



Office of
Victim Services



New York State

Office of Victim Services

2019–20 Annual Report

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Executive Summary

New York State has had an agency dedicated to serving innocent victims of crime and their families since 1966. The enabling legislation for the agency, the second of its kind in the country and the first permanent program, came in response to public outcry over the murder of a good Samaritan, who left 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.

OVS provides financial relief to victims of crime and their families. This includes paying unreimbursed, crime-related expenses which includes, but is not limited to, medical and funeral expenses, loss of earnings or support, counseling expenses for victims and family members, and moving expenses. The agency also funds a network of victim assistance programs that provide direct services to victims and families across New York State.

Funding for compensation to crime victims comes from a combination of state and federal funds. The state portion comes from the Criminal Justice Improvement Account (CJIA), which is funded by mandatory fines and surcharges as well as crime victim assistance fees assessed on offenders. The federal funding for compensation and grants that support programs offering direct services to crime victims comes from the federal Crime Victims Fund, which was established by the federal Victims of Crime Act (VOCA) of 1984.

The Office of Victim Services also is responsible for advocating for crime victims and their rights in New York State. This advocacy role has resulted in the agency recommending policy changes that have protected those rights and expanded the services and assistance available to them. OVS also serves as the subject matter expert for victim compensation and assistance in New York State, acting as a clearinghouse for information relating to crime victims' challenges and programs. As needed and requested, the agency also may conduct programmatic and fiscal analyses related to its compensation program.

OVS staff meet regularly with its Advisory Council; its Advisory Committee for the New York Crime Victims Legal Network; crime victims' coalitions; and other advocates. The agency's Director serves on advisory councils for the New York State Trauma-Informed Network and New York State Office for the Prevention of Domestic Violence, and as a member of the New York State Interagency Task Force on Human Trafficking, the New York State Council for Interstate Juvenile Supervision, New York State Judicial Committee on Women in the Courts, New York State Interagency Council on Homelessness, the New York State Council for the Interstate Compact for Adult Supervision, the 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.

At the national level, OVS consults with, and advises, the National Association of Crime Victim Compensation Boards, and the National Association of VOCA Assistance Administrators and participates in their regional and national conferences.

OVS has received funding from the New York State Legislature since 1981 to award grants to community-based programs that serve crime victims and witnesses. The agency has received federal VOCA funds for this purpose since 1986. OVS funded **382** contracts with local victim assistance programs (VAPs) during State Fiscal Year 2019–20.

The Office of Victim Services and the victim assistance programs it supports and funds across New York State faced unprecedented challenges due to the COVID-19 global pandemic, the onset of which coincided with the end of the fiscal year covered by this report. OVS staff quickly pivoted to a remote work environment to ensure seamless processing of claims for assistance and to provide the same level of support to victim assistance programs, which also transitioned many in-person services to virtual so individuals and families would continue to receive critical services. Additional details about the agency’s response to COVID-19 will be outlined in the annual report for State Fiscal Year 2020-21.

The agency’s efforts and accomplishments during State Fiscal Year 2019–20 included:

- Making awards to 228 victim assistance programs across New York State totaling more than \$294 million, the single largest procurement for victim services in the agency’s history. These dollars will fund three-year contracts that end on Sept. 30, 2022.
- Hosting the agency’s biennial training conference in November 2019. The three-day event – “Innovation in Victim Services: Transforming the Field through Creative Solutions” – featured presentations from a diverse group of keynote speakers and more than 30 workshops exploring innovation in victim services. According to participant evaluations, this event was the highest rated in-person event ever offered by OVS.
- Continuing to fund 86 victim assistance programs for case managers who provide comprehensive, victim-centered services. These contracts, which total \$28.8 million, have been extended through Sept. 30, 2022.
- Continuing to fund 61 victim assistance programs to provide civil legal services to crime victims who are often unrepresented during these proceedings. OVS has invested more than \$80 million to fund these services through Sept. 30, 2023.
- Administering agreements with six state agencies – the Office for the Aging, Department of Corrections and Community Supervision, Division of Criminal Justice Services, Office of Children and Family Services, Office for the Prevention of Domestic Violence, and the State University of New York – that provide funding for projects that provide services to victims of elder abuse; sexual, domestic and interpersonal violence; and gun violence across New York State.
- Relaunching its highly successful [Training & Technical Assistance Request Program](#) (TTARP), which matches consultants with OVS-funded programs to deliver a wide range of custom-tailored organizational leadership and communication services trainings and

webinars at no cost to programs. In just six months, TTARP processed 46 requests for training involving more than 150 victim service professionals.

