



# *Every Crime Victim Matters*

## *New York State Office of Victim Services 2014-15 Annual Report*

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Office of  
Victim Services

## **EXECUTIVE SUMMARY**

New York State has had an agency dedicated to serving its innocent crime victims for almost 50 years. The enabling legislation for the Office of Victim Services (OVS), one of the first agencies of this kind in the country, was enacted in response to public outcry over a particularly heinous crime in which a young man was murdered in a subway, leaving behind a widow and a fifteen-month old child. The mission of OVS is 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.

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 funding 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' formulation of legislation, subsequently enacted, which has protected and extended the rights of crime victims and 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. In fiscal year 1986-87, the agency began receiving federal VOCA funds for this same purpose. OVS funded 226 local victim service programs in state fiscal year 2014-15.

This report reflects the Office of Victim Services' efforts and accomplishments in meeting the needs of crime victims in state fiscal year 2014-15. Notable highlights of the year include:

- OVS applied for, and received, approximately \$500,000 in federal funds to develop a comprehensive, collaborative network to provide holistic legal assistance to crime victims in New York, outside of New York City. OVS collaborated with the Empire Justice Center, Pro Bono Net and the Center for Human Services Research at the University of Albany on the proposal. The award is for 18 months.
- In April 2014, OVS issued a Request for Proposal (RFP) to support direct services that meet the immediate needs of crime victims under the VOCA Victim and Witness Assistance Grants. OVS

was one of the first state agencies to require that applications be submitted and reviewed through Grants Gateway – the State’s new primary outlet for agencies to post upcoming and available funding opportunities. Nearly 250 applications, requesting over \$53M in the first year of funding, were received. OVS executed nearly 230 contracts worth over \$36M in the first year of three-year contract agreements. Priority categories of funding were the traditional VOCA priorities of those programs serving victims of Child Abuse, Domestic Violence, Sexual Assault, and Underserved Populations. For the first time, OVS added two of its own priority categories, programs serving Young Men of Color and programs serving Native Americans.

- The 2014-15 State budget allowed the Department of Health (DOH) to sub-allocate \$1.8M of its funding for rape crisis programs to OVS. The DOH rape crisis funding was included in the OVS RFP to support direct services to crime victims. The movement of this funding from DOH to OVS was designed to strengthen the network of programs providing services for victims of sexual assault. It also allowed for the consolidation of the state’s funding and oversight of victim services in OVS, which has the expertise to fully support victim assistance grants. The transfer will also decrease the administrative burden for the funded programs by eliminating the need for agencies to report to separate funding agencies and manage two state contracts.
- In June 2014, OVS successfully migrated its level one calls to the Office of Children and Family Services Call Center, part of Governor Cuomo’s initiative to enhance operational efficiencies, improve business processes and deliver better customer service.

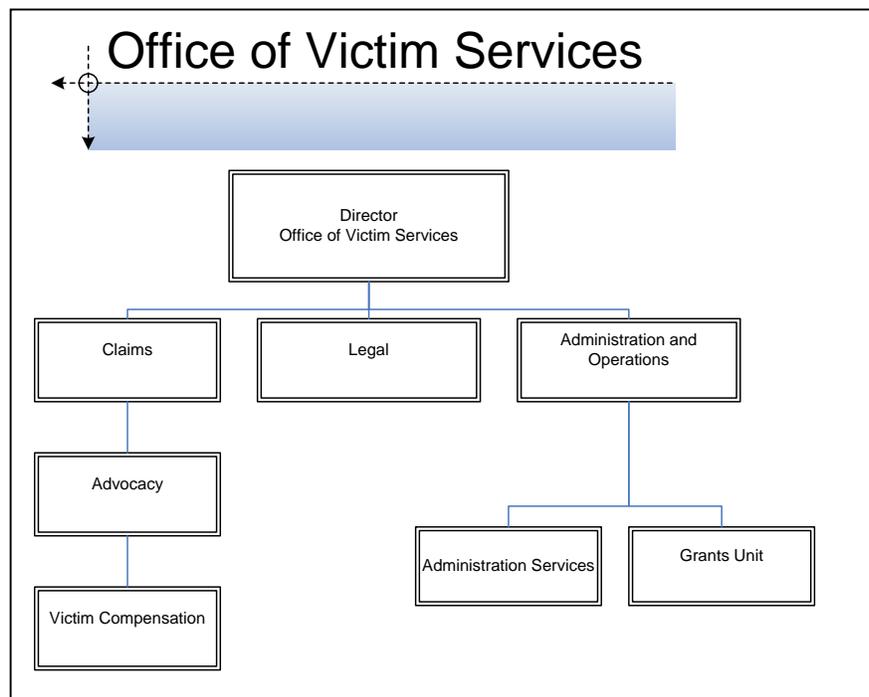
## OFFICE OF VICTIM SERVICES OPERATIONS

### 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 (Executive Law, Section 623)**

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

In 2014-15, 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 it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.**

OVS' staffing target was 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 2014-15, the agency's regulations did not have to be amended.

- 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 information needed to process claims 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 2014-15 OVS rendered 15,499 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 nine referrals in fiscal year 2014-15 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 claim decisions were reviewed and had decisions rendered by the Office as a result of appeals submitted by crime victims or their family members.

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

Pursuant to its authority, OVS has collected affidavits and taken depositions where and when necessary to achieve its mission.

**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 years of age and over) are for EPP only, therefore this unit is expediting the claims of most senior citizens. 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, NYS Children's Justice Task Force, NYS Council for Interstate Juvenile Supervision, NYS Judicial Committee on Women in the Courts, US Sentencing Commission Victims Advisory Group 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 226 victim/witness assistance programs funded by OVS in FY 2014-15.

