



Every Crime Victim Matters

New York State Office of Victim Services 2017-18 Annual Report



Office of
Victim Services

Table of Contents

Executive Summary	3
Agency Operations	5
<i>Structure</i>	5
<i>Powers and Duties of the Agency (Executive Law Section 623)</i>	6
<i>Disbursements in U.S. Dollars for State Fiscal Years 2008–09 through 2017–18</i>	12
<i>Compensation, Eligibility and Claims Processing</i>	12
Eligibility requirements:	13
Compensation includes:.....	13
Emergency Awards.....	16
Forensic Rape Examination Direct Reimbursement	16
Claims.....	16
Awarded Claims.....	17
Awarded Claims by Age and Gender: Fiscal Year 2017-18.....	18
Claims Paid: Fiscal Year 2017-18	19
“No Award” Decisions	19
Reasons for No Award: Fiscal Year 2017-18	20
Appeals.....	21
Rejected Claims.....	21
<i>Vocational Rehabilitation Services and Additional Medical Services</i>	23
Grants Unit	25
<i>Victim Assistance Programs</i>	25
<i>Training</i>	35
<i>Advisory Council</i>	35
Training and Outreach	36
<i>OVS 2017 Conference</i>	36
<i>New e-Newsletter</i>	37
<i>“Sands of Silence” Film Screening</i>	37
<i>VAP Training Center</i>	37
“Son of Sam” Law	38
Subrogation and Restitution	39
2017 Chapter Laws Affecting Crime Victims and Related Issues	40

Executive Summary

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

The mission of the Office of Victim Services (OVS) is to provide compensation to innocent victims of crime in a timely, efficient and compassionate manner; to fund direct services to crime victims through 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 and grants to programs that assist victims and witnesses comes from the state’s Criminal Justice Improvement Account (CJIA) and the Crime Victims Fund, established by the federal Victims of Crime Act (VOCA) of 1984. The CJIA is funded by mandatory surcharges and crime victim assistance fees assessed on certain offenders. The amount of funding available to OVS depends on legislative appropriation.

OVS provides substantial financial relief to victims of crime and their families. This includes, but is not limited to, paying unreimbursed crime-related expenses: 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 using the services of, a domestic violence shelter. Over time, compensation coverage has been expanded to include, for example, counseling for step-family members, victims of kidnapping and unlawful imprisonment or stalking victims who are not physically injured.

The agency is also responsible for advocating for crime victims’ rights, needs and interests in New York State. To that end, the agency has developed legislation, subsequently enacted, that has protected and extended the rights of crime victims and expanded the services and assistance available to them.

OVS has received funding from the state Legislature since 1981 for the sole purpose of awarding grants to community-based programs so those providers can serve crime victims and witnesses. The agency has received federal VOCA funds for this same purpose since 1986.

This report reflects the Office of Victim Services’ work to meet the needs of crime victims during New York State’s fiscal year 2017–18. The agency:

- Funded 245 contracts with local Victim Assistance Programs (VAPs).
- Hosted its biennial training conference, with the theme of “Serving the Underserved: Increasing Access to Victim Services.” More than 400 victim services professionals from across New York State attended the three-day conference.
- Issued a competitive procurement that resulted in the agency providing more than \$4 million in funding for 26 state-approved Child Advocacy Centers to purchase video recording equipment, and hire specially-trained staff to interview young victims of sexual

and physical abuse. The contract period began October 1, 2017, and runs through September 30, 2019.

- Created *OVS Outreach*, a quarterly e-newsletter designed for victim advocates and allied professionals across the state. Each issue focuses on a theme and features up-to-date information from the field of victim services, including legislative updates, upcoming training opportunities and more.
- Observed National Crime Victims' Rights Week in April 2017. The theme—**Expand the Circle: Reach All Victims**—focused on how to ensure that every crime victim has access to services and support and how professionals, organizations and communities can partner to improve access and services. The agency highlighted its work to expand services to child victims of crime at a press conference at McMahon-Ryan Child Advocacy Center in Syracuse.
- Screened “Sands of Silence: Waves of Courage,” an award-winning documentary about human trafficking, to mark Human Trafficking Awareness Month, January 2018.
- Continued to support and improve its Victim Service Portal, an online system that streamlines the claims application process and allows applicants to electronically submit all necessary documentation in support of their claims. A total of 8,149 claims—about 70 percent of all claims filed with the agency—were submitted through the Portal.

Agency Operations

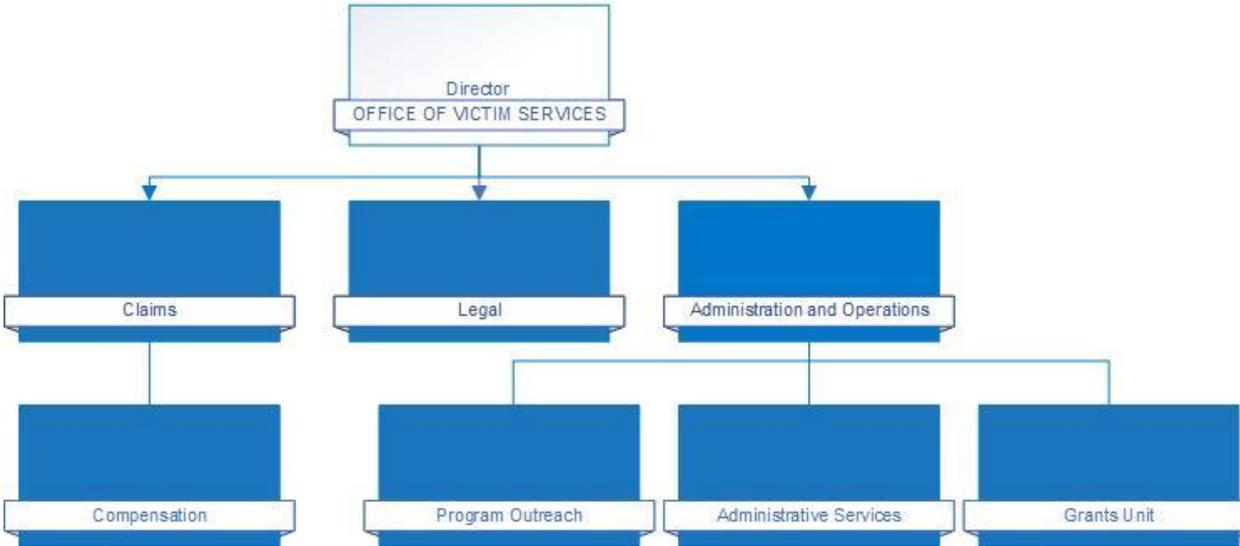
Structure

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

The OVS executive team includes the Deputy Director of Administration and Operations who oversees Finance, Grants, Training and Outreach and Operations; a General Counsel who leads the Legal Unit; and the Deputy Director of Claims who manages the Crime Victim Compensation Investigation Teams, and the Additional Medical and Vocational Rehabilitation Units.

The staffing target for the agency is 92 employees.

NYS Office of Victim Services



Powers and Duties of the Agency (Executive Law Section 623)

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

The agency's principal office is located at 80 South Swan Street in Albany. It has a second office at 55 Hanson Place in Brooklyn.

- 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 agency's staffing target was 92 employees. Duties performed by staff are related to the agency's compensation program, its victim 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.**

It was not necessary for the agency to propose or adopt any regulations related to Executive Law Article 22.