- Maintaining 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. Nearly 79 percent (8,039) of all claims to OVS were submitted through the portal during 2019–20. The agency continually evaluates the portal's operation to ensure that claims processing is efficient, and the system meets the needs of the agency, victim advocates and individuals.

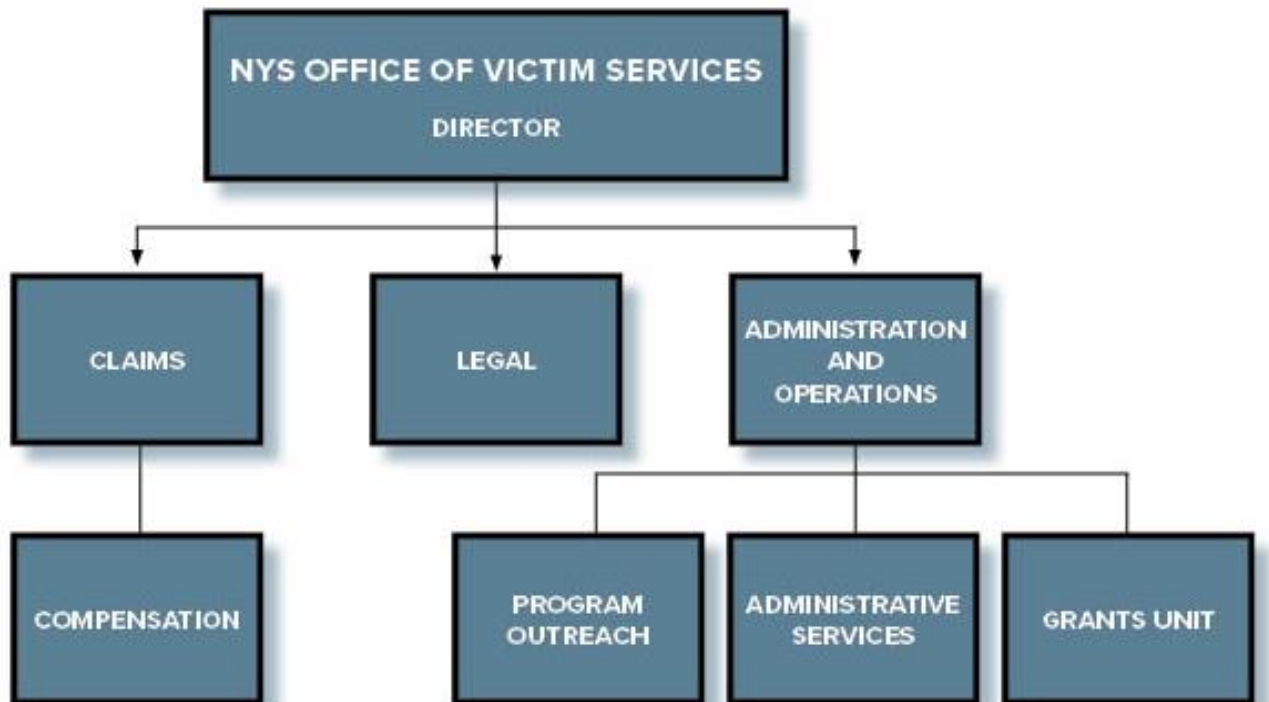
Agency Operations

Structure

The agency's Director is appointed by the Governor and oversees the operations of the agency.

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

The staffing estimate for the agency is 102 full-time equivalent (FTE) positions. Duties performed by staff are related to the agency's compensation program, its victim/witness assistance program, and its statutorily mandated advocacy role. The agency's principal office is located at 80 South Swan St. in Albany. It has a second office at 55 Hanson Place in Brooklyn.