These programs provided services ranging from crisis intervention/counseling to assisting crime victims with filing for compensation. In addition, there were Victim Assistance Program (VAP) trainings in regional locations as well as individual site locations which were conducted by the Grants Unit. Approximately 738 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](http://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 tracks rules and regulations proposed by other State agencies that may affect crime victims. These agencies include, but are not limited to, the Division of Criminal Justice Services, the Department of Corrections and Community Supervision, the Division of State Police, the Office for the Prevention of Domestic Violence, the Office of Mental Health and the Justice Center for the Protection of People with Special Needs.

**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 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 to innocent crime victims through OVS. In addition, the Grants Unit staff offer a variety of training programs to VAPs on issues related to their OVS grants. 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 2014-15, OVS was awarded \$9,899,000 from federal funds for victim compensation. That same year the OVS received \$26,813,785 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:

- Prosecutors should use a standard victim impact statement which identifies pecuniary damages suffered by the victim and any benefits paid by OVS.
- District Attorneys should be encouraged to use a standardized sentencing order which incorporates restitution as part of sentencing in all criminal cases.
- Court Clerks should be more diligent in distributing monies collected from the offender and in notifying OVS of monies collected.

- All officers preparing Pre-Sentencing Reports must enquire of victims whether they have applied to the OVS for funds; and, if so, whether they have received the funds and in what 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](http://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 2014-15. These funds enabled the Office to assist crime victims with services in approximately 228 programs. In addition to the auditing and monitoring functions, the Grants unit provided continuing technical assistance and support to 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 in US Dollars State Fiscal Years 2005-06 through 2014-15

FISCAL YEAR	PERSONAL SERVICE	NON-PERSONAL	TOTAL ADMINISTRATION	PAYMENTS TO VICTIMS	VICTIM AND WITNESS ASSISTANCE	TOTAL LOCAL ASSISTANCE	GRAND TOTAL
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
2014-15	3,953,684	2,185,121	6,138,805	23,886,074	30,625,000	54,511,074	60,649,879

## 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.

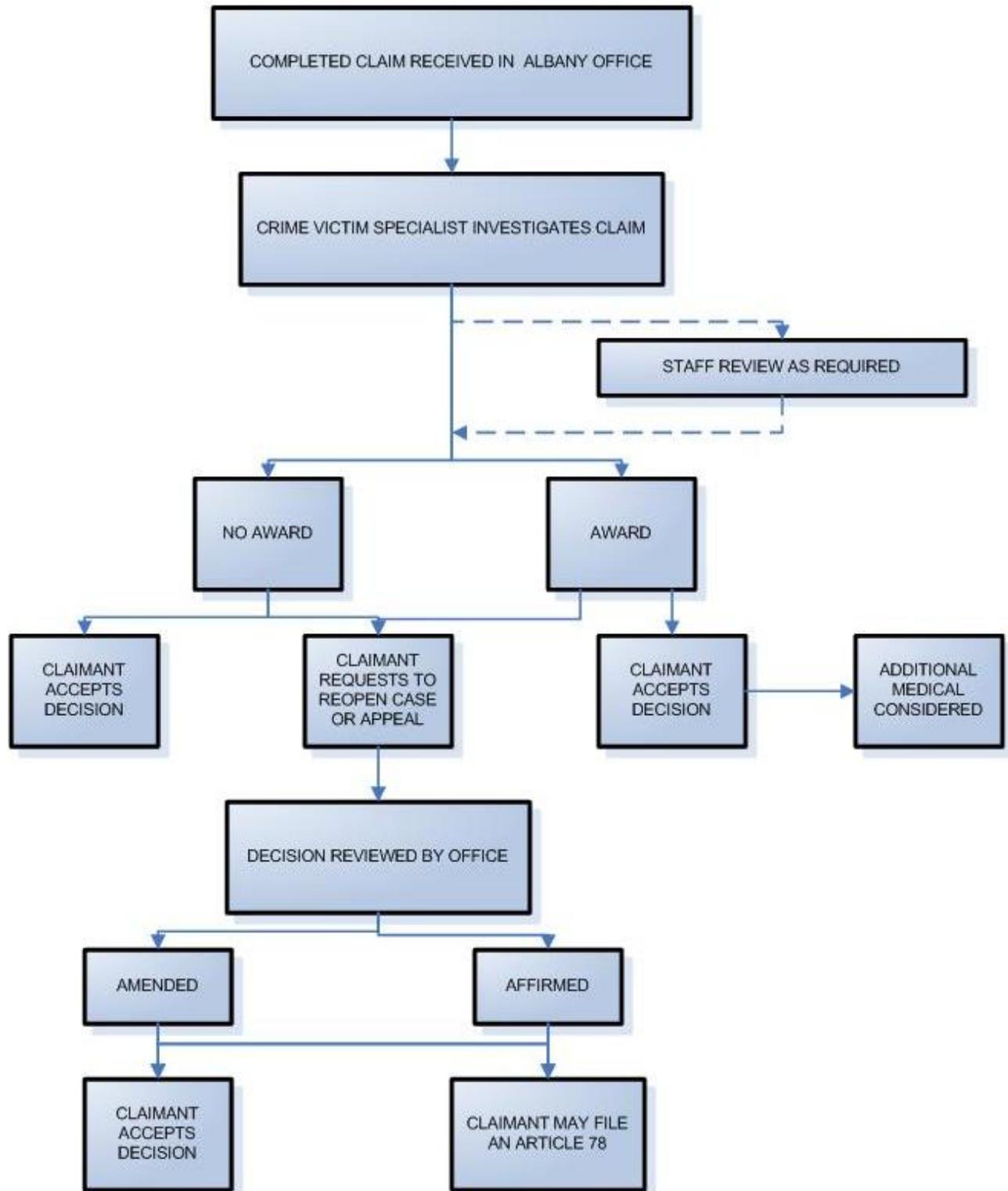
### Who may be eligible for compensation?