- 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 agency requested needed information from the police, district attorneys' offices, child protective services, 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 2017–18, OVS rendered 10,431 original decisions: claims awarded and claims denied. The agency also reinvestigated or reopened claims as necessary.

6. To direct medical examination of victims.

To determine the causal relationship between the injuries claimed by victims and the medical services provided or to be provided, the agency made four referrals in 2017–18 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.

The agency reviewed 57 claim decisions and rendered new decisions as a result of appeals submitted by crime victims or their family members. As part of this process, the agency administered oaths and affirmations and issued subpoenas and took testimony when necessary.

8. To take or cause to be taken affidavits or depositions within or without (out of) the State.

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. Crime victims who are 60 years old or older submit the majority of original awarded claims for EPP only, so this unit expedites those claims. There are numerous OVS-funded victim assistance programs serving older adults and 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 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 staff met regularly with its Advisory Council and crime victims' coalitions and its Advisory Committee for the Civil Legal Assistance Network and other crime victim advocates. The agency's Director serves on the New York State Sentencing Commission, the state's Domestic Violence Advisory Council, the state's Interagency Task

Force on Human Trafficking, New York State Children’s Justice Task Force, the New York State Council for Interstate Juvenile Supervision, New York State Judicial Committee on Women in the Courts, the United States Sentencing Commission’s Victims Advisory Group, New York State Interagency Council on Homelessness, New York State Supreme Criminal Court E-Filing Committee, the New York State Domestic Violence Fatality Review Team, the state’s Interagency team to implement the Enough is Enough campus sexual assault prevention and education law, and the federal Violence Against Women Act Advisory Committee. OVS also is represented on the New York State Interagency Task Force on HIV/AIDS, the New York State Traumatic Brain Injury Committee, the state’s Committee for the Coordination of Police Services to Elderly Persons, the state’s Disaster Preparedness Commission, the National Association of Crime Victim Compensation Boards, and the National Association of VOCA Assistance Administrators.

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, municipal police departments and county sheriffs’ offices, county executives and district attorneys’ offices.

The agency supported and funded 245 victim assistance programs, which provided services ranging from crisis intervention and counseling to assisting crime victims with filing for compensation. The agency’s Grants Unit also offered in-person trainings for victim assistance programs, reaching approximately 150 professionals. Training topics included compensation, VOCA guidelines, fiscal reporting guidelines and OVS guidelines. When necessary, OVS provided technical assistance and sent advisory bulletins on current issues or policies to all programs. Those bulletins also are available online: 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 that could affect crime victims and their rights. The agency also keeps apprised of rules and regulations proposed by other state agencies, including but not limited to: the Division of Criminal Justice Services, the Department of Corrections and Community Supervision, the Justice Center for the Protection of People with Special Needs, the New York State Police, the Office for the Prevention of Domestic Violence, and the Office of Mental Health, that could potentially affect crime victims.

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.

Experts in the field of victim assistance, human services and criminal justice have provided

the agency with 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.

OVS 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 in New York State.

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

As needed and requested, OVS conducted several programmatic and fiscal analyses related to its compensation program.

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

The agency provides monthly compensation training to victim assistance programs (VAPs) to help ensure that those crime victims are fully informed about the benefits available to innocent crime victims. In addition, the Grants Unit staff train VAP staff on issues related to their grants with the agency and Legal staff offers training on restitution and the Direct Reimbursement Forensic Rape Exam program. Grants Unit staff also provide on-site technical assistance to VAPs as needed. The Training and Outreach Unit manages a \$1.4 million federal VOCA grant designed to train advocates and allied professionals. Through this grant, the agency provided eight trainings at no cost to victim assistance providers, approximately 720 advocates, direct service professionals and experts from nearly 350 organizations attended these trainings across the state.

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.

The agency received \$8,168,000 in federal funds for victim compensation and \$110,391,054 in federal funds for victim assistance.

20. To render each year to the Governor and to 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 this section. Such report shall also include but not be limited to information regarding crime victim service programs, including:

- a. the programs funded by the office;
- b. other sources of funding for crime victims service programs;
- c. 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
- d. an estimate of the reasonable needs of programs in the next fiscal year.

A list of funded victim assistance programs is included in this report. The state’s Criminal Justice Improvement Account also provides financial support for these programs, with funding determined annually by legislative appropriation.

Funding in both the current year and subsequent years’ budgets is adequate to meet the funding needs of VAPs. In fact, in prior years, federal appropriations were increased to reflect the increases the agency received in federal funding: its Victim and Witness Assistance grant, a training grant, and grants to create a Civil Legal Network for crime victims. Funding is sufficient to meet OVS commitments both this year and next.

21. To render biennially to the Governor and the Legislature a written report on the manner in which the rights, needs and interests of crime victims are being addressed by the state’s criminal justice system to include, but not be limited to:

- a. Information transmitted by the state Office of Probation and Correctional Alternatives under Criminal Procedural Law Section 390.30, Subdivision 5 and Family Court Act Section 351.1, Subdivision 7, which the Board shall compile, review and make recommendations on how to promote the use of restitution and encourage its enforcement.
- b. Information relating to the implementation of and compliance with Executive Law Article 23 by the criminal justice agencies and the “crime victim-related agencies” of the state.

Chapter 489 of the Laws of 2014 changed the agency’s reporting requirements related to victim impact statements, restitution, and fair treatment standards for crime victims, from once a year in its annual report, to once, every two years in a separate, stand-alone report.

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

Approximately \$72 million in state and federal funds were appropriated to the agency for grant-making purposes, allowing OVS to assist crime victims by funding 245 programs across the state. In addition to auditing and monitoring functions, the Grants Unit provided continuing technical assistance and support to these programs.

23. 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 U.S. Dollars for State Fiscal Years 2008–09 through 2017–18

FISCAL YEAR	PERSONNEL	NON-PERSONNEL	TOTAL ADMINISTRATION	PAYMENTS TO VICTIMS	VICTIM ASSISTANCE	TOTAL PAYMENTS/ ASSISTANCE	GRAND TOTAL
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
2015–16	3,989,831	1,975,067	5,964,898	21,080,037	37,034,260	58,114,297	64,079,195
2016–17	4,523,077	2,532,592	7,055,669	23,420,253	42,406,050	65,826,303	72,881,972
2017–18	4,858,784	3,152,263	8,011,047	22,113,828	31,440,923	53,554,751	61,565,798

Compensation, Eligibility and Claims Processing

A core OVS function is helping to ensure that crime victims are aware of its services, their rights in the criminal justice system and existence of victim assistance programs in their communities. To this end, the agency:

- Provides information cards to police departments and sheriffs' offices, which are required to distribute them to crime victims. The card includes its locations, phone numbers, website and services; basic rights afforded to crime victims; and a space to write information about appropriate local victim assistance programs. These cards can be downloaded from the OVS website for printing as needed.
- Distributes to police departments and sheriffs' offices, district attorneys' offices, courts, hospitals and victim assistance programs, among others, a poster detailing its services. State law requires the agency to create and distribute the poster.

- Accepts the submission of forms from district attorneys' offices that report their distribution of the OVS publication, *The Rights of Crime Victims in New York State*. These offices must submit the form annually by January 1 and must provide *The Rights of Crime Victims in New York State* to victims and/or their families at no cost or to others for a fee not to exceed the cost of reproduction.

Eligibility requirements:

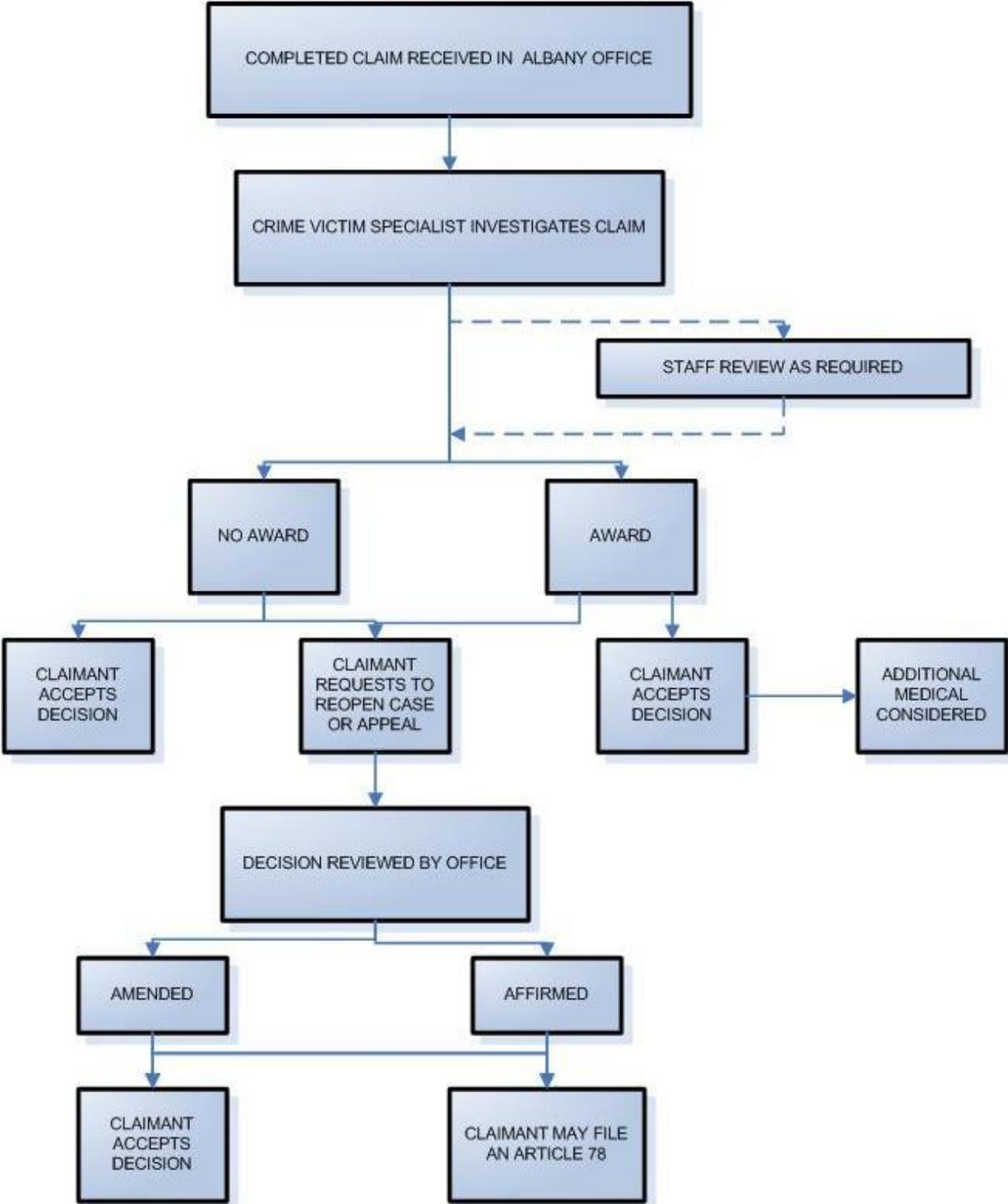
- The crime victim must be an innocent victim of the crime
- Crime victims who were physically injured as a result of the crime
- Crime victims who are under 18, older than 60, or disabled, who were not physically injured
- Vulnerable elderly or incompetent or physically disabled persons (defined as those who are unable to care for themselves) who have savings stolen
- Certain relatives and dependents, including spouse, 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 and/or a child who witnesses a crime
- Certain victims of unlawful imprisonment or kidnapping
- Certain stalking victims
- Victims of certain menacing, criminal mischief, robbery, harassment, criminal contempt and hate crime charges
- Victims of terrorist acts outside of the United States who are a resident of New York State
- Victims of frivolous lawsuits brought by a person who committed a crime against the victim

Compensation includes:

- Expenses for medical or other related services not covered by other insurance or benefit programs
- Lost earnings or loss of support up to \$600 a week, not to exceed the maximum of \$30,000
- Lost savings of vulnerable elderly or incompetent or physically disabled persons, not to exceed the maximum of \$30,000

- Burial expenses up to \$6,000 (for crimes committed on or after 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, which is based on reasonable fee rates depending on the credentials of the treating counselor
- The cost of repair or replacement of essential personal property lost, damaged or destroyed as the direct result of a crime up to \$500. A maximum of \$100 in cash can be replaced.
- Transportation expenses for necessary court appearances in connection with the prosecution of the crime or transportation for medical appointments necessary as a result of the crime
- The cost of residing at or utilizing the services of a domestic violence shelter
- Crime scene cleanup expenses and/or cost of securing a crime scene up to \$2,500
- Attorney fees—up to a maximum of \$1,000—for representation before the agency and/or before an appellate court upon judicial review of the victim’s OVS claim

The Claim Process



Emergency Awards

If a crime victim will suffer undue hardship and is likely to be eligible for compensation, OVS may provide an emergency award of up to \$2,500 before a final decision is made on the claim. These awards are typically authorized for burial expenses, medication, relocation expenses, security devices, lost earnings/support or emergency medical equipment.

Crime victims must meet the agency's eligibility criteria and provide the police department or precinct where the crime was reported and the assigned police complaint number. The agency determines eligibility within 24 to 72 hours, depending on the information provided and nature of the claim. During fiscal year 2017–18, the agency approved 379 emergency awards totaling \$771,796.

Forensic Rape Examination Direct Reimbursement

OVS directly reimburses providers that are licensed by New York State to perform forensic rape examination services. The reimbursement fee covers the examiner's services, related facility costs, basic laboratory tests and pharmaceuticals.

This reimbursement system is designed to ensure that sexual assault survivors are not billed for any forensic rape examination services and is an exception to the OVS payer of last resort rule. The agency will reimburse the provider if a crime victim does not have private health insurance or opts not to use their health insurance; this provides for the personal privacy of sexual assault victims. If a victim voluntarily elects to use his or her private health insurance benefits to cover the forensic exam, the facility performing the exam may not bill OVS. A licensed health care provider must file a direct reimbursement claim form and an itemized bill for services with OVS within one year of the examination to receive reimbursement.

OVS reimbursed health care providers \$4,275,240 for 5,460 forensic rape examination claims during 2017–18; the reimbursement rate is \$800. This fee is reviewed annually and may, if appropriate, be adjusted by OVS in consultation with the state Department of Health.

Claims

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

VAPs funded by the agency are required to assist victims with filing applications with OVS. Crime victims also may file claims directly with the agency. Certain documents are required by OVS for the agency to accept a claim. Those documents depend on the type of crime and the type of victim: for example, a child or someone older than 60. The agency then investigates each claim to determine whether a crime victim is eligible for assistance. If a crime victim is deemed eligible, OVS awards the claim.

