital DOVE Program	\$228,248
New York Presbyterian Hospital Weill-Cornell Program	\$126,249
New York State Department of Corrections and Community Supervision	\$274,996
New York State Office for the Prevention	\$87,093
New York State Office of Victim Services	\$255,441
New York State Sheriffs' Association Institute, Inc.	\$491,813
Niagara County Department of Mental Health	\$93,306
Niagara County Sheriff's Office	\$230,241
North Brooklyn Coalition Against Family Violence	\$68,723
North Central Bronx Hospital	\$192,796
North Shore University Hospital	\$130,071
Northwest Buffalo Community Center, Inc.	\$223,717
Office of the Albany County District Attorney	\$93,980
Office of the Queens County District Attorney	\$249,217
Onondaga County District Attorney's Office	\$92,475
Ontario County District Attorney's Office	\$70,786
Opportunities for Otsego, Inc.	\$107,656
Orange County Probation Department	\$312,017
Orleans County District Attorney's Office	\$101,688
Oswego County Opportunities, Inc.	\$174,532
Parents for Megan's Law, Inc.	\$79,824
Planned Parenthood Mohawk Hudson, Inc.	\$134,142
Planned Parenthood of the	\$162,844
Planned Parenthood of the North Country, Inc.	\$194,987
Polish Community Center Of Buffalo, Inc.	\$201,622
Putnam County District Attorney's Office	\$43,139
Putnam/Northern Westchester Women's	\$181,664
Rape Crisis of the Southern Tier, a Program of	\$157,139
Rensselaer County District Attorney's Office	\$120,056
RETREAT, Inc.	\$160,687
Richmond County District Attorney's Office	\$132,273
Ridgewood Bushwick Senior Citizens Council, Inc.	\$64,498
Rochester Police Department	\$269,933
Center for Safety and Change (Formerly Rockland Family Shelter)	\$533,185
Safe Harbors of the Finger Lakes, Inc.	\$159,059
Safe Homes of Orange County	\$47,500
Samaritan Hospital	\$381,559
Sanctuary for Families, Inc.	\$243,695
Saratoga Center for the Family	\$124,133
Saratoga County District Attorney's Office	\$66,985

Schenectady County District Attorney's Office	\$172,915
Schuyler County District Attorney's Office	\$48,574
Seneca County Mental Health	\$56,994
Society for the Protection and Care of Children	\$140,108
SOS Shelter, Inc.	\$128,704
Southern Tier Health Care System, Inc.	\$91,421
St. Lawrence County District Attorney's Office/	\$106,218
St. Lawrence Valley Renewal House for	\$163,826
St. Lawrence Valley Renewal House for Victims of	\$184,476
St. Luke's-Roosevelt Hospital - Center West Village	\$269,538
St. Luke's-Roosevelt Hospital Center	\$472,702
START Children's Center, Inc.	\$170,831
Suffolk County District Attorney's Office	\$121,393
Suicide Prevention and Crisis Service, Inc.	\$314,452
Sullivan County Probation Department	\$60,328
The Advocacy Center of Tompkins County	\$217,903
The Children's Aid Society	\$78,815
The Family Counseling Center of Fulton County, Inc.	\$44,313
The Legal Aid Society of Rochester, NY, Inc.	\$110,051
The New York Center for Children	\$75,305
The Reach Center at Mental Health Association	\$186,696
The Salvation Army	\$44,985
The Salvation Army - Jamestown	\$167,236
Tri-Pact, Inc.	\$60,142
Ulster County Probation	\$240,702
Unity House of Troy, Inc.	\$126,429
Urban Justice Center	\$101,324
Vera House, Inc.	\$390,901
Victim Resource Center of the Finger Lakes, Inc.	\$84,324
Victims Assistance Center of Jefferson County, Inc.	\$527,411
Victims Information Bureau of Suffolk, Inc.	\$439,145
Violence Intervention Program, Inc.	\$577,199
Warren County District Attorney's Office	\$118,451
Wayne County Office of Victim/Witness Services	\$47,953
Westchester Community Opportunity Program, Inc.	\$680,168
Westchester County District Attorney's Office	\$218,969
Westchester County Probation Department	\$94,491
Wyckoff Heights Medical Center	\$62,941
Wyoming County District Attorney's Office	\$86,320
YWCA of Cortland, New York, Inc.	\$71,457
YWCA of Niagara, Inc.	\$119,998
YWCA of Schenectady, Inc.	\$260,754
YWCA of the Mohawk Valley	\$321,492