- 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, 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

**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, up to a maximum of \$1,000, before the Office and/or before the appellate division upon judicial review of your OVS claim.

### 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, 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 2014-15, 471 emergency awards totaling \$893,681 were granted.

Claimants eligible for emergency assistance could 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

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 insurance for the forensic examination. However, if a victim voluntarily assigns his or her private health insurance benefits to cover the forensic exam, the hospital or health care facility may not bill OVS.

The reimbursement rate is 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 2014-15.

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 2014-15, OVS paid \$3,773,062 on 4,852 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

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
2014-2015	15,840

## 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 2,927 claims in fiscal year 2014-15 solely for repair or replacement of essential personal property in which there was no personal injury. These claims represented 18% of the total claims accepted in the fiscal year.

## Claims Accepted and Claims Awarded by Type

Claim Type	# of Claims Accepted	# of Claims Awarded
Personal Injury	12,154	6,787
Death	759	501
Essential Personal Property	2,927	1,395
<b>TOTAL</b>	<b>15,840</b>	<b>8,683</b>

**Disbursements by Claim Type Fiscal Year 2014-2015**

Type of Claim	# of Claims Paid	Disbursement Amount
Personal Injury	5,771	\$ 16,854,022
Death	593	\$ 2,129,347
Essential Personal Property	1,559	\$ 337,057
Forensic Rape Exam Direct Reimbursement	4,852	\$ 3,773,062
<b>*TOTAL</b>	<b>12,775</b>	<b>\$ 23,093,488</b>

**Original Awards by Age and Gender**

Of the 8,683 victims for whom an original decision was awarded, the largest portion were persons between the ages of 18-29 (2,620 claims or 30%); this was true for both men (1,082 claims or 28%) and women (1,508 claims or 31%) also from this same age range.

Female victims accounted for 55% and male victims were 44% of all 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 2014-2015**

Age	Sex	# Awarded	\$ Awarded
0-12	Female	282	\$45,849
	Male	213	\$80,260
	<u>Unknown</u>	<u>5</u>	<u>\$2,000</u>
13-17	Female	213	\$22,362
	Male	173	\$83,362
	<u>Unknown</u>	<u>2</u>	<u>\$126</u>
18-29	Female	1,508	\$343,561
	Male	1,082	\$1,355,849
	<u>Unknown</u>	<u>30</u>	<u>\$27,401</u>
30-44	Female	1,315	\$438,463
	Male	891	\$902,062
	<u>Unknown</u>	<u>22</u>	<u>\$15,904</u>
45-59	Female	709	\$205,757
	Male	763	\$576,736
	<u>Unknown</u>	<u>17</u>	<u>\$7,584</u>

60 and over	Female	762	\$189,328
	Male	686	\$237,717
	<u>Unknown</u>	<u>8</u>	<u>\$1,807</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	3,355
Not Eligible	750
Unable to Locate Claimant	433
Domestic Violence No Physical Injury	303
Child Not Victim or Witness	180
No Compensable Loss	101
Unable to Locate Police Report	159
No Cooperation with Police or DA	250
Claim Withdrawn	114
Duplicate Claim	217
Conduct Contributing	61
Pending Police Investigation	146
Not Essential Personal Property	135
Unable to Substantiate	119
Not a Victim of Crime	56
No Crime	150
Lost Property	29
Business Loss	18

Conflicting Data	36
Victim Over 18 and Must File for Self	16
Accident	19
Hit and Run, Leaving the Scene of Property Damage	23
Legal Guardian Must File Claim	8
Pending Trial	37
No Funeral Loss	20
Not Victim of Criminal Act	24
Claimant Died from Unrelated Cause	2
Police Report Filed More Than One Week After Crime	13
Crime Not in New York State	7
Late Filing Without Justification	18
Died From Injuries	3
Crime Not in USA	5
World Trade Center – Unsubstantiated Injury	2
Civil Suit Ongoing	1

### Appeals

Claimants dissatisfied with the decision of 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 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.

80 claimants requested an appeal of their decision during 2014-2015. The Administrative Review Panel reviewed 134 decisions and 63% of the original decisions were affirmed without change. Appeal decisions may carry over from prior fiscal year when heard.

### Rejected Claims

For claims submitted during the state fiscal year 2014-2015, there were 1,550 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	834
No Police Agency Name	607
Claimant Under the Age of 18	466
No Crime Date	365
Application Not Signed	185

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 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.

Services provided include:

- Emotional support and providing 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, 2014 and September 30, 2014, the Advocacy Program handled 1,275 new cases including 463 Emergency Awards. The contract for this program expired on September 30, 2014, though these functions are still carried out by OVS staff.

## **Rehabilitation Services and Additional Medical Services Objectives**

The overall objective of the Vocational Rehabilitation Unit is to improve the quality of life for individuals permanently disabled as a direct result of a crime. The Vocational Rehabilitation Unit is comprised of one Registered Nurse, who:

- Manages the vocational and occupational rehabilitation program for victims and survivors of crime;
- Reviews the claimant's treatment plan to ensure services are allowable and causally-related;
- Refers the claimant to an independent medical consultant as needed for further professional opinion on service needs and causal-related services;
- Reviews any requests for home modifications necessary as a result of a disability due to a crime. Home modifications are a major undertaking and the process currently takes between 12-18 months on average to complete;
- Reviews requests from claimants for high cost medical equipment (i.e. wheelchairs, beds, prosthesis, vehicle modifications etc.). Works with vendors for reasonable and customary costs;
- Assists the Additional Medical Unit personnel in interpreting medical bills and records;
- Reviews medical bills, reports and claimant requests for appropriateness to injuries sustained from the crime;
- Reviews requests for educational assistance for job retraining;
- Develops and maintains cooperative relationships with community resources to assist the victim in achieving pre-injury status or maximum potential.

## **Additional Medical and Vocational Rehabilitation Services Disbursements**

- The Additional Medical Claims Unit is comprised of one Senior Supervisor, seven Agency Program Aides and one support staff. This 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. 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 \$1,119,019 for counseling to victims on 547 claims in this fiscal year. Homecare for disabled victims was paid on 70 claims during the year totaling \$4,369,826. Other medical and claim-related expenses paid by the Additional Medical Unit totaled \$8,146,754 for 1,950 claims.

<b>Loss expense type</b>	<b>Award amount</b>
Ambulance	181,512
Counseling	1,119,019
Crime Scene Clean Up	125
Dentist	599,487
Doctor	3,278,899
Durable Medical Equipment (DMI)	72,133
Moving/Storage	0
Funeral	6,000
Home Care - Facility	1,333,505
Home Care - Individual	3,036,321
Home Modifications	293,984
Hospital	3,089,599
Medical Consultant	40,477
Medical Supplies	174,544
Medical Transportation	126,742
Other	3,300
Pharmacy/Medications	213,579
Security System	0
Vehicle Modifications	66,373
<b>Total:</b>	<b>13,635,599</b>

During state fiscal year 2014-2015, claimants received \$432,490 for vocational rehabilitation benefits from OVS. During this fiscal year vocational rehabilitation included vehicle modifications, durable medical equipment, and home modifications.

## Grants Unit

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

1. Distributing federal Victim of Crime Act (VOCA) awards through an open, competitive process.
2. Administering and monitoring 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. Coordinating the activities of the statewide advisory council.
4. Coordinating 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. 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 state fiscal year 2014-15, \$7,067,000 in state CJIA funds were appropriated, and \$23,970,000 in federal 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. OVS is 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 NYS Justice Center for the Protection of People with Disabilities also receives an OVS grant that funds advocates who provide support to disabled victims of crime in residential settings.

### Listing of Grants to Victim/Witness Assistance Programs

In the 2014-2015 federal fiscal year, OVS awarded grants to the following victim service programs:

<b>Program Name</b>	<b>2014-15 Award</b>
A New Hope Center Inc.	\$ 342,045.95
Adirondack Health Institute Inc.	\$ 234,914.50
Advocacy Center Of Tompkins County	\$ 85,342.86
Advocacy Center Of Tompkins County	\$ 121,275.41
Advocacy Center Of Tompkins County	\$ 83,236.79
Alternatives For Battered Women Inc.	\$ 138,601.85
Barrier Free Living Inc.	\$ 82,592.09
Behavioral Health Services North	\$ 281,346.60
Beth Israel Medical Center	\$ 148,969.30
Bivona Child Advocacy Center	\$ 64,329.70
Brighter Tomorrows Inc.	\$ 64,330.87
Bronx County District Attorney	\$ 269,786.60
Bronx Independent Living Services Inc.	\$ 97,401.50
BronxWorks Inc.	\$ 56,559.85
Brooklyn Chinese American Assoc.	\$ 63,925.95
CAMBA Inc.	\$ 179,863.40
Catholic Charities Of Chenango County	\$ 46,223.85
Catholic Charities Of Fulton & Montgomery Counties	\$ 169,858.05
Catholic Charities Of Fulton & Montgomery Counties	\$ 31,665.05
Catholic Charities Of Saratoga, Warren, And Washington Counties	\$ 143,793.65
Catholic Charities Of Schoharie County	\$ 32,687.60
Catholic Charities Of The Diocese Of Albany	\$ 56,596.40
Catholic Charities Of The Diocese Of Rochester	\$ 64,486.95
Catskill Regional Medical Center	\$ 43,280.30
Cattaraugus Community Action Inc.	\$ 192,825.90
Cattaraugus Community Action Inc.	\$ 38,996.30
Cattaraugus Community Action Inc.	\$ 160,822.55
Cattaraugus Community Action Inc.	\$ 34,308.55
Cayuga Counseling Services Inc.	\$ 110,749.05
Cayuga County District Attorney	\$ 29,143.95
Cayuga Seneca Community Action Agency Inc	\$ 31,285.95
Center For Safety & Change, Inc.	\$ 54,228.30
Center For Safety & Change, Inc.	\$ 536,117.95
Center For The Elimination Of Violence In The Family Inc.	\$ 119,663.85
Chances And Changes, Inc.	\$ 95,527.25

<b>Program Name</b>	<b>2014-15 Award</b>
Chances And Changes, Inc.	\$ 23,104.70
Chautauqua County	\$ 120,064.20
Child And Adolescent Treatment Services	\$ 170,843.20
Child And Family Services Of Erie County	\$ 82,712.65
City Of Elmira	\$ 72,165.85
City Of Rochester, New York	\$ 234,648.96
Community Action Of Greene County Inc.	\$ 124,670.35
Community Action Of Greene County Inc.	\$ 42,006.01
Community Agency For Senior Citizens, Inc.	\$ 263,881.88
Connect, Inc.	\$ 56,890.50
County Of Albany	\$ 348,879.95
County Of Genesee	\$ 104,720.00
County Of Genesee	\$ 59,041.00
County Of Monroe	\$ 171,635.94
County Of Monroe	\$ 138,910.40
Crime Victims Assistance Center, Inc.	\$ 22,040.50
Crime Victims Assistance Center, Inc.	\$ 302,229.40
Crime Victims Support Services Of The North Bronx, Inc.	\$ 185,019.52
Crown Heights Jewish Community Council Inc.	\$ 124,066.85
Day One New York, Inc.	\$ 83,504.00
Delaware Opportunities Inc.	\$ 85,000.00
Delaware Opportunities Inc.	\$ 56,919.40
Domestic Violence And Rape Crisis Services Of Saratoga County	\$ 212,635.15
Dominican Women's Development Center	\$ 228,172.30
EAC, Inc.	\$ 105,523.25
East Harlem Neighborhood Based Alliance Corporation	\$ 75,995.95
Edwin Gould Services For Children And Families	\$ 141,973.80
Empire Justice Center	\$ 47,254.90
Equinox, Inc.	\$ 339,019.10
Erie County District Attorney	\$ 382,500.00
Erie County Probation Department	\$ 51,580.55
Family Counseling Center Of Fulton County, Inc.	\$ 39,825.90
Family Counseling Service Of The Finger Lakes, Inc.	\$ 34,590.64
Family Counseling Service Of The Finger Lakes, Inc.	\$ 102,164.12
Family Services Inc.	\$ 276,508.40
Friends Of The Chautauqua County Child Advocacy Program	\$ 128,444.35
Fulton County District Attorney	\$ 73,015.00
Fund for the City of New York	\$ 161,063.95
Good Shepherd Services	\$ 144,976.85

<b>Program Name</b>	<b>2014-15 Award</b>
Grace Smith House, Inc.	\$ 34,082.45
Greenwich House Inc.	\$ 33,044.60
Greenwich House Inc.	\$ 49,254.10
HANAC Inc.	\$ 54,060.00
Help Social Services Corporation	\$ 151,435.15
Herkimer County District Attorney	\$ 44,953.95
Hopes Door Inc.	\$ 381,365.25
Icahn School Of Medicine Of Mount Sinai	\$ 48,506.10
Icahn School Of Medicine Of Mount Sinai	\$ 550,262.45
In Our Own Voices, Inc.	\$ 49,647.65
Institute For The Puerto Rican/Hispanic Elderly, Inc.	\$ 116,055.60
International Institute Of Buffalo, Inc.	\$ 69,824.95
International Institute Of Buffalo, Inc.	\$ 47,680.75
Jamaica Service Program For Older Adults, Inc. (JSPOA)	\$ 160,423.90
Kings County District Attorney's Office	\$ 442,359.55
Korean American Family Service Center Inc.	\$ 93,500.00
Legal Aid Society Of Rochester NY	\$ 91,205.00
Legal Services NYC	\$ 120,378.70
Lewis County Opportunities, Inc.	\$ 47,064.50
Liberty Resources, Inc.	\$ 173,528.35
Livingston County	\$ 45,322.00
LSNY Bronx Corporation (Legal Services NYC - Bronx)	\$ 48,019.90
McMahon/Ryan Child Advocacy Site, Inc.	\$ 57,777.90
Mechanicville Area Community Services Center Inc	\$ 28,978.20
Mental Health Association In Orange County Inc.	\$ 28,254.00
Mental Health Association Of Columbia-Greene Counties, Inc.	\$ 54,510.50
Mental Health Association Of Columbia-Greene Counties, Inc.	\$ 205,858.10
Mothers Against Drunk Driving	\$ 108,776.20
Mount Sinai Hospital	\$ 133,039.45
Mount Sinai Hospital	\$ 133,039.45
Mount Sinai Hospital	\$ 117,074.75
My Sisters Place, Inc.	\$ 344,592.55
Nassau County	\$ 129,989.65
Neighborhood Self Help By Older Persons Project, Inc.	\$ 71,885.35
New York Asian Women's Center Inc.	\$ 472,466.55
New York Asian Women's Center Inc.	\$ 209,559.00
New York County District Attorney's Office	\$ 289,371.16
New York Legal Assistance Group Inc.	\$ 115,600.00
Niagara Falls Memorial Medical Center	\$ 169,408.40

<b>Program Name</b>	<b>2014-15 Award</b>
Niagara, County Of	\$ 216,777.20
North Brooklyn Coalition Against Family Violence, Inc.	\$ 124,088.10
Northeast Health Foundation, Inc.	\$ 434,665.35
Northwest Buffalo Community Center Inc.	\$ 149,075.04
NYC Alliance Against Sexual Assault	\$ 54,818.79
NYC Department For The Aging	\$ 315,396.89
NYC Gay & Lesbian Anti Violence Project	\$ 106,610.40
NYC Gay & Lesbian Anti Violence Project	\$ 81,784.33
NYC Gay & Lesbian Anti Violence Project	\$ 98,752.95
NYC Health & Hospital Corporation: Bellevue	\$ 553,899.22
NYC Health & Hospital Corporation: Harlem	\$ 72,363.05
NYC Health & Hospital Corporation: Jacobi	\$ 146,469.45
NYC Health & Hospital Corporation: Lincoln	\$ 114,704.95
NYC Health & Hospital Corporation: Metropolitan	\$ 118,022.50
NYC Health & Hospital Corporation: NCB	\$ 67,714.88
NYS Department of Corrections and Community Supervision	\$ 233,746.60
NYS Division Of State Police State Of New York	\$ 664,507.90
NYS Justice Center For The Protection Of People With Special Needs	\$ 165,146.50
NYS Office For The Prevention Of Domestic Violence	\$ 41,972.29
NYS Sheriffs Association Institute, Inc.	\$ 363,729.99
Onondaga County District Attorney's Office	\$ 101,823.20
Ontario County	\$ 147,498.76
Opportunities For Otsego, Inc.	\$ 143,883.75
Orange County Probation	\$ 287,098.55
Orange County Safe Homes Project, Inc.	\$ 114,186.45
Orleans County	\$ 62,676.45
Oswego County Opportunities Inc.	\$ 172,997.70
Oswego County Opportunities Inc.	\$ 25,977.02
Pace University	\$ 64,175.00
Parents For Megan's Law, Inc.	\$ 39,326.10
Parents For Megan's Law, Inc.	\$ 40,724.35
Parents For Megan's Law, Inc.	\$ 101,718.65
Planned Parenthood Mohawk Hudson, Inc.	\$ 256,268.20
Planned Parenthood Of Central And Western NY Inc.	\$ 317,390.00
Planned Parenthood Of North Country New York Inc.	\$ 170,823.65
Planned Parenthood Of The Southern Finger Lakes, Inc.	\$ 117,706.30
Polish Community Center Of Buffalo, Inc.	\$ 199,763.60
Putnam County Department Of Social Services	\$ 109,383.95
Putnam/Northern Westchester Women's Resource Center	\$ 192,224.10

<b>Program Name</b>	<b>2014-15 Award</b>
Putnam/Northern Westchester Women's Resource Center	\$ 121,312.85
Queens County District Attorney	\$ 332,435.00
Queens Legal Services Corporation	\$ 60,761.40
Rensselaer County	\$ 165,808.65
Retreat Inc.	\$ 135,392.59
Richmond County District Attorney	\$ 20,743.40
Rochester Society For The Prevention Of Cruelty To Children	\$ 106,765.10
Rochester Society For The Prevention Of Cruelty To Children	\$ 112,394.65
Safe Harbors Of The Finger Lakes Inc.	\$ 76,358.35
Safe Harbors Of The Finger Lakes Inc.	\$ 76,361.75
Safe Harbors Of The Finger Lakes Inc.	\$ 77,678.40
Safe Harbors Of The Finger Lakes Inc.	\$ 58,706.47
Safe Horizon Inc.	\$ 555,524.30
Safe Horizon Inc.	\$ 112,286.70
Safe Horizon Inc.	\$ 1,279,918.95
Safe Horizon Inc.	\$ 267,206.85
Safe Horizon Inc.	\$ 199,580.00
Safe Horizon Inc.	\$ 1,009,680.20
Safe Horizon Inc.	\$ 140,940.20
Sanctuary For Families, Inc.	\$ 291,716.60
Saratoga Center For The Family	\$ 94,081.40
Schenectady County District Attorney	\$ 167,484.00
Schuyler County	\$ 44,555.22
Seneca County Mental Health Department	\$ 58,197.80
SOS Shelter, Inc.	\$ 158,915.15
Southern Tier Health Care System Inc.	\$ 139,873.45
St. Lawrence Valley Renewal House For Victims Of Family Violence, Inc.	\$ 203,582.65
St. Lawrence Valley Renewal House For Victims Of Family Violence, Inc.	\$ 76,063.10
St. Luke's-Roosevelt Hospital Center	\$ 472,550.04
St. Regis Mohawk Tribe	\$ 53,289.90
Start Children's Center, Inc.	\$ 194,764.75
Steuben Church People Against Poverty, Inc.	\$ 101,983.85
Suffolk County District Attorney's Office	\$ 125,254.30
Suicide Prevention & Crisis Services Inc.	\$ 73,220.70
Suicide Prevention & Crisis Services Inc.	\$ 47,682.45
The Arab-American Family Support Center	\$ 62,997.75
The Children's Aid Society	\$ 142,527.15
The Children's Aid Society	\$ 103,670.25
The Kingsbridge Heights Community Center Inc.	\$ 252,716.05

<b>Program Name</b>	<b>2014-15 Award</b>
The New York And Presbyterian Hospital	\$ 170,758.20
The New York And Presbyterian Hospital	\$ 164,760.60
The New York And Presbyterian Hospital	\$ 316,635.20
The New York Center For Children	\$ 65,876.28
The Safe Center LI Inc.	\$ 114,741.50
The Safe Center LI Inc.	\$ 180,234.85
The Safe Center LI Inc.	\$ 164,369.60
The Salvation Army	\$ 126,918.60
The Salvation Army	\$ 35,585.25
The Salvation Army	\$ 41,240.30
Ulster County	\$ 367,829.85
Unity House Of Troy Inc.	\$ 157,955.50
Urban Justice Center	\$ 99,870.63
Urban Justice Center	\$ 130,385.33
Vera House Inc.	\$ 136,299.20
Vera House Inc.	\$ 197,072.50
Vera Institute Of Justice, Inc.	\$ 80,047.90
Victim Resource Center Of The Finger Lakes Inc.	\$ 82,271.50
Victim Resource Center Of The Finger Lakes Inc.	\$ 37,201.95
Victims Assistance Center Of Jefferson County	\$ 450,635.15
Victims Information Bureau Of Suffolk Inc.	\$ 306,685.10
Victims Information Bureau Of Suffolk Inc.	\$ 152,980.45
Victims Information Bureau Of Suffolk Inc.	\$ 113,265.39
Violence Intervention Program Inc.	\$ 712,213.30
Warren County District Attorney's Office	\$ 121,903.75
Washington County District Attorney's Office	\$ 105,113.79
Wayne County	\$ 42,495.75
Westchester Community Opportunity Program, Inc.	\$ 640,664.36
Westchester County District Attorney's Office	\$ 208,864.55
Wyoming County	\$ 25,692.95
Wyoming County	\$ 55,092.75
YWCA Of Cortland	\$ 101,722.90
YWCA Of Niagara, Inc.	\$ 46,659.90
YWCA Of Niagara, Inc.	\$ 87,060.40
YWCA Of Schenectady	\$ 227,746.45
YWCA Of The Mohawk Valley	\$ 240,861.10
YWCA Of The Mohawk Valley	\$ 162,495.35