Disbursements for State Fiscal Years 2010–11 through 2019–20

FISCAL YEAR	PAYMENTS TO VICTIMS	VICTIM AND WITNESS ASSISTANCE	TOTAL LOCAL ASSISTANCE	GRAND TOTAL
2010–11	31,751,660	30,097,426	61,849,086	123,698,172
2011–12	28,996,191	40,262,893	69,259,084	232,874,186
2012–13	27,973,708	29,379,624	57,353,332	114,706,664
2013–14	26,365,765	29,689,514	56,055,279	112,110,558
2014–15	23,886,074	30,625,000	54,511,074	226,817,222
2015–16	21,080,037	37,034,260	58,114,297	116,228,594
2016–17	23,420,253	42,406,050	65,826,303	131,652,606
2017–18	22,113,828	31,440,923	53,554,751	247,881,200
2018–19	23,311,062	47,355,749	70,666,811	141,333,622
2019–20	23,063,276	74,146,398	97,209,673	194,419,347

Compensation and Claims Processing

OVS plays a key role in 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.

The agency provides information cards that detail its services, locations, phone numbers and website to police departments and sheriffs' offices, which are required to distribute them to crime victims. The cards also include basic rights afforded to crime victims and a space to write information about appropriate local victim assistance programs. The cards are available online for downloading and printing as needed.

All district attorneys must use a form created by the agency and state Division of Criminal Justice Services to report the distribution of the OVS publication, *The Rights of Crime Victims in New York State*. In addition to requiring the creation of the form, the law requires district attorneys to complete and submit it to OVS each year by Jan. 1. District attorneys also must provide *The Rights of Crime Victims in New York State* to crime victims or their families at no cost and to others for a fee not to exceed the cost of reproduction.

Who may be eligible for compensation?

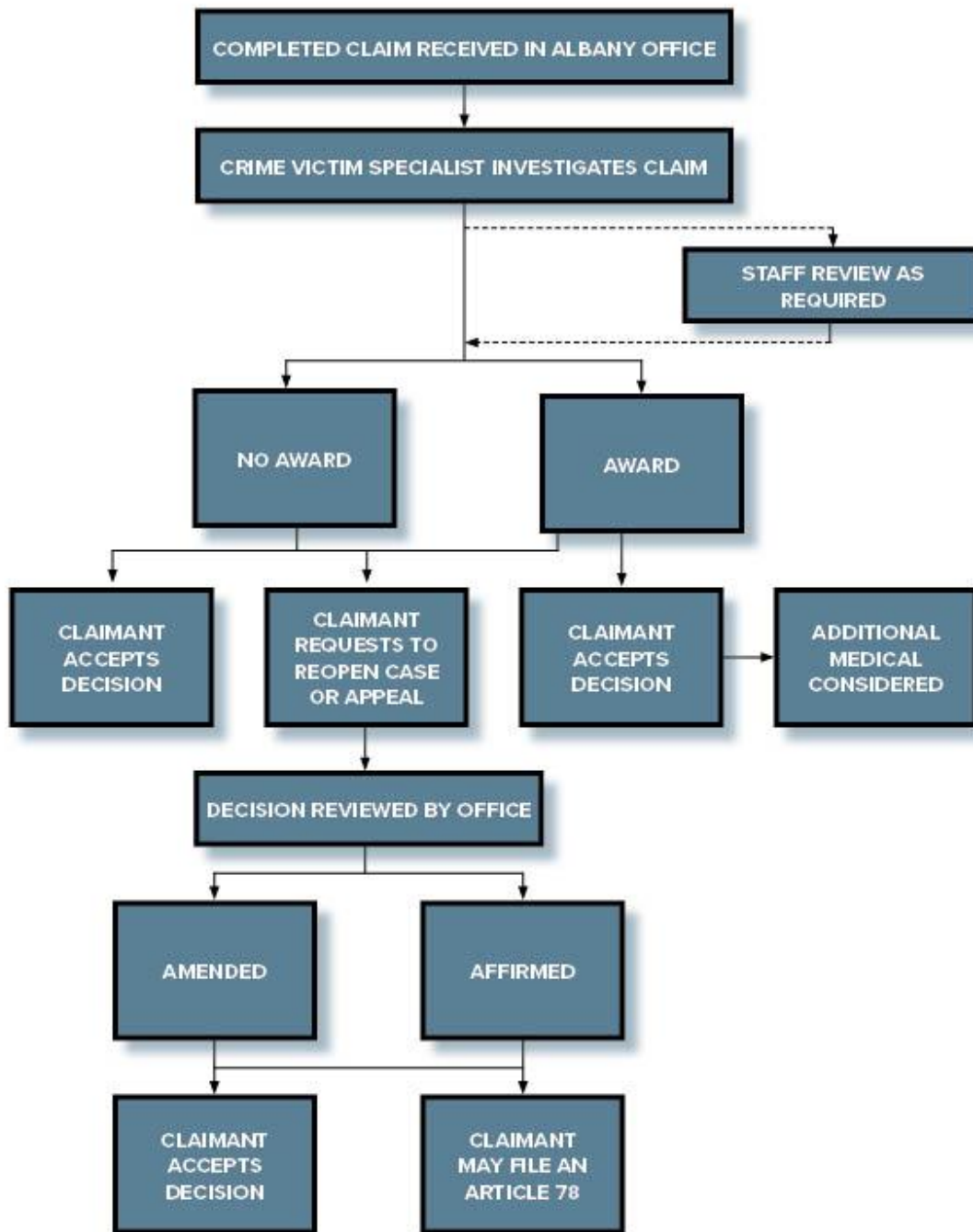
- Individuals must be innocent victims of the crime
- Victims of crime who were physically injured as a result of the crime
- Victims of crime who are under 18, older than 60, or disabled, who were not physically injured
- Vulnerable elderly or incompetent or physically disabled persons – defined as 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, stepchild or grandchild 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 Nov. 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