Section VII: Legal Unit

2012 Chapter Laws Affecting Crime Victim and Related Issues
New York's "Son of Sam" Law
Subrogation and Restitution

2012 Chapter Laws Affecting Crime Victim and Related Issues

Chapter	
6	Provides that the provisions creating the abuse prevention notification system shall take effect on the one hundred eightieth day Effective Date 02/01/2012
19	Relates to DNA testing of certain offenders convicted of a crime Effective Date takes effect 8/1/2012 (per 55/12 PtA §2 amendment); provided, however, that the amendments to subd 7 of § 995 of the executive law made by § 5 shall apply to conviction of designated offenses, and subpar 2 of par (a) of subd 1-a of § 440.30 of the criminal procedure law as added by § 2 shall apply to a guilty plea entered, on or after such effective date
29	Makes possession and sale of embalming fluid a misdemeanor Effective Date takes effect on (11/14/12) the one hundred eightieth day after it shall have become a law
39	Relates to financial assistance from the office of victim services for HIV post-exposure prophylaxis treatment for victims of sexual assault Effective Date takes effect on (11/27/12) the one hundred eightieth day after it shall have become a law
45	Relates to the state council for adult offender supervision and presumptive release Effective Date provided, however that the amendments to § 2 of ch 688/2003 and subd 6 of § 806 of the correction law made by §§ 1 and 2, respectively, shall not affect the repeal of such sections and shall expire and be deemed repealed therewith
102	Prohibits bullying and cyberbullying in public schools Effective Date takes effect 7/1/2013; provided, however, that if chapter 482/2010 shall not have taken effect on or before such date then this act shall take effect on the same date and in the same manner as such chapter of the laws of 2010 takes effect
113	Relates to the filing of a false financing statement Effective Date 07/18/2012
137	Extends the chief administrator of the courts' authority to allow referees to determine certain applications to a family court for an order of protection Effective Date 07/18/2012
181	Relates to charitable bail organizations Effective Date takes effect on (10/16/12) the ninetieth day after it shall have become a law
184	Authorizes pilot program permitting use of electronic means for commencing actions in certain criminal and family court proceedings; repealer Effective Date provided, however, that §§6-a, 6-b, and 6-c of chapter 367/1999, as added by §1, shall expire and be deemed repealed 9/1/2015; and provided further that the amendments to par (B) of subd (b) of §6 of chapter 367/1999 made by §2 shall not affect the expiration of such provisions and shall be deemed to be repealed therewith
201	Relates to the collection of supervision fees from persons on community supervision Effective Date provided, however, that the amendments to subd 9 of §201 of the correction law made by §1 shall not affect the repeal of such subdivision and shall be deemed repealed therewith

233	Relates to the eligibility of certain family members of homicide victims Effective Date 07/18/2012
287	Establishes a voluntary surveillance access database Effective Date takes effect on (1/28/13) the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date
347	Authorizes the transfer of interim probation supervision Effective Date 08/01/2012
358	Relates to the authority of district attorneys to hire and retain licensed professionals Effective Date provided that, for purposes of satisfying the experience requirements for licensure set forth in article 153, 154, or 163 of the education law, satisfactory experience obtained in the office of a district attorney providing services authorized in §700 of the county law may be accepted by the education department, notwithstanding that such experience may have been obtained prior to the effective date of this act
363	Relates to records of parole release interviews for certain inmates Effective Date takes effect on (8/31/12) the thirtieth day after it shall have become a law
364	Relates to maintaining up-to-date photographs of sex offenders subsequent to release Effective Date takes effect on (8/31/12) the thirtieth day after it shall have become a law
365	Relates to sexual offenses by health care or mental health care providers; requires certain officers to report certain sex offenses to law enforcement Effective Date 08/01/2012
371	Prohibits prison inmates from accessing, collecting or performing data processing of personal identifying information pertaining to New York state residents Effective Date takes effect on (11/12/2012) the ninetieth day after it shall have become a law
372	Restricts the requirement that a person disclose their social security number Effective Date takes effect on (12/12/2012) the one hundred twentieth day after it shall have become a law
377	Relates to assault on a New York city sanitation worker Effective Date takes effect on (9/16/12) the thirtieth day after it shall have become a law
383	Relates to cancellation of membership camping contracts Effective Date takes effect on (2/13/13) the one hundred eightieth day after it shall have become a law
434	Enhances the criminal penalties for assaulting certain employees of a local social services district while in the performance of their duties Effective Date takes effect on (11/1/12) the first of November next succeeding the date on which it shall have become a law
456	Relates to the crime of possessing an obscene sexual performance by a child Effective Date 09/07/2012
459	Requires limit to maximum length of stay at residential program for victims of domestic violence Effective Date takes effect on (4/1/13) the one hundred eightieth day after it shall have

	<p>become a law; provided, however, that effective immediately the commissioner of children and family services is authorized and directed to promulgate such rules and regulations as he or she deems necessary to implement the provisions of this act on or before its effective date</p>
470	<p>Relates to probation in child support, delinquency, persons in need of supervision and family offense proceedings</p> <p>Effective Date 10/03/2012</p>
476	<p>Relates to orders of observation for the purpose of determining incapacitation</p> <p>Effective Date 10/03/2012</p>
491	<p>Enacts various provisions of law deemed necessary by the state including establishing a domestic violence fatality review team; and issues related to confidentiality</p> <p>Effective Date provided, however, that the applicable effective date of Parts A through E of this act shall be as specifically set forth in the last section of such Parts</p> <p>PART A §4. takes effect on (4/23/13) the one hundred eightieth day after it shall have become law</p> <p>PART B §2. takes effect on (11/24/12) the thirtieth day after it shall have become a law.</p> <p>PART C §6. immediately; provided, however, that §§1, 2, 3 and 4 shall take effect on (7/15/12) the same date and in the same manner as chapter 502/2011, as amended takes effect</p> <p>PART D §5. takes effect on (12/24/12) the sixtieth day after it shall have become a law; provided that §§2 and 3 shall take effect on (1/23/13) the ninetieth day after it shall have become a law</p> <p>PART E §3. takes effect on (1/1/13) the first of January next succeeding the date on which it shall have become a law, provided, however, that effective immediately the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized</p>
492	<p>Changes the penalty for practicing or appearing as an attorney-at-law without being admitted and registered to a felony</p> <p>Effective Date takes effect on (11/1/13) the first of November next succeeding the date on which it shall have become a law</p>
501	<p>Enacts the "protection of people with special needs act"; repealer</p> <p>Effective Date takes effect immediately provided, however, that the applicable effective date of Parts A through H of this act shall be as specifically set forth in the last section of such Parts</p> <p>PART A § 18. takes effect 6/30/2013; provided, however, that, effective immediately, any actions necessary for the implementation of this act on its effective date, and the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date, are authorized to be taken or made on or before such date, and provided further that subd (b) of §558 of the executive law, providing for re-designation of the protection and advocacy and client assistance programs, as added by §3, shall become effective upon filing the governor's final notice of re-designation with the legislative bill drafting commission</p> <p>PART B</p>
	<p>§ 2. takes effect 6/30/2013; provided, however, that, effective immediately, any actions necessary for the implementation of this act on</p>

its effective date, and the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date, are authorized to be taken or made on or before such date

PART C

§ 14. takes effect 6/30/2013

PART D

§ 17. takes effect 6/30/2013; provided, however, that the amendments to §426 of the social services law made by §11-a shall take effect on the same date as §6 of chapter 377/2011 takes effect; provided further, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date

PART E

§ 7. takes effect 6/30/2013; provided, however, that the amendments to subd 18 of §4403 of the education law made by §4 shall not affect the repeal of such subdivision and shall be deemed repealed therewith; provided further that the amendments to subd 19-a of §4403 of the education law made by §4 shall not affect the expiration of such subdivision and shall be deemed to expire therewith

PART F

§ 6. takes effect on 6/30/2013; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date

PART G

§ 5. takes effect on (1/17/13) the thirtieth day after it shall have become a law

PART H

§ 3. immediately

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 2012-13, the OVS froze \$2,350,389 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 2003-2004 THROUGH 2012-13

FISCAL YEAR AMOUNT FROZEN

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
2012-2013	\$2,350,389

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 2012 – 2013

Month	Subrogation	Restitution	Total
April 2012	\$107,910.39	\$12,742.50	\$120,652.89
May 2012	\$32,359.40	\$4,718.04	\$37,077.44
June 2012	\$82,096.24	\$17,090.36	\$99,186.60
July 2012	\$0.00	\$6,685.41	\$6,685.41
August 2012	\$12,211.85	\$4,294.76	\$16,506.61
Sept 2012	\$21,019.02	\$5,266.38	\$26,285.40
October 2012	\$36,349.26	\$9,195.56	\$45,544.82

November 2012	\$29,325.44	\$5,352.93	\$34,678.37
December 2012	\$27,510.62	\$8,643.15	\$36,153.77
January 2013	\$23,453.85	\$7,176.02	\$30,629.87
February 2013	\$8,965.93	\$8,315.36	\$17,281.29
March 2013	\$20,501.30	\$26,120.16	\$46,621.46
Total	\$401,703.30	\$115,600.63	\$517,303.93

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, Brooklyn, and Buffalo OVS offices. For many claimants, their first contact with OVS is with the Advocacy Program. The Advocates investigate requests for Emergency Awards for burial, relocations, and HIV/PEP medications. They also provide assistance with filing claims and help those with incomplete claims to complete their applications for compensation. Services are provided to primary and secondary victims via telephone and in-person, both with and without an appointment. 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, 2012 and March 31, 2013, the Advocacy Program handled 2,812 new cases including 364 Emergency Awards.