## 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 present 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 an initial term of three-years. At the conclusion of an initial term, an interested council member has the option of a second, three year term. If a council member is not interested in continuing after the conclusion of their first term, or leaves the council at any time during a term, they are free to do so and such vacancy may be filled no sooner than the following January 1. In the interest of the council, whether a member is interested in continuing to a second term or if the member is solely interested in*

*...serving their initial term, such council member's intentions shall be conveyed to the Office in writing, no later than 6 months prior to the conclusion of their initial term.*

*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**

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.

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). In-person meetings and constant e-mail communications with these entities allows OVS to remain on top of new issues and developments in the field, to learn from other states' practices, the problems faced, and solutions employed to address these problems.

The agency continues to intensify its efforts to make the public more aware of its compensation program by attending or providing a speaker at events throughout the State. The following highlight some of the public awareness activities undertaken by OVS and its staff during state fiscal year 2014-15.

1. National Crime Victims' Rights Week (NCVRW) was observed April 6 – 12, 2014, and the theme was, "30 Years: Restoring the Balance of Justice."
2. OVS hosted a blood drive at the in Albany in partnership with the Red Cross in commemoration of NCVRW, and in Brooklyn with state and local public protection agencies' leadership participation.
3. 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. There were 32 NCVRW events posted in a week-long calendar for each county in New York State.
4. The Governor issued a proclamation declaring April 6-12, 2014 Crime Victims Week in New York State.
5. Partnered with SUNY Binghamton to hold an event to increase college student awareness of available victim services.
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.

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7. 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.
  8. The Annual Report for fiscal year 2013-2014 was distributed by December 1, 2014 as required by statute.

## 2014 Chapter Laws Affecting Crime Victims and Related Issues

17	Relates to probation sentences and the revocation thereof <b>Effective Date</b> takes effect on (2/9/14) the same date and in the same manner as chapter 556/2013, relating to establishing terms of probation sentences and revocations thereof under certain circumstances, as proposed in legislative bills numbers S. 4664-A and A. 4582-B, as amended, takes effect
93	Relates to the appointment of a health care agent or surrogate who is the subject of an order of protection protecting the principal <b>Effective Date</b> 07/22/2014
94	Requires the review of the criminal history of prospective employees of adult homes, enriched housing programs or residences for adults; relates to the effectiveness <b>Effective Date</b> provided, however, that §§ 2, 3 and 4 shall take effect 1/1/2015
98	Establishes the offense of directing a laser at an aircraft <b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law
126	Makes technical changes to the protection of people with special needs act <b>Effective Date</b> provided, however, that if § 12 of ch 554/2013 shall not have taken effect on or before such date then §6 shall take effect on (7/1/14) the same date and in the same manner as such chapter of the laws of 2013 takes effect
184	Relates to stalking in the fourth degree <b>Effective Date</b> takes effect on (10/21/14) the ninetieth day after it shall have become a law
185	Relates to penalties for stealing of companion animals <b>Effective Date</b> 07/23/2014
186	Establishes the crime of public lewdness in the first degree <b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law
188	Relates to the crime of aggravated harassment in the second degree

	<p><b>Effective Date</b> 07/23/2014</p>
191	<p>Relates to enacting Vince's law</p> <p><b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law and shall apply to violations occurring on and after such date</p>
192	<p>Excludes any time during which a person was incarcerated from the ten year period relevant to the definition of the crime of persistent sexual abuse</p> <p><b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law</p>
193	<p>Relates to unlawful surveillance</p> <p><b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law</p>
196	<p>Elevates an intentional assault upon a school crossing guard to the class D felony of assault in the second degree</p> <p><b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law</p>
197	<p>Imposes increased penalties on assaults of certain New York city housing authority employees</p> <p><b>Effective Date</b> takes effect on (9/3/14) the thirtieth day after it shall have become a law</p>
198	<p>Prohibits people registered under the sex offender registration act from being a volunteer firefighter</p> <p><b>Effective Date</b> takes effect on (12/2/14) the one hundred twentieth day after it shall have become a law</p>
205	<p>Expands the persons responsible for reporting cases of suspected child abuse</p> <p><b>Effective Date</b> provided, however, that §§ 1 and 2 shall take effect on 7/1/2015; provided, further that if ch 554/2013 shall not have taken effect on or before such date then § 1 shall take effect on (7/1/14) the same date and in the same manner as such chapter of the laws of 2013, takes effect; and provided that if ch 8/2014 shall not have taken effect on or before such date then §2 shall take effect on (7/1/14) the same date and in the same manner as such chapter of the laws of 2014, takes effect</p>
253	<p>Limits the scope of information disclosed in a published notice of change of name</p>

	<p><b>Effective Date</b> 08/11/2014</p>
255	<p>Relates to semi-annual reports by police agencies on missing children and vulnerable adults</p> <p><b>Effective Date</b> takes effect on (10/10/14) the sixtieth day after it shall have become a law; provided however, that effective immediately the division of criminal justice services shall be authorized and directed to amend, add or repeal any rule or regulation necessary for the implementation of this act on its effective date</p>
256	<p>Relates to the statewide central register of child abuse and maltreatment and verifying a report of child abuse</p> <p><b>Effective Date</b> 08/11/2014</p>
262	<p>Relates to peace officer status of certain federal law enforcement officers</p> <p><b>Effective Date</b> 08/11/2014</p>
279	<p>Relates to medical treatment for abused, neglected and destitute children</p> <p><b>Effective Date</b> 08/11/2014</p>
325	<p>Extends the provisions of chapter 329 of the laws of 2009</p> <p><b>Effective Date</b> 08/11/2014</p>
331	<p>Enacts the expedited missing persons' identification act</p> <p><b>Effective Date</b> takes effect (9/3/15) one year after it shall have become a law</p>
347	<p>Relates to grand jury proceedings</p> <p><b>Effective Date</b> 09/04/2014</p>
357	<p>Requires the office of children and family services to examine the call history prior to making any determinations to report incidents of child abuse</p> <p><b>Effective Date</b> 09/23/2014</p>
385	<p>Requires the court to waive any mandatory surcharge and crime victim assistance fee when it is found that the defendant is a victim of sex trafficking</p> <p><b>Effective Date</b> shall apply to convictions 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>

394	Relates to investigations to ensure the safety and rights of an individual with a disability or a vulnerable person <b>Effective Date</b> 09/23/2014
441	Relates to credit record freezes and protected minors <b>Effective Date</b> takes effect 1/1/2015
462	Requires the division of criminal justice services to include all sex crimes of an offender on the registered sex offender database <b>Effective Date</b> takes effect on (3/21/15) the one hundred twentieth day after it shall have become a law
472	Extends deadline during which to file as having a World Trade Center condition, and modifies qualifications <b>Effective Date</b> 11/21/2014
486	Relates to the investigation of crimes and crime reporting on college and university campuses <b>Effective Date</b> 12/17/2014
487	Relates to crime victim emergency awards used to replace certain medical equipment <b>Effective Date</b> takes effect on (1/1/15) the first of January next succeeding the date on which it shall have become a law
489	Changes the reporting requirements relative to restitution and fair treatment standards from annual to every two years; repealer <b>Effective Date</b> 12/17/2014
191	Relates to enacting Vince's law <b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law and shall apply to violations occurring on and after such date
192	Excludes any time during which a person was incarcerated from the ten year period relevant to the definition of the crime of persistent sexual abuse <b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law

193	Relates to unlawful surveillance <b>Effective Date</b> takes effect on (11/1/14) the first of November next succeeding the date on which it shall have become a law
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253	Limits the scope of information disclosed in a published notice of change of name <b>Effective Date</b> 08/11/2014
255	Relates to semi-annual reports by police agencies on missing children and vulnerable adults <b>Effective Date</b> takes effect on (10/10/14) the sixtieth day after it shall have become a law; provided however, that effective immediately the division of criminal justice services shall be authorized and directed to amend, add or repeal any rule or regulation necessary for the implementation of this act on its effective date
256	Relates to the statewide central register of child abuse and maltreatment and verifying a report of child abuse <b>Effective Date</b> 08/11/2014
262	Relates to peace officer status of certain federal law enforcement officers

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279	<p>Relates to medical treatment for abused, neglected and destitute children</p> <p><b>Effective Date</b> 08/11/2014</p>
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394	<p>Relates to investigations to ensure the safety and rights of an individual with a disability or a vulnerable person</p> <p><b>Effective Date</b> 09/23/2014</p>
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	11/21/2014
486	Relates to the investigation of crimes and crime reporting on college and university campuses <b>Effective Date</b> 12/17/2014
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### 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, 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 of funds that may be accessible to victims identified as "funds of a convicted person," defined as all funds and property received from any source by a person convicted of a "specified crime." This definition was added to the law because the "profits from a crime" language 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 2014-15, the OVS froze \$1,620,131 in funds pursuant to this law. There was no activity from "profits from a crime."

**FROZEN FUNDS OF A CONVICTED PERSON FISCAL YEAR 2005-2006 THROUGH 2014-15**

<b>FISCAL YEAR</b>	<b>AMOUNT FROZEN</b>
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
2014-2015	\$1,620,131

**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 recovery 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.

**RESTITUTION AND SUBROGATION COLLECTED FISCAL YEAR 2014-15**

<b>Month</b>	<b>Subrogation</b>	<b>Restitution</b>	<b>Total</b>
April 2014	\$65,839.65	\$16,072.63	\$81,912.28
May 2014	\$9,257.96	\$5,657.17	\$14,915.13
June 2014	\$24,794.89	\$4,654.58	\$29,449.47
July 2014	\$49,357.75	\$3,277.68	\$52,635.43
August 2014	\$10,285.38	\$8,415.18	\$18,700.56

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Sept 2014	\$47,025.98	\$7,283.69	\$54,309.67
October 2014	\$20,597.86	\$19,736.07	\$40,333.93
November 2014	\$27,589.19	\$6,956.87	\$34,546.06
December 2014	\$56,833.72	\$14,325.87	\$71,159.59
January 2015	\$11,964.47	\$8,813.14	\$20,777.61
February 2015	\$17,705.14	\$4,340.04	\$22,045.18
March 2015	\$13,139.23	\$11,017.44	\$24,156.67
<b>Total</b>	<b>\$354,391.22</b>	<b>\$110,550.36</b>	<b>\$464,941.58</b>