Claims Accepted by OVS for Review: (Fiscal Years 2008-9 through 2017-18)

Fiscal Year	Claims Accepted for Review
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
2015–2016	15,683
2016–2017	11,992
2017–2018	10,648

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

Under certain circumstances, OVS also can repair or replace personal property if a crime victim did not sustain personal injury. During 2017–18, the agency accepted 2,586 of these types of claims, representing 24 percent of the total claims accepted in the fiscal year.

Accepted Claims by Type: Fiscal Year 2017-18

Type	Accepted
Personal Injury	7,410
Death	652
Essential Personal Property	2,586
Total Claims Accepted for Review	10,648

Awarded Claims

OVS awarded a total of 6,276 claims during the 2017–18 fiscal year: Staff determined the crime victims who filed these claims were eligible for assistance from the agency. **Note:** *Claims awarded in a fiscal year do not directly correlate to the number of claims accepted by the agency for review in that year. A claim accepted for review during one fiscal year may be awarded in a subsequent year.*

Awarded Claims by Type: Fiscal Year 2017-18

Type	Awarded
Personal Injury	4,738
Death	494
Essential Personal Property	1,044
Total Claims Awarded	6,276

Awarded Claims by Age and Gender

Forty percent of all claims awarded involved crime victims who ranged in age from 18 to 29. Awarded claims involved more female victims than males (55 percent vs. 44 percent). The gender of the victim in the remaining 1 percent of claims was not reported, designated as “u” for unknown.

Awarded Claims by Age and Gender: Fiscal Year 2017-18

Age	Gender	Awarded
0–12	F	197
0–12	M	82
0–12	U	2
13–17	F	179
13–17	M	149
13–17	U	4
18–29	F	952
18–29	M	724
18–29	U	7
30–44	F	988
30–44	M	707
30–44	U	3
45–59	F	539
45–59	M	567
45–59	U	8
60 and older	F	580
60 and older	M	583
60 and older	U	5
Total		6,276

Claims Paid

A claim can be awarded in one fiscal year but not paid until the following or a subsequent year. In addition, claims can continue to be paid over many years. As a result, the number of claims paid during any given fiscal year can exceed the number of claims awarded during that year. The following chart does not include emergency awards (see Page 16).

Claims Paid: Fiscal Year 2017-18

Type	Total	Amount
Personal Injury	3,715	\$14,787,981
Death	543	\$2,117,007
Essential Personal Property	1,130	\$224,156
Forensic Rape Exam Direct Reimbursement	5,460	\$4,275,240
Total Claims/Amount Paid	10,848	\$21,404,384

“No Award” Decisions

During 2017–18, OVS investigated and determined that 4,155 claims were ineligible for assistance; these are known as “no award” decisions. These claims were either received during this fiscal year or a prior fiscal year.

Of those 4,155 claims, 1,787 (43 percent) were deemed ineligible because crime victims did not provide necessary documentation and/or information to enable OVS to decide on the claim: This is the most common reason for a claim being denied. These “no information supplied” determinations can be reopened if a crime victim subsequently provides necessary documents for the agency to reevaluate the claim.

The chart on the following two pages details the reasons that claims are denied.

Reasons for No Award: Fiscal Year 2017-18

No Information Supplied	1,787
Not Eligible	565
Domestic Violence - No Physical Injury	249
No Cooperation with Police or DA	230
Unable to Locate Claimant	225
No Crime or Unable to Substantiate	213
Child Not Victim or Witness	152
No Compensable Loss	120
Pending Police Investigation	108
Victim Not a Victim of Crime	73
Duplicate Claim	70
Claim Withdrawn	62
Unable to Locate Police Report	51
Conduct Contributing	45
Not Essential Personal Property	44
Business Loss	21
No Funeral Loss	17
Accident	17
Hit and Run, Leaving Scene of Property Damage	17
Not Victim of Criminal Act	17
Conflicting Data	16
Lost Property	14
Victim older than 18, Must File His/Her Own Claim	11
Crime Not in New York State	8
Filed Late (More than a Year after Crime Occurred)	6

Legal Guardian Must File Claim	5
Not Eligible for Crime Scene Clean-up	3
Not Good Samaritan	3
Pending Trial	2
Crime Not in USA	2
Police Report Filed More Than a Week After Crime	1
World Trade Center - Unsubstantiated Injury	1
TOTAL	4,155

Appeals

Within 30 days of a decision date, crime victims may apply in writing to the OVS Director for an administrative review of the agency's decision.

An Administrative Review Panel hears any evidence or argument by the crime victim relevant to the claim. The panel's decision, either affirming or modifying the agency's decision, becomes the final decision of OVS.

During 2017–18, 57 crime victims appealed the agency's decision. Some of those appeals were heard and decided during that same fiscal year while others were heard in the subsequent fiscal year.

The Administrative Review Panel reviewed 87 decisions in 2017–18, many of which were from previous fiscal years; 66 percent of those decisions were affirmed without changes.

Crime victims may challenge the final decision of the Administrative Review Panel by commencing a proceeding under Article 78 of the state's Civil Practice Rules and Laws within four months of the panel's decision.

Rejected Claims

Rejected claims are incomplete submissions and cannot be investigated because they were missing required information about the crime victim filing the claim or the crime.

During 2017–18, the agency rejected 1,318 applications. It is OVS policy to contact claimants whose applications are rejected to seek the missing information. If at any time that information is submitted, the agency will accept and process the claim. The chart on the following page details reasons for claims being rejected; the number of reasons detailed exceeds the number of claims rejected because a claim can be rejected for multiple reasons.

Rejected Claims: Fiscal Year 2017-18

Reason	Total
Application Not Signed/No Authorization	456
No Police Complaint Number	403
No Police Agency Name	375
Claimant Under the Age of 18	328
No Crime Date	224
Missing Victim DOB	9

Vocational Rehabilitation Services and Additional Medical Services

The agency's Vocational Rehabilitation Unit aims to improve the quality of life for crime victims who have been permanently disabled as a direct result of a crime. The registered nurse who staffs the unit:

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

The agency's Additional Medical Claims Unit is responsible for processing medical bills received as a result of an awarded claim. Crime victims may submit requests for reimbursement at any time for expenses, including medical and mental health care, related to the crime. Some crime victims submit bills throughout the course of their lifetime.

During 2017–18, the Additional Medical Unit approved:

- 438 claims for counseling, totaling \$1,071,084
- 63 claims for home care for disabled crime victims, totaling \$4,894,852
- 1,511 claims for other medical and related expenses, totaling \$7,213,533

Note: *These payments are included in the "Payments to Victims Colum" on Page 12.*

In addition, OVS paid for vocational rehabilitation benefits, such as vehicle modifications, durable medical equipment and home modifications. The chart on the following page provides additional details about these claims.

Vocational Rehabilitation Benefits: Fiscal Year 2017-18

Expense Type	Award
Home Care/Individual	\$3,080,247
Doctor	\$2,139,642
Hospital	\$1,908,437
Home Care/Facility	\$1,811,605
Counseling	\$1,071,084
Dentist	\$721,720
Home Modifications	\$554,290
Ambulance	\$442,595
Durable Medical Equipment (DME)	\$438,029
Medical Supplies	\$267,141
Medical Consultant	\$257,030
Pharmacy/Medications	\$250,874
Medical Transportation	\$108,172
Vehicle Modifications	\$84,544
Moving/Storage	\$18,530
Education	\$8,325
Other	\$2,281
Financial Counseling	\$1,960
Total	\$13,166,506

Grants Unit

The Grants Unit:

- Distributes grants funded by the federal Victims of Crime Act (VOCA) to community-based providers to provide direct services to crime victims and their families. The unit oversees the open, competitive process that determines how those grants are awarded. Grant contracts align with the federal fiscal year (October 1 through September 30).
- Administers those grants and monitors the agencies that receive them. Victim 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 compensation and other benefits.
- Oversees and supports the activities of the Office of Victim Services' Advisory Council.
- Coordinates training for victim assistance programs and other agencies, including law enforcement and health care providers.

Victim Assistance Programs

OVS receives state and federal funding to provide grants to community-based service providers that assist crime victims and witnesses across New York State.

Providers receiving these grants include criminal justice agencies, such as police and probation departments and district attorneys' and sheriffs' offices; hospitals and health care providers; and non-profit organizations, such as YWCAs, rape crisis centers, and community action programs.

Nearly all of the funding available for grants is the result of fines, fees and surcharges paid by certain offenders convicted in state or federal court. The agency has appropriations of \$56 million for federal VOCA funds for these grants. In addition, the state Legislature appropriated \$13 million in funding from the state's Criminal Justice Improvement Account and \$2.8 million in general funds for grant-making during 2017–18.

Service providers must respond to a Request for Applications issued by OVS to be considered for funding. This process allows the Grants Unit to assess a program's ability to serve crime victims and their families, using criteria including, but not limited to, the program's past performance and other resources available within a geographical area. Grant funding allows providers to maintain or in some cases, expand services to their communities.

Many programs for crime victims and witnesses would not exist without funding from OVS. For example, the agency is a major source of funding for the Victim Information and Notification Everyday (VINE) program. This program—offered by the state Department of Corrections and Community Supervision, and the New York State Sheriffs' Association—notifies crime victims when an offender's incarceration status in a local or state correctional facility changes.

During 2017–18, OVS administered grants to the following providers for direct services and/or upgrades to technology and equipment to better serve victims. Providers listed more than once in the chart that follows offer multiple programs that serve crime victims:

Victim of Crime Act Grants: Fiscal Year 2017-18

Program Name	Award
A New Hope Center	\$543,460.00
Advocacy Center of Tompkins County	\$189,853.75
Advocacy Center of Tompkins County	\$124,598.75
Advocacy Center of Tompkins County	\$133,890.00
Albany County	\$533,053.34
Barrier Free Living, Inc.	\$128,376.98
Behavioral Health Services North	\$429,895.40
BestSelf Behavioral Health	\$266,654.34
BestSelf Behavioral Health	\$42,130.57
Beth Israel Medical Center	\$230,473.19
Bivona Child Advocacy Center	\$100,393.51
Brighter Tomorrows, Inc.	\$99,393.89
Bronx County District Attorney	\$396,745.00
Bronx Independent Living Services, Inc.	\$143,288.50
BronxWorks, Inc.	\$87,568.75
Brooklyn Chinese American Association	\$94,008.75
CAC Foundation, Inc.	\$58,228.33
CAC of Putnam	\$23,398.66
CAMBA, Inc.	\$297,877.20
Catholic Charities of Fulton & Montgomery Counties	\$264,501.25
Catholic Charities of Fulton & Montgomery Counties	\$48,032.50

Catholic Charities of Saratoga, Warren, and Washington Counties	\$222,079.58
Catholic Charities of Schoharie County	\$50,904.99
Catholic Charities of the Diocese of Albany	\$85,764.34
Catholic Charities of the Diocese of Rochester	\$98,405.04
Catskill Regional Medical Center	\$66,022.50
Cattaraugus Community Action, Inc.	\$241,764.24
Cattaraugus Community Action, Inc.	\$50,797.13
Cattaraugus Community Action, Inc.	\$57,712.64
Cattaraugus Community Action, Inc.	\$290,236.94
Cayuga Counseling Services, Inc.	\$177,149.94
Cayuga Counseling Services, Inc.	\$2,621.68
Cayuga County District Attorney	\$42,858.75
Cayuga Seneca Community Action Agency, Inc.	\$48,338.36
Center for Safety & Change, Inc.	\$866,184.41
Center for Safety & Change, Inc.	\$84,601.94
Center for the Elimination of Violence in the Family, Inc.	\$186,496.25
Chances and Changes, Inc.	\$157,186.25
Chances and Changes, Inc.	\$35,387.98
Chautauqua County	\$190,672.50
Child and Family Services of Erie County	\$123,944.23
City of Elmira	\$110,000.00
City of Rochester	\$358,956.25
Clinton County	\$96,640.83
Community Action of Greene County, Inc.	\$194,275.58
Community Action of Greene County, Inc.	\$65,774.81
Community Agency for Senior Citizens, Inc.	\$398,745.59
CONNECT, Inc.	\$88,617.38

Crime Victims Assistance Center, Inc.	\$471,926.66
Crime Victims Assistance Center, Inc.	\$124,293.38
Crime Victims Assistance Center, Inc.	\$34,444.96
Crime Victims Support Services of the North Bronx, Inc.	\$288,657.85
Crown Heights Jewish Community Council, Inc.	\$193,427.19
Day One New York, Inc.	\$132,476.19
Delaware Opportunities, Inc.	\$130,050.00
Delaware Opportunities, Inc.	\$87,087.50
Domestic Violence and Rape Crisis Services of Saratoga County	\$541,437.33
Dominican Women’s Development Center	\$356,080.23
EAC, Inc.	\$164,431.25
East Harlem Neighborhood Based Alliance	\$115,519.75
Edwin Gould Services for Children and Families	\$219,103.66
Empire Justice Center	\$75,368.75
Equinox, Inc.	\$526,870.00
Erie County District Attorney	\$555,000.00
Erie County Probation Department	\$77,607.50
Family Counseling Center of Fulton County, Inc.	\$58,567.50
Family Counseling Service of the Finger Lakes, Inc.	\$154,021.33
Family Counseling Service of the Finger Lakes, Inc.	\$66,434.54
Family Services of Chemung County	\$20,781.79
Family Services of Chemung County/Schuyler County	\$61,375.75
Family Services, Inc.	\$436,001.39
Friends of the Chautauqua County Child Advocacy Program	\$196,865.00
Friends of the Chautauqua County Child Advocacy Program	\$45,829.29
Fulton County District Attorney	\$111,715.03
Fund for the City of New York	\$247,570.33

Genesee County	\$91,543.75
Genesee County	\$166,875.00
Genesee County	\$19,205.38
Good Shepherd Services	\$225,818.41
Grace Smith House, Inc.	\$88,372.96
HANAC, Inc.	\$79,500.00
HELP Social Service Corporation	\$222,699.88
Herkimer County District Attorney	\$66,108.75
Hopes Door, Inc.	\$560,831.25
Ichan School of Medicine of Mount Sinai	\$74,303.75
Ichan School of Medicine of Mount Sinai	\$809,208.90
In Our Own Voices, Inc.	\$75,805.41
International Institute of Buffalo, Inc.	\$108,308.75
International Institute of Buffalo, Inc.	\$75,927.55
Jamaica Service Program for Older Adults, Inc.	\$235,917.50
Kings County District Attorney	\$655,963.75
Korean American Family Service Center, Inc.	\$137,500.00
Legal Aid Society of Rochester NY	\$134,125.00
Legal Services, NYC	\$184,116.39
Lewis County Opportunities, Inc.	\$73,107.39
Liberty Resources, Inc.	\$259,841.08
Livingston County	\$69,385.00
LSNY Bronx Corporation (Legal Services NYC–Bronx)	\$73,420.31
Madison County Sheriff's Office	\$53,598.72
McMahon/Ryan Child Advocacy Site, Inc.	\$89,913.75
McMahon/Ryan Child Advocacy Site, Inc.	\$58,249.04
Mechanicville Area Community Services Center, Inc.	\$44,996.25

Mental Health Association in Orange County, Inc.	\$43,024.44
Mental Health Association of Columbia-Greene Counties, Inc.	\$40,272.51
Mental Health Association of Columbia-Greene Counties, Inc.	\$81,893.74
Mental Health Association of Columbia-Greene Counties, Inc.	\$311,434.21
Monroe County	\$270,806.25
Monroe County	\$210,157.33
Mothers Against Drunk Driving	\$174,015.00
Mount Sinai Hospital	\$188,767.20
Mount Sinai Hospital	\$188,767.20
Mount Sinai Hospital	\$166,115.19
My Sisters' Place, Inc.	\$537,500.68
Nassau County	\$197,170.14
Neighborhood Self Help by Older Persons Project, Inc.	\$105,713.75
New York Asian Women's Center, Inc./Womankind	\$324,476.73
New York Asian Women's Center, Inc./Womankind	\$732,496.25
New York City Alliance Against Sexual Assault	\$82,379.35
New York City Department for the Aging	\$481,392.20
New York City Gay & Lesbian Anti-Violence Project	\$165,843.75
New York City Gay & Lesbian Anti-Violence Project	\$128,713.66
New York City Gay & Lesbian Anti-Violence Project	\$157,612.43
New York City Health & Hospital Corporation–Bellevue	\$842,772.23
New York City Health & Hospital Corporation–Harlem	\$98,552.06
New York City Health & Hospital Corporation–Jacobi	\$215,396.25
New York City Health & Hospital Corporation–Lincoln	\$168,683.75
New York City Health & Hospital Corporation–Metropolitan	\$182,603.29
New York City Health & Hospital Corporation–NCB	\$99,580.90
New York County District Attorney	\$430,546.25

New York Legal Assistance Group, Inc.	\$187,110.00
New York State Police	\$985,660.00
New York State Sheriffs' Association Institute, Inc.	\$1,679,992.39
Niagara County	\$331,577.50
Niagara Falls Memorial Medical Center	\$259,163.06
Niagara Falls Memorial Medical Center	\$24,973.13
North Brooklyn Coalition Against Family Violence, Inc.	\$193,188.14
Northeast Health Foundation, Inc.	\$644,903.95
Northwest Buffalo Community Center, Inc.	\$229,354.51
NYS Department of Corrections & Community Supervision	\$343,745.00
NYS Justice Center for the Protection of People with Special Needs	\$431,717.50
Oneida County Sheriff's Office	\$46,802.43
Onondaga County District Attorney	\$155,675.00
Ontario County	\$219,628.75
Opportunities for Otsego, Inc.	\$219,637.50
Orange County Probation	\$451,401.25
Orange County Safe Homes Project, Inc.	\$177,596.25
Orleans County	\$94,848.05
Oswego County Opportunities, Inc.	\$294,492.50
Oswego County Opportunities, Inc.	\$44,001.79
Pace University	\$99,625.00
Parent Education Program (formerly Southern Tier Health Care System)	\$142,367.49
Parent Education Program (formerly Southern Tier Health Care System)	\$129,484.18
Parents For Megan's Law, Inc.	\$61,756.01
Parents For Megan's Law, Inc.	\$159,935.33
Parents For Megan's Law, Inc.	\$63,958.05
Partnership for Ontario County, Inc.	\$58,333.33

Planned Parenthood Mohawk Hudson, Inc.	\$371,461.25
Planned Parenthood of Central and Western New York, Inc.	\$486,842.50
Planned Parenthood of North Country New York, Inc.	\$258,127.23
Planned Parenthood of the Southern Finger Lakes, Inc.	\$180,262.08
Polish Community Center of Buffalo, Inc.	\$323,889.86
Putnam County Department of Social Services	\$169,232.50
Putnam/Northern Westchester Women’s Resource Center	\$298,223.75
Putnam/Northern Westchester Women’s Resource Center	\$188,200.00
Queens County District Attorney	\$503,649.48
Queens Legal Services Corporation	\$92,903.89
Rensselaer County	\$255,638.75
Retreat, Inc.	\$213,256.26
Richmond County District Attorney	\$30,505.00
Rochester Society for the Prevention of Cruelty to Children	\$174,670.59
Rochester Society for the Prevention of Cruelty to Children	\$165,828.98
Safe Center of Long Island	\$47,303.96
Safe Harbors of the Finger Lakes, Inc.	\$123,576.25
Safe Harbors of the Finger Lakes, Inc.	\$125,706.25
Safe Harbors of the Finger Lakes, Inc.	\$94,861.25
Safe Harbors of the Finger Lakes, Inc.	\$123,570.03
Safe Horizon, Inc.	\$865,582.28
Safe Horizon, Inc.	\$203,653.93
Safe Horizon, Inc.	\$311,178.75
Safe Horizon, Inc.	\$416,676.59
Safe Horizon, Inc.	\$1,996,293.75
Safe Horizon, Inc.	\$1,574,483.15
Safe Horizon, Inc.	\$219,727.54

Safe Horizon, Inc.	\$56,940.04
Safe Horizon, Inc.	\$184,009.58
Sanctuary for Families, Inc.	\$453,201.35
Saratoga Center for the Family	\$160,353.25
Saratoga Center for the Family	\$36,493.66
Schenectady County District Attorney	\$251,623.68
Schuyler County	\$65,522.38
Seneca County Mental Health Department	\$88,076.25
SOS Shelter, Inc.	\$257,767.50
St. Lawrence Valley Renewal House for Victims of Family Violence, Inc.	\$295,419.84
St. Lawrence Valley Renewal House for Victims of Family Violence, Inc.	\$112,330.98
St. Luke's—Roosevelt Hospital Center	\$703,246.10
St. Regis Mohawk Tribe	\$75,928.78
START Children's Center	\$44,893.33
START Children's Center	\$297,080.21
Steuben Church People Against Poverty, Inc.	\$158,962.50
Suffolk County District Attorney	\$189,221.25
Suicide Prevention & Crisis Services, Inc.	\$114,441.81
Suicide Prevention & Crisis Services, Inc.	\$74,532.38
The Arab-American Family Support Center	\$98,286.25
The Children's Aid Society	\$215,433.33
The Children's Aid Society	\$155,117.46
The Kingsbridge Heights Community Center, Inc.	\$392,988.75
The New York and Presbyterian Hospital	\$259,782.51
The New York and Presbyterian Hospital	\$254,472.71
The New York and Presbyterian Hospital	\$489,142.78
The New York Center for Children	\$100,713.60

The Safe Center LI, Inc.	\$286,391.00
The Safe Center LI, Inc.	\$180,923.75
The Safe Center LI, Inc.	\$259,912.19
The Salvation Army	\$198,011.25
The Salvation Army	\$64,302.50
The Salvation Army	\$51,061.73
Ulster County	\$552,788.75
Unity House of Troy, Inc.	\$240,633.63
Urban Justice Center	\$154,540.00
Urban Justice Center	\$201,511.25
Vera House, Inc.	\$213,709.56
Vera House, Inc.	\$307,388.75
Vera Institute of Justice, Inc.	\$128,937.25
Victim Assistance of Jefferson County (CAC)	\$103,697.70
Victim Resource Center of the Finger Lakes, Inc.	\$122,820.00
Victim Resource Center of the Finger Lakes, Inc.	\$56,887.50
Victims Assistance Center of Jefferson County	\$701,291.00
Victims Information Bureau of Suffolk, Inc.	\$466,594.85
Victims Information Bureau of Suffolk, Inc.	\$301,670.95
Victims Information Bureau of Suffolk, Inc.	\$233,127.14
Violence Intervention Program, Inc.	\$1,101,247.19
Warren County District Attorney	\$203,340.00
Washington County District Attorney	\$163,992.50
Wayne County	\$64,027.50
Westchester Community Opportunity Program, Inc.	\$1,007,203.31
Westchester County District Attorney	\$376,538.74
Willow Domestic Violence Center	\$203,826.25

Wyoming County	\$87,447.50
Wyoming County	\$40,407.40
Young Women’s Christian Association of Niagara, Inc.	\$71,147.50
Young Women’s Christian Association of Niagara, Inc.	\$158,550.79
YWCA of Cortland	\$131,018.75
YWCA of Schenectady	\$359,065.54
YWCA of the Mohawk Valley	\$374,513.36
YWCA of the Mohawk Valley	\$253,438.20
Total	\$58,036,419.08

Training

OVS contract managers provide technical assistance and training to victim assistance programs as part of their on-site monitoring responsibilities. Claims Processing Unit investigators also teach monthly compensation training in Albany and Brooklyn for victim assistance programs, and Grants Unit staff provide updates and information at regional coalition meetings with providers in five geographic regions of the state monthly, bi-monthly or quarterly.

Advisory Council

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

The New York State Coalition Against Domestic Violence and the New York State Coalition Against Sexual Assault each must have a representative on the Council. Members must be active members of one of the five regional crime victim service provider coalitions: Central Coalition, Downstate Coalition, Northeastern Coalition, Southern Tier Coalition, and Western Coalition. In addition, members of the Legislature or other crime victims having a special interest in victim issues may be invited to serve as non-voting, ex-officio members. The Council has five standing committees with the following responsibilities:

- The *Legislative Committee* studies and suggests legislation for consideration by the agency, in addition to monitoring legislation related to crime victims and keeping the Council informed of any relevant changes.

- The *Program Committee* reviews, analyzes, and reports on victim, fiscal, and administrative issues common among service providers funded by the agency. The committee focuses on concerns directly affecting program administration, including, but not limited, to budgeting, staffing and the grant process.
- The *Compensation and Service Committee* informs the agency of unmet needs and advises how to improve services for crime victims. The committee reviews and discusses victim compensation issues and may recommend changes to compensation applications, benefits and services.
- The *Social Justice Committee* studies the effects of social and economic inequality on marginalized populations of crime victims and reports findings and recommendations to the agency to address those issues.
- The *Public Outreach Committee* notifies the agency of efforts to inform crime victims and the public on victims' issues, linking efforts from across the state and offering planning and implementation information to any service provider.

Training and Outreach

The Training and Outreach Unit coordinates and provides training to all funded victim assistance programs across the state. To make trainings as accessible as possible for these programs, they are offered regionally and are often recorded and available on the VAP section of the OVS website (ovs.ny.gov). The Unit is also responsible for planning and implementing the agency's statewide conference and publishing *OVS Outreach*, the newsletter designed for VAP staff and others who serve and interact with crime victims. This Unit also plays a critical role in the agency's major outreach and public awareness initiatives, such as press conferences and events to mark National Crime Victims' Rights Week.

In 2017–18, OVS provided eight free trainings attended by nearly 720 advocates, direct service professionals and experts from approximately 350 organizations. The trainings occurred in six regions across the state and featured topics ranging from trauma and self-care to conducting evaluations.

OVS 2017 Conference

More than 400 victim services professionals from across New York State attended the agency's biennial training conference, "Serving the Underserved: Increasing Access to Victim Services."

The three-day training in Albany featured remarks from a diverse group of keynote speakers and more than 30 workshops geared toward helping those professionals better connect with crime victims from traditionally underserved populations, including the elderly, members of the LGBTQI+ community, Native Americans, immigrants, and male victims of sexual abuse or assault.

In addition, the agency recognized four women who have devoted their lives and careers to victim assistance services. OVS presented its Lifetime Achievement Award to Susan Xenarios, who founded the first hospital-based program to serve sexual assault victims in New York City, and Kim Spoonhower, a longtime agency employee who joined the state after working as a victim

advocate in Broome County. The award, first presented in 2015, recognizes outstanding work and service on behalf of crime victims across New York State.

The agency also awarded its first-ever Dedicated Service Award to Noreen Fyvie and Karen Senez. Ms. Fyvie served as Director of Compensation and had a nearly 40-year career with the agency, starting as a stenographer in 1978 when she was still in high school. Ms. Senez, Director of the Albany Investigations Unit, has worked for the Office of Victim Services for more than three decades. More information about the [awards](#) and the [2017 conference](#).

New e-Newsletter

The agency published the inaugural issue of *OVS Outreach*, a quarterly e-newsletter for the community of victim advocates and allied professionals, in January 2018. Each issue focuses on a theme and features up-to-date information from the field of victim services, including legislative updates, upcoming training opportunities and much more. To date, *OVS Outreach* has more than 2,000 subscribers. Click [here](#) to subscribe.

“Sands of Silence” Film Screening

OVS hosted a screening of “Sands of Silence: Waves of Courage,” an award-winning documentary about human trafficking, as a part of an event marking Human Trafficking Awareness Month in January. Attended by nearly 100 people, the free event featured a Q&A with filmmaker Chelo Alvarez-Stehle and Virginia Isaias, a survivor featured in the film, and a panel discussion, moderated by OVS Director Elizabeth Cronin, about the state’s response to human trafficking, its support for victims and training and resources available for law enforcement.

VAP Training Center

A calendar of training opportunities, access to previous training materials and many other resources are available through the [VAP Training Center](#), part of the OVS website.

“Son of Sam” Law

New York State enacted Section 632-a of the Executive Law in 1977 in response to numerous offers made by the media to pay serial killer David Berkowitz for the right to tell his story. The statute is commonly known as the state’s Son of Sam law, after one of the monikers given to Berkowitz. The law permits profits of a crime, such as money received for a book or movie that details the crime, to be diverted to victims.

Since its passage, the law has been amended to withstand a constitutional challenge and to add a new category, funds of a convicted person. The law defines funds of a convicted person as all funds and property received from any source by individuals convicted of certain state and federal crimes committed in New York State. The law also requires that anyone paying or receiving profits from a crime or funds of a convicted person notify OVS of those funds if the aggregate or total value exceeds \$10,000.

If OVS is notified under the funds of a convicted person provision, the agency must determine whether the underlying crime committed by the perpetrator is a specified crime detailed in law (primarily serious felonies). No such determination is necessary if the agency receives notice of profits from a crime.

OVS then notifies crime victims and inquires whether they want the agency to freeze those funds or profits, enabling victims to retain a lawyer and initiate a lawsuit. Victims have three years to sue the perpetrator from the discovery of either source of funds.

During 2017–18, the agency froze more than \$4.1 million under the funds of a convicted person provision of the law; there was no activity from profits from a crime. The following chart details 10 years of activity under the law:

Assets Frozen: Fiscal Year 2017-18

Fiscal Year	Amount
2008–09	\$1,334,683
2009–10	\$3,570,143
2010–11	\$1,197,610
2011–12	\$1,731,159
2012–13	\$2,350,389
2013–14	\$1,272,371
2014–15	\$1,620,131
2015–16	\$10,377,047
2016–17	\$2,061,216
2017–18	\$4,133,934

Subrogation and Restitution

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

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

As noted earlier, the agency’s training, “Crime Victim’s Compensation and the Issue of Restitution,” is accredited by the New York State Continuing Legal Education Board. OVS pursued this accreditation so that more attorneys would attend the course, bringing added attention to the issue of restitution and increasing the instances of awards to victims.

Subrogation and Restitution by Month: Fiscal Year 2017–18

Month	Subrogation	Restitution	Total
April	\$9,626.09	\$1,451.59	\$11,077.68
May	\$9,085.57	\$13,648.70	\$22,734.27
June	\$41,750.16	\$3,804.43	\$45,554.59
July	\$21,467.85	\$5,262.26	\$26,730.11
August	\$6,784.63	\$26,388.43	\$33,173.06
September	\$9,662.41	\$5,760.32	\$15,422.73
October	\$13,288.68	\$2,206.34	\$15,495.02
November	\$12,379.99	\$6,304.72	\$18,684.71
December	\$21,248.50	\$5,594.19	\$26,842.69
January	\$183,074.86	\$11,114.45	\$194,189.31
February	\$13,269.53	\$825.74	\$14,095.27
March	\$21,244.70	\$2,953.76	\$24,198.46
Total	\$362,882.97	\$85,314.93	\$448,197.90

2017 Chapter Laws Affecting Crime Victims and Related Issues**Enacts into law major components of legislation necessary to implement the state public protection and general government budget for the 2017–2018 state fiscal year**

Chapter	Signed Date	Effective Date
55	04/20/2017	PART G—relates to expanding eligibility for awards to victims of certain crimes not resulting in physical injury § 2. takes effect on (10/17/17) the one hundred eightieth day after it shall have become law, and apply to all claims filed on or after such effective date PART H—relates to the reimbursement for loss of savings of a vulnerable elderly person or an incompetent or physically disabled person § 7. takes effect on (10/17/17) the one hundred eightieth day after it shall have become a law, and shall apply to all claims filed on or after such effective date

Relates to the establishment of a home visitation program for elderly and invalid victims of violent crime

Chapter	Signed Date	Effective Date
280	09/12/2017	09/12/2017

Relates to death and felony crime reports in certain adult care facilities

Chapter	Signed Date	Effective Date
459	12/18/2017	takes effect on (2/16/18) the sixtieth day after it shall have become a law; provided however, that the commissioner of health may adopt, amend, suspend or repeal any regulations or take other actions necessary to enforce or implement the law prior to and in preparation for the taking effect of the law; and provided further that such adoption, amendment, suspension or repeal of regulations shall not have legal effect until the law takes effect

Relates to sharing reports of child abuse with agency charged with care of child

Chapter	Signed Date	Effective Date
281	09/12/2017	09/12/2017

Requires parole decisions to be published on a publicly accessible website within 60 days of such decision

Chapter	Signed Date	Effective Date
412	11/29/2017	takes effect (11/29/18) one year after it shall have become a law and shall apply to appeal decisions rendered on or after such date

Relates to anti-arson applications

Chapter	Signed Date	Effective Date
289	09/12/2017	09/12/2017

Defines necessary court appearance for purposes of determination of crime victim's award		
Chapter	Signed Date	Effective Date
416	11/29/2017	11/29/2017
Includes community centers in the definition of "public place"		
Chapter	Signed Date	Effective Date
167	08/14/2017	takes effect on (11/12/17) the ninetieth day after it shall have become a law
Relates to eligibility for reimbursement of crime scene cleanup		
Chapter	Signed Date	Effective Date
117	07/25/2017	takes effect on (1/21/18) the one hundred eightieth day after it shall have become a law, and shall apply to all claims filed on or after such effective date
Relates to the duties of the district attorney in cases in which the final disposition includes convictions of certain felonies		
Chapter	Signed Date	Effective Date
193	08/21/2017	08/21/2017
Relates to waiver of pre-sentence reports		
Chapter	Signed Date	Effective Date
194	08/21/2017	08/21/2017
Relates to procedures for taking an appeal from a court that is not designated a court of record		
Chapter	Signed Date	Effective Date
195	08/21/2017	takes effect on (10/20/17) the sixtieth day after it shall have become a law
Relates to granting sick leave for officers and employees with a qualifying World Trade Center condition		
Chapter	Signed Date	Effective Date
273	09/11/2017	provided, however, that any officer or employee who is currently employed by the state, public authority or municipal corporation who has been diagnosed with a qualifying World Trade Center condition and is using sick leave due to such condition shall receive a restoration of such sick leave retroactive to the date such officer or employee was diagnosed with a qualifying World Trade Center condition
Extends provisions of law relating to removing special powers granted to the society for the prevention of cruelty to children		
Chapter	Signed Date	Effective Date
97	07/24/2017	07/24/2017

Requires the transmission of reports of missing persons to the National Missing and Unidentified Persons System		
Chapter	Signed Date	Effective Date
423	11/29/2017	11/29/2017
Establishes a temporary commission of child abuse and neglect prevention		
Chapter	Signed Date	Effective Date
481	12/18/2017	and shall expire and be deemed repealed (12/18/19) two years after such effective date
Relates to notification requirements of the Division of Criminal Justice Services		
Chapter	Signed Date	Effective Date
17	03/15/2017	takes effect on (1/27/17) the same date and in the same manner as ch 456/2016 amending the correction law relating to directing the Division of Criminal Justice Services to notify the appropriate agencies, within 48 hours of the receipt of a change of address, or of enrollment, attendance, employment or residence at an institution of higher education by a sex offender, as proposed in legislative bills numbers A.9239 and S.7252, takes effect
Relates to the processing and maintenance of sexual offense evidence kits		
Chapter	Signed Date	Effective Date
6	02/01/2017	takes effect on (see 6/17 §2) the same date and in the same manner as ch 500/2016, amending the executive law relating to the processing and maintenance of sexual offense evidence kits, as proposed in legislative bills numbers A.10067-A and S.8117, takes effect
Relates to when a person is guilty of obstructing firefighting operations		
Chapter	Signed Date	Effective Date
124	07/25/2017	takes effect on (11/1/17) the first of November next succeeding the date on which it shall have become a law
Relates to adding members to the advisory council and the domestic violence fatality review team		
Chapter	Signed Date	Effective Date
248	08/21/2017	08/21/2017
Provides for mandatory testing of breath, blood or urine in the event of a motor vehicle collision resulting in death or injury		
Chapter	Signed Date	Effective Date
489	12/18/2017	takes effect on (1/17/18) the thirtieth day after it shall have become a law
Relates to awards to spouses of certain employees killed in the line of duty		
Chapter	Signed Date	Effective Date
387	10/23/2017	10/23/2017

Relates to prohibiting charges for certain health records needed for government benefits or programs

Chapter	Signed Date	Effective Date
322	09/13/2017	09/13/2017

Relates to developing guidelines for the identification and reporting of suspected self-neglect and abuse and maltreatment in healthcare settings

Chapter	Signed Date	Effective Date
328	09/13/2017	09/13/2017

Relates to criminal history of transportation network drivers and juvenile justice

Chapter	Signed Date	Effective Date
60	06/29/2017	provided, however that §§ 1 and 2 shall take effect on (6/29/17) the same date and in the same manner as § 2 of pt AAA of ch 59/2017, takes effect; provided further that §§ 4 and 5 shall take effect on (10/7/17) the same date and in the same manner as § 48 of pt WWW of ch 59/2017, takes effect