In those instances where a crime victim will suffer undue hardship and is likely to be eligible for compensation, OVS may provide an emergency award before a final decision is made on the claim. OVS typically authorizes emergency awards for burial expenses, medication, relocation expenses, security devices, lost earnings or support or emergency medical equipment. The agency is authorized to award up to \$3,000 for burial expenses and up to \$2,500 for other expenses. During fiscal year 2019–20, the agency approved 426 emergency awards totaling \$978,831.

The crime victim must meet the agency's eligibility criteria to receive an emergency award, including providing the police department or precinct where the crime was reported and the assigned police complaint number. OVS typically determines an individual's eligibility within 24 to 72 hours, depending on the information provided and nature of the claim. Individuals can apply for an emergency award by visiting an OVS-funded victim assistance program.

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 victims and survivors of sexual assault are not billed for any forensic rape examination services and is an exception to the agency's payer of last resort rule. OVS reimburses providers when individuals do not have private health insurance or opt not to use their health insurance; this provides for the personal privacy of sexual assault victims. The facility performing these exams may not bill OVS if victims of sexual assault voluntarily elect to use their private health insurance benefits to cover the cost. 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 \$4,229,735 for 5,377 forensic rape examination claims during 2019–20. The reimbursement rate of \$800 is reviewed annually and may 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 are required to assist victims with filing applications with OVS, which also accepts claims directly from individuals. The agency requires certain documents before it accepts a claim, with that documentation depending on the type of crime and the type of victim: for example, a child or someone older than 60. OVS then investigates each claim to determine whether an individual is eligible for assistance. If an individual is deemed eligible, OVS determines if their expenses are also eligible for reimbursement and awards the claim.

While the agency primarily assists victims of violent crimes (murder, rape, robbery or 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 pays for the repair or replacement of essential personal property (EPP) if an individual did not sustain personal injury. Individuals who are 60 years old or older submit the majority of claims awarded for EPP only, so OVS has a unit that exclusively handles and expedites these claims. There are numerous OVS-funded victim assistance programs serving older adults and the elderly. During the 2019–20, the agency accepted 2,266 of these types of claims, which represented 23 percent of all claims accepted.

In order to verify crime and expense information submitted to OVS, the agency routinely requests needed information from police agencies, district attorneys' offices, child protective services, courts, and other criminal justice agencies and authorities.

The following chart details the number of claims that OVS accepted for review to determine eligibility for the most recent 10 fiscal years:

FISCAL YEAR	TOTAL CLAIMS ACCEPTED
2019–2020	9,682
2018–2019	9,952
2017–2018	10,648
2016–2017	11,992
2015–2016	15,683
2014–2015	15,840
2013–2014	17,262
2012–2013	16,745
2011–2012	17,804
2010–2011	18,120

Claims Accepted by Type: 2019–20

CLAIM TYPE	ACCEPTED
Personal Injury	6,760
Death	656
Essential Personal Property	2,266
Total	9,682

Claims Rejected: 2019–20

During 2019–20, the agency rejected 868 applications because they were missing required information about the claimant and/or the crime and could not be investigated. It is the policy of OVS to contact claimants or work with a victim service provider assisting a victim whose application is incomplete to obtain any missing information. If the agency rejects a claim and then subsequently receives missing information, OVS will process the claim. The following chart details the most common reasons for claims being rejected.

REASONS	NUMBER
Application Not Signed/No Authorization Submitted	438
No Police Complaint Number	201
Claimant Under the Age of 18	149
No Police Agency Name	128
No Crime Date	46

Original Decisions: 2019–20

OVS rendered 9,912 original decisions, either awarding claims or denying them. It is important to note that claims awarded in a fiscal year do not directly correlate to the number of claims accepted by the agency in that year: A claim accepted during one fiscal year may be awarded in a subsequent year. OVS also reinvestigated or reopened claims as necessary.

Claims Awarded by Type: 2019–20

CLAIM TYPE	AWARDED
Personal Injury	4,703
Death	491
Essential Personal Property	1,105
Total	6,299

Awarded Claims by Age and Sex

More than half (51%) of claims awarded involved individuals who ranged in age from 18 to 44, and 55 percent of claims involved females. The following chart details awarded claims by age groups and sex as identified by the claimant: male (M), female (F) or not reported (NR).

AGE	GENDER	CLAIMS AWARDED
0–12	F	189
0–12	M	114

0–12	NR	0
3–17	F	206
3–17	M	121
3–17	NR	0
18–29	F	865
18–29	M	664
18–29	NR	2
30–44	F	992
30–44	M	733
30–44	NR	5
45–59	F	516
45–59	M	498
45–59	NR	5
60 and older	F	753
60 and older	M	630
60 and older	NR	6
Total		6,299

Claims Paid: 2019–20

OVS provided nearly \$22 million to victims of crime and their families and reimbursement to medical providers for forensic rape exams. The number of claims paid during any fiscal year may exceed the number of claims awarded during that year: Claims can be awarded in one fiscal year but not paid until a following year. In addition, claims can be paid over multiple years because New York is the only state in the nation that does not have a cap on medical or mental health expenses.

The following chart does not include emergency awards (see Page 7 for that information).

CLAIM TYPE	NUMBER	AMOUNT
Personal Injury	2,564	\$15,353,621
Death	513	\$2,072,030
Essential Personal Property	1,257	\$239,087
Forensic Rape Exam Direct Reimbursement	5,377	\$4,229,735
Total	9,711	\$21,894,473

No Award Decisions

During 2019–20, OVS determined after investigation that 3,612 claims were ineligible for assistance; these are known as no award decisions. These claims may have been received by the agency during this fiscal year or a prior one.

The agency deemed 1,758 of those claims ineligible because individuals failed to provide necessary documentation and/or information for OVS to make a decision.

Under state regulations and agency rules, those claims can be reevaluated if an individual subsequently provides necessary documents. OVS determined another 499 claims ineligible under the law.

This chart details other reasons claims were deemed ineligible.

No Award Reason and Claim Totals

REASON	NUMBER
No Information Supplied	1,758
Not Eligible	499
Unable to Locate Claimant	221
No Crime or Unable to Substantiate	167
Duplicate Claim	150
Domestic Violence – No Physical Injury	111
No Compensable Loss	104
No Cooperation with Police or DA	101
Pending Police Investigation/trial	97
Victim Not a Victim of Crime	68
Unable to Locate Police Report	54
Child Not Victim or Witness	50
Claim Withdrawn	50
Hit and Run, Leaving Scene of Property Damage	35
Conduct Contributing	18
Accident	17
Victim older than 18, must file his/her own claim	17
Not Essential Personal Property	16
Business Loss	14
Legal Guardian Must File Claim	14
Not Victim of Criminal Act	12
Died from Injuries*	11
Year Late Filed	9
Lost Property	8
Claimant Died from Unrelated Cause	7
Crime Not in New York State	5
No Funeral Loss	3
Conflicting Data	3

Police Report Filed More Than A Week After Crime	2
Crime Occurred Prior to 1967	1

* The Office of Victim Services has been notified that the victim has died as a result of injuries from the crime. This requires the agency to disallow the personal injury claim. An OVS death claim is now required to process benefits for eligible family members.

Appeals

Within 30 days of a decision date, individuals may submit a written request for an administrative review of decision to the OVS Director. Upon receipt, the agency examines the request to see whether the claim can be reopened based on new information. If the claim cannot be reopened, it proