

NEW YORK STATE OFFICE OF VICTIM SERVICES



Andrew M. Cuomo
Governor

Elizabeth Cronin
Director

Annual Report

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2013-14 Annual Report For the New York State Office of Victim Services

“New York must remain a leader in providing support services to crime victims.”

Governor Cuomo

EXECUTIVE SUMMARY

New York State has long been dedicated to serving its innocent victims of crime and was the second state in the country to establish an executive agency devoted to providing financial compensation for those victims. The enabling legislation, enacted over 45 years ago, was in response to a particularly heinous crime in which a young father and husband was murdered in a subway, leaving behind a devastated family without resources. The agency was originally conceived as a way to provide compensation for innocent crime victims in a timely, compassionate and efficient manner. In 1979, the agency's role was expanded to be the New York State advocate for crime victims' rights, needs and interests. Since 1984, the Office of Victim Services has also funded direct services to crime victims through a statewide network of community based programs and victim advocates for the rights and benefits of innocent victims of crime.

OVS receives funding from both State and Federal sources. One of the unique features of OVS is that the sources of the funding are primarily from fines and fees, rather than from taxpayers. The State portion comes through 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 funds available to OVS, however, remains dependent on legislative appropriation. The Federal portion comes from the Crime Victims Fund which was established by the Victims of Crime Act (VOCA) in 1984.

This report details activities of the Office of Victim Services for FY 2013-2014. Throughout the year, OVS worked to streamline procedures, develop innovative processes to uphold core mission requirements, and increase the use of technology to advance the efficiency of victim services. Some of the highlights of the year were:

- Appointment of Elizabeth Cronin, Esq. in September 2013 as Director of OVS.
- Redesign of the Request for Proposal (RFP) to fund local victim assistance programs throughout New York State and align it with *Vision 21: Transforming Victim Services*.
- Development of a staffing reorganization allowing OVS to fully maximize existing staff and address workload issues more efficiently.
- One of the first agencies to launch an RFP via the Grants Gateway system.
- Transferred the OVS website from a vendor-supported website to a state-sponsored platform.

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- Making the necessary changes and performing testing of the Victim Service Portal which will allow for the on-line submission of claim applications.
 - Moved much of the backroom payment processing work to the Business Service Center.
 - Accepted 17,262 claims and disbursed \$26,337,194 in compensation to innocent victims of crime.
 - Rendered 10,476 original award decisions and 6,898 original no-award decisions; issued 1,413 amended award decisions and 181 amended no-award decisions.
 - Renewed contracts with 186 Victim Assistance Programs.
 - Received \$11,600,000 in federal funding for compensation and \$25,000,000 for victim and witness assistance grants.
 - Updated its regulations to reflect various Chapter Laws of 2012 and 2013, the new OVS Albany address and current policies and procedures.

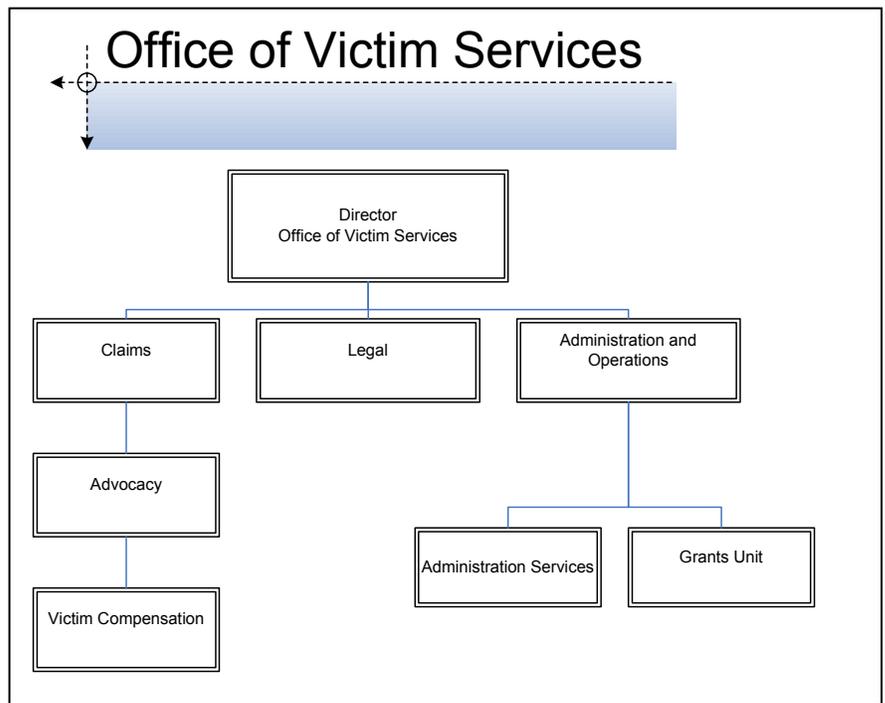
OFFICE OF VICTIM SERVICES OPERATIONS

Mission

To provide compensation to innocent victims of crime in a timely, efficient and compassionate manner. 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 cleanup, 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.

Organization

OVS is served by a Director, appointed by the Governor, to oversee operation of the agency. The executive team includes the Deputy Director of Administration who oversees Finance and Grants and Operations; General Counsel who leads the Legal Unit; and Deputy Director of Claims who manages the Crime Victim Compensation investigation teams, advocates and Additional Medical and Vocational Rehabilitation Units. The staffing target is 74 employees and duties performed by staff are related to all three aspects of the agency's core mission.



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 2013-14, OVS maintained its principal office in Albany at 80 South Swan Street, Second Floor, Albany, NY 12210. 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 is 74 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 2013-14, the agency adopted regulations related to Article 22 of the Executive Law. The agency's regulations were updated as a "clean-up" measure to reflect Chapter Laws, new address information and the policies and practices of 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 2013-14 the OVS rendered 17,374 original decisions which include 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 15 referrals in fiscal year 2013-14 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.

Eighty Nine 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 served 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 2013-14.

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 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 2013-14, OVS was awarded \$11,578,000 from federal funds for victim compensation. That same year the OVS received \$25,001,606 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) 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' recommendations regarding restitution:

- 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 DAs 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 OVS and/or if they have received an award from 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.

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

Approximately \$31.1 million in state and federal funds were appropriated to the Office for grant-making purposes in fiscal year 2013-14. 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 2004-05 through 2013-14

FISCAL YEAR	PERSONAL	NON- PERSONAL	TOTAL ADMINISTRATION	PAYMENTS TO VICTIMS	VICTIM AND WITNESS ASSISTANCE	TOTAL LOCAL ASSISTANCE	GRAND TOTAL
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
2013-14	4,277,662	2,255,530	6,533,192	26,365,765	29,689,514	56,055,279	62,588,471

COMPENSATION AND CLAIMS PROCESSING

Crime Victim Awareness

It is extremely important that crime victims be made aware of the existence of services provided by OVS, their basic rights as victims of crime and the availability of victim assistance programs in their communities. The lack of information is a grave disservice to one of the State's most vulnerable populations – innocent victims of crime.

OVS provides information cards to police agencies for distribution to crime victims that inform crime victims of the OVS' 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. The on-line version of the form is also available for downloading and printing as needed. OVS also distributes posters informing crime victims about services that are posted throughout

the State including at police stations, hospitals, and victim assistance providers, among others.

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' [The Rights of Crime Victims in New York State](#) pamphlet (see OVS Website). 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.

Eligibility for Compensation

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. OVS is a payer of last resort.

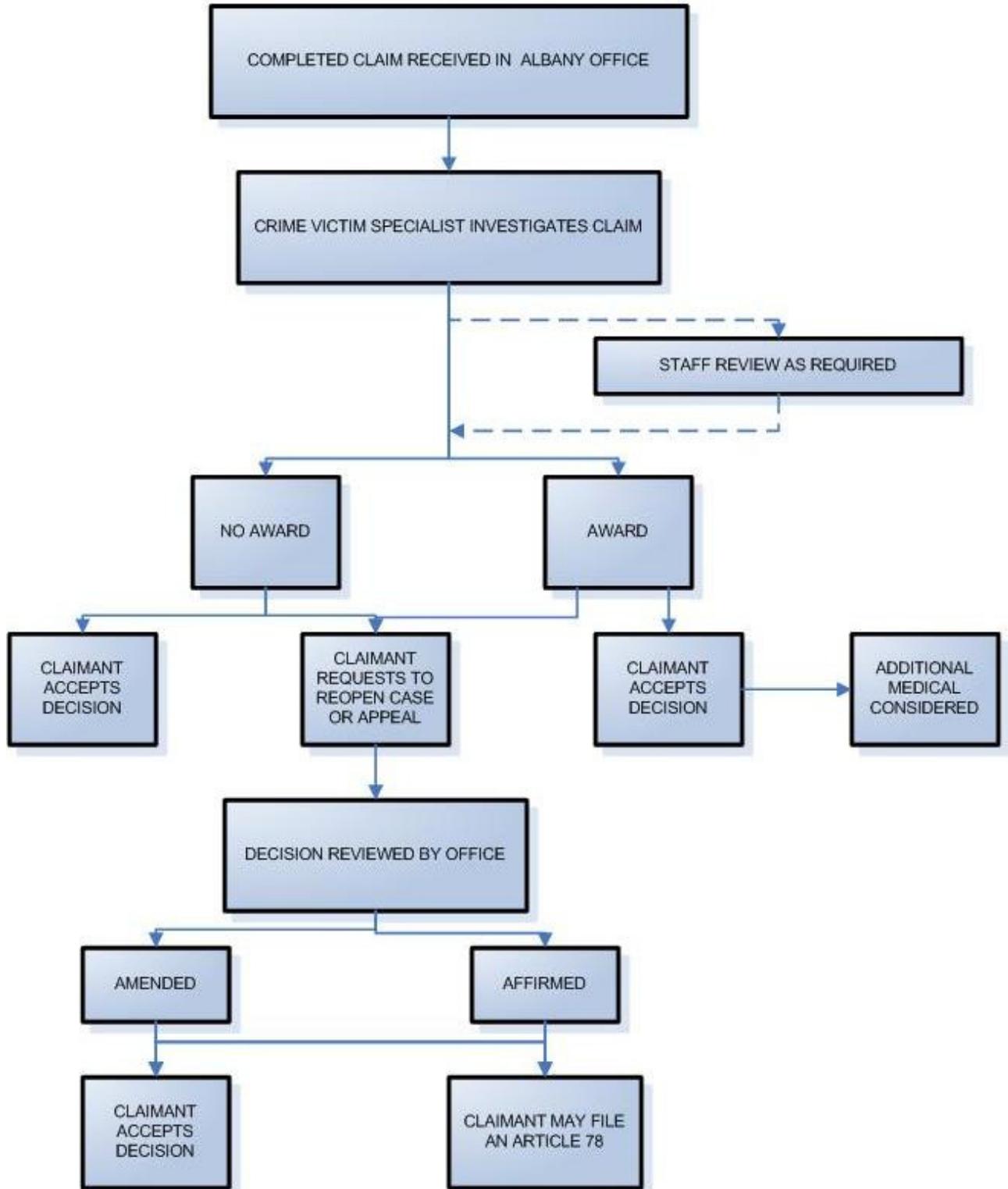
Who May be Eligible for Compensation?

- 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 spouse, grandparent, parent, stepparent, guardian, brother, sister, stepbrother, stepsister, child or stepchild of a victim
- Those who paid for or incurred burial costs for an innocent crime victim
- Child victims, which includes a child who witnesses a crime
- 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
- The crime must have been reported to a criminal justice agency within one week of the crime or there is justification for the delay. In cases involving sexual offenses, a "criminal justice agency" shall include any New York State licensed 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 in accordance with 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, up to a maximum of \$1,000, before the Office and/or before the appellate division upon judicial review of your OVS claim.
- Certain relocation expenses.

What Happens When a Claim is Filed



Emergency Awards

In those instances where a crime victim will suffer undue hardship and is likely to be eligible for compensation, 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. 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 2013-14, 542 emergency awards totaling \$1,049,322 were granted.

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

Forensic Sexual Assault Direct Reimbursement

OVS provides direct reimbursement to NYS licensed 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 OVS.

The reimbursement rate covers 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 2013-14.

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 2013-14, OVS paid \$3,897,278 on 5,007 forensic sexual assault examination claims through this program.

Overall 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 directly.

Fiscal Year	Claims Accepted
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
2013-2014	17,262

Overall Claims Awarded

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

It should be noted that OVS accepted 3,410 claims in fiscal year 2013-14 solely for repair or replacement of essential personal property in which there was no personal injury. These claims represented 20% of the total claims accepted in the fiscal year.

Claims Accepted and Claims Awarded by Type

Claim Type	# Claims Accepted	# Claims Awarded
Personal Injury	13,016	8,069
Death	836	623
Essential Personal Property	3,410	1,784
TOTAL	17,262	10,476

Disbursements by Claim Type Fiscal Year 2013-2014

Type of Claim	# of Claims Paid	Disbursement Amount
Personal Injury	6,389	\$ 18,133,324
Death	746	\$ 2,899,013
Essential Personal Property	1,959	\$ 358,257
Forensic Rape Exam Direct Reimbursement	5,007	\$ 3,897,278
*TOTAL	14,101	\$ 25,287,872

Claims Awarded by Age and Gender

Original Awards by Age and Gender

Of the 10,476 victims for whom an original decision was awarded, the largest portion were persons between the ages of 18-29 (3,125 claims or 30%); this was true for both men (1,393 claims or 30%) and women (1,715 claims or 30%).

Female victims accounted for 54% and male victims 45% of the original decisions awarded. Female victims had more original award decisions among all age groups.

Original Award Decisions by Age and Gender State Fiscal Year 2013-2014

Age	Sex	# Awarded	\$ Awarded
0-12	Female	320	\$80,315
	Male	244	\$90,877
	<u>Unknown</u>	<u>6</u>	<u>\$3,400</u>
13-17	Female	247	\$37,954
	Male	237	\$127,158
	<u>Unknown</u>	<u>8</u>	<u>\$432</u>
18-29	Female	1,715	\$511,157
	Male	1,393	\$1,788,065
	<u>Unknown</u>	<u>17</u>	<u>\$4,722</u>
30-44	Female	1,559	\$584,378
	Male	1,119	\$1,219,122
	<u>Unknown</u>	<u>26</u>	<u>\$13,752</u>
45-59	Female	862	\$288,229
	Male	838	\$666,638
	<u>Unknown</u>	<u>12</u>	<u>\$7,409</u>
60 and over	Female	1,000	\$272,325
	Male	858	\$245,061
	<u>Unknown</u>	<u>15</u>	<u>\$3,399</u>

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	3,376
Not Eligible	605
Unable to Locate Claimant	503
Domestic Violence No Physical Injury	285
Child Not Victim or Witness	170
No Compensable Loss	117
Unable to Locate Police Report	224
No Cooperation with Police or DA	316
Claim Withdrawn	118
Duplicate Claim	141
Conduct Contributing	75
Pending Police Investigation	132
Not Essential Personal Property	141
Unable to Substantiate	125
Victim Not a Victim of Crime	77
No Crime	182
Lost Property	25
Business Loss	14
Conflicting Data	41
Victim Over 18 and Must File for Self	17
Accident	15
Hit and Run, Leaving the Scene of Property Damage	16
Legal Guardian Must File Claim	7
Pending Trial	23
No Funeral Loss	12
Not Victim of Criminal Act	26
Claimant Died from Unrelated Cause	6
Police Report Filed More Than One Week After Crime	9
Crime Not in New York State	12
Year Late Filed	95
Died From Injuries	5
Crime Not in USA	3
World Trade Center – Unsubstantiated Injury	1

Appeal Decisions

Claimants may, within 30 days of the decision date, file an appeal in writing with 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 OVS. A claimant aggrieved by a final decision of OVS may within four months commence a proceeding to review the decision pursuant to Article 78 of the Civil Practice Law and Rules.

During FY 2013-2014, 89 claimants requested an appeal of their decision . The Administrative Review Panel reviewed 113 decisions and 57% of the original decisions were affirmed without change.

Rejected Claims

For claims submitted during FY 2013-2014, there were 1,134 applications that 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 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	656
No Police Agency Name	511
Claimant Under the Age of 18	332
No Crime Date	249
Application Not Signed	166

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.

Advocacy Unit

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 some 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 may also provide assistance with filing claims and helping 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, 2013 and March 31, 2014, the Advocacy Program handled 2,802 new cases including 463 Emergency Awards.

Rehabilitation Services & 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;
- Negotiates medical bills including hospital, physician and rehabilitation services;
- 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.

Negotiated Medical Bills
Savings to OVS \$1,952,712

Additional Medical and Vocational Rehabilitation Services Disbursements

The Additional Medical Claims Unit is responsible for processing medical bills that are received subsequent to a decision. A claimant may submit requests for reimbursement at any time during their lifetime for causally related expenses. Consequently, the base number of claimants submitting bills for consideration is expanding each year.

The Additional Medical Claims Unit approved payments totaling \$1,157,139 for counseling to victims on 535 claims in this fiscal year. Homecare for disabled victims was paid on 76 claims during the year totaling \$4,004,570. Other medical and claim-related expenses paid by the Additional Medical Unit totaled \$8,678,964 for 2,332 claims.

Loss expense type	Award amount
Ambulance	334,962
Counseling	1,157,139
Court Transportation	175
Dentist	785,298
Doctor	3,386,880
Durable Medical Equipment (DMI)	116,886
Moving/Storage	597
Funeral	18,585
Home Care - Facility	1,224,997
Home Care - Individual	2,779,572
Home Modifications	269,300
Hospital	3,189,956
Medical Consultant	52,789
Medical Supplies	176,768
Medical Transportation	134,288
Other	2,121
Pharmacy/Medications	175,418
Security System	0
Vehicle Modifications	34,941
Total:	13,840,672

During FY 2013-2014, claimants received \$421,127 in vocational rehabilitation benefits from OVS. This included vehicle modifications, durable medical equipment, and home modifications such as handicapped accessible showers.

GRANTS UNIT

Mission

The Grants Unit of 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 five year grant awards from 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's offices, Probation Departments, YWCA's, local police departments, hospitals, domestic violence shelters, rape crisis and sexual assault intervention programs and child advocacy centers among others.

During the state fiscal year 2013-14, \$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 OVS. This process enables 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. OVS is a major source of funding for the 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 Trooper Barracks, 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. .

Listing of Grants to Victim/Witness Assistance Programs

In the 2013-2014 federal fiscal year, OVS awarded grants to the following victim service programs:

Program Name	2013-14 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 Dept. 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
Safe Horizon, Inc. Anti-Trafficking	\$140,700
Safe Horizon, Inc. Child Advocacy Centers	\$525,454
Safe Horizon, Inc. Sexual Assault/Rape Hotline	\$164,691
Safe Horizon, Inc. Bronx Community	\$330,632
Safe Horizon, Inc. Brooklyn Community	\$678,410
Safe Horizon, Inc. Manhattan Community	\$197,176
Safe Horizon, Inc. Queens Community	\$446,218
Safe Horizon, Inc. Staten Island Community	\$258,050
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.	\$61,642
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

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 this training, investigators in the claim processing unit also present monthly VAP compensation trainings.

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.

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.”

PUBLIC AWARENESS AND OUTREACH

One of the main goals for OVS is to reach out to all victims of crime and increase awareness of the agency and victim services through our public website, funded victim assistance programs, trainings for victim service providers, National Crime Victims Rights’ Week events, victim notification cards, OVS posters, collaborations with other public protection agencies and victim advocacy.

OVS’ 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 staff to learn of the other states’ practices, problems and 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 OVS. The agency 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 OVS and its staff during state fiscal year 2013-14:

1. National Crime Victims’ Rights Week (NCVRW) was observed April 21–27, 2013 and the theme was, “New Challenges, New Solutions.”
2. OVS hosted a blood drive in Albany in partnership with the Red Cross in commemoration of NCVRW, and in Syracuse for the first time in cooperation with Vera House.
3. OVS featured a statewide calendar of community-based National Crime Victims’ Rights Week (NCVRW) events on its website to help promote awareness of this observance. There were 63 NCVRW events posted in a week-long calendar for each county in New York State.

4. The Governor issued a proclamation declaring April 21-27, 2013 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, human trafficking 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. Staff also provide training on human trafficking to victim assistance providers.
7. The Annual Report for fiscal year 2012-2013 was distributed by December 1, 2013 as required by statute.
8. Public Speaking/Presentations:
 - Press Conference with OPDV/OVS for Domestic Violence Awareness Month– WAMC Performing Arts Center
 - NYPD Victim Services Training – NYC Police Academy
 - Rensselaer County Sexual Assault Response Team Conference.
9. Advisory Bulletins and Broadcast Emails. OVS provides notification to victim assistance providers on legislation, changes in federal and state regulations, changes in OVS procedures, training opportunities, alerts on issues such as scams, Governor's Office directives such as E.O. 38, and tips.

LEGAL UNIT**2013 Chapter Laws Affecting Crime Victims and Related Issues**

Chapter	
1	<p>Enacts the NY SAFE Act of 2013</p> <p>Effective Date provided, however, that:</p> <p>a. §§1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 26-a, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 41-a, 41-b, 42, 43, 45, 46, 46-a, 47, 51, 52, 53, 54, 55, and 56 shall take effect on (3/16/13) the sixtieth day after it shall have become a law;</p> <p>b. The amendments to subd 23 of § 265.00 of the penal law made by §38 shall take effect on (4/15/13) the ninetieth day after this act shall have become a law, except that the amendments made to par (a) of subd 23 shall take effect immediately;</p> <p>c. The amendments to subd 1, par (a) of subd 3, and subds 4, 9, 10, 11, 12, 15, and 16-b of §400.00 of the penal law made by §48 shall take effect (1/15/14) one year after this act shall have become a law;</p> <p>d. The amendments to subd 16-a of § 400.00 of the penal law made by § 48 shall take effect on (4/15/13) the ninetieth day after this act shall have become a law;</p> <p>e. The amendments to §§ 400.0 2 and 400.03 of the penal law made by §§49 and 50 shall take effect (1/15/14) one year after it shall have become a law; and</p> <p>f. The amendments to subd (b) of § 9.47 and §§ 9.48 and 9.60 of the mental hygiene law made by §§ 21, 22 and 23 shall not affect the expiration and repeal of such paragraph and sections and shall be deemed repealed therewith.</p>
7	<p>Relates to orders of observation for the purpose of determining incapacitation</p> <p>Effective Date 03/15/2013</p>
8	<p>Relates to residency restrictions for peace officers employed by Cornell university assigned to the Ithaca campus; repealer</p> <p>Effective Date</p>

	03/15/2013
17	Relates to cancellation of certain membership camping contracts Effective Date takes effect on (2/13/13) the same date and in the same manner as chapter 383/2012 takes effect
119	Relates to eligibility and awards to certain family members for crime scene clean-up Effective Date takes effect on (8/11/13) the thirtieth day after it shall have become law and shall apply to all original awards made on and after such date
169	Relates to driving while intoxicated and the installation of ignition interlock devices Effective Date takes effect on (11/1/13) the first of November next succeeding the date on which it shall have become a law and shall apply to violations committed on and after such date; provided, however, that the amendments to par (a) of subd 4 of § 1198 of the vehicle and traffic law made by § 3 shall not affect the repeal of such section and shall be deemed repealed therewith
172	Provides that an assault of a child where the defendant has a previous conviction for an assault of a child shall be aggravated assault Effective Date 07/29/2013
180	Prohibits the throwing of the contents of a toilet bowl on an employee of a correctional facility Effective Date takes effect on (11/1/13) the first of November next succeeding the date on which it shall have become a law
202	Relating to providing new telephone numbers without charge for certain victims of domestic violence Effective Date 07/31/2013
234	Relates to persons authorized to visit correctional facilities Effective Date 07/31/2013
259	Relates to assault on prosecutors Effective Date

	takes effect on (1/27/14) the one hundred eightieth day after it shall have become a law
261	<p>Defines and establishes the extent of relocation expenses for crime victim awards</p> <p>Effective Date takes effect on (8/30/13) the thirtieth day after it shall have become a law and shall apply to all original awards made on and after such date</p>
283	<p>Requires attorneys to file a record of a criminal conviction in any court in the United States with the appellate division</p> <p>Effective Date provided, however, it shall apply only as to convictions that occur on or after such effective date</p>
287	<p>Relates to jury deliberations</p> <p>Effective Date and shall apply to all trials commenced on or after such effective date</p>
335	<p>Amends chapter 29 of the laws of 2011 in relation to the effectiveness thereof</p> <p>Effective Date 08/31/2013</p>
341	<p>Establishes certain substances as schedule I stimulants controlled substances</p> <p>Effective Date takes effect on (12/11/13) the ninetieth day after it shall have become a law</p>
342	<p>Relates to penalties for the illegal shipment of cigarettes</p> <p>Effective Date 09/27/2013</p>
343	<p>Authorizes pharmacies to take back controlled substances</p> <p>Effective Date takes effect (9/27/14) one year after it shall have become a law</p>
356	<p>Provides for the payment of restitution to volunteer fire companies in certain instances</p> <p>Effective Date 09/27/2013</p>
357	<p>Restricts access to dextromethorphan, commonly known as DXM</p> <p>Effective Date takes effect on (3/26/14) the one hundred eightieth day after it shall have become a law</p>

368	<p>Relates to access to computer systems that carry information of orders of protection and warrants of arrest</p> <p>Effective Date takes effect on (10/27/13) the thirtieth day after it shall have become a law</p>
371	<p>Relates to orders of visitation or custody to a person who has been convicted of sexual assault when the child was conceived as a result</p> <p>Effective Date 09/27/2013</p>
376	<p>Provides additional credits allowed the children of police, firefighters, emergency medical technicians and paramedics killed in the line of duty</p> <p>Effective Date 09/27/2013</p>
408	<p>Relates to adult protective services</p> <p>Effective Date 10/21/2013</p>
427	<p>Enacts the uniform guardianship and protective proceedings jurisdiction act</p> <p>Effective Date takes effect on (4/21/14) the one hundred eightieth day after it shall have become a law</p>
430	<p>Relates to severe or repeatedly abused children in child protective and parental termination proceedings</p> <p>Effective Date 10/23/2013</p>
448	<p>Amends the definition of eligible services to include education regarding elder abuse and exploitation</p> <p>Effective Date 10/23/2013</p>
480	<p>Provides that communications or contact between protected parties with a party against whom an order of protection is issued shall not affect the validity of such order</p> <p>Effective Date and shall apply to all orders of protection regardless of when such orders were issued, except that: (a) the amendments to par b of subd 3 of § 240 of the domestic relations law made by §1, the amendments to subd 2 of § 252 of the domestic relations law made by §2, the amendments to subd 3 of § 168 of the family court act made by §4, and the amendments to subd 6 of § 530.12 of the criminal procedure law made by §13 shall take effect on the sixtieth day after this</p>

	<p>act shall have become a law, and shall apply to orders of protection issued on or after such effective date; and</p> <p>(b) the amendments to subd 4 of § 140.10 of the criminal procedure law, made by §12, shall not affect the repeal of such subdivision, and shall be deemed repealed therewith</p>
525	<p>Provides for the refund of certain mandatory surcharges and fees to be made by the department, agency or court that collected such surcharge or fee</p> <p>Effective Date 12/18/2013</p>
526	<p>Adds identity theft, larceny and coercion to those offenses over which criminal and family courts have concurrent jurisdiction when involving family or household members</p> <p>Effective Date 12/18/2013</p>
555	<p>Relates to proceedings regarding prostitution offenses committed by juveniles</p> <p>Effective Date and shall apply to such offenses alleged to have been committed on or after such effective date, as well as to charges for such offenses pending on such effective date for which sentence had not yet been imposed</p>
556	<p>Relates to sentences of probation and pre-sentence reports</p> <p>Effective Date provided, however, that §§1 through 5 shall apply to offenses committed on or after the date this act shall have become a law, and shall also apply to offenses committed before such date, where the sentence upon conviction for such offense has not yet been imposed; and provided, further, that section six of this act shall take effect on (4/10/14) the ninetieth day after it shall have become a law</p>

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 2013-14, the OVS froze \$1,272,371 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 2004-2005 THROUGH 2013-14

FISCAL YEAR	AMOUNT FROZEN
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
2013-2014	\$1,272,371

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 2013-14

Month	Subrogation	Restitution	Total
April 2013	\$20,542.81	\$9,938.24	\$30,481.05
May 2013	\$7,518.33	\$10,379.51	\$17,897.84
June 2013	\$81,244.36	\$21,777.13	\$103,021.49
July 2013	\$0.00	\$13,359.12	\$13,359.12
August 2013	\$11,588.03	\$12,330.38	\$23,918.41
Sept 2013	\$6,723.27	\$4,762.41	\$11,485.68
October 2013	\$103,885.27	\$19,163.60	\$123,048.87
November 2013	\$7,196.56	\$6,684.36	\$13,880.92
December 2013	\$6,579.37	\$7,158.42	\$13,737.79
January 2014	\$3,298.06	\$11,525.29	\$14,823.35
February 2014	\$35,597.93	\$7,375.88	\$42,973.81
March 2014	\$21,866.88	\$23,028.79	\$44,895.67
Total	\$306,040.87	\$147,483.13	\$453,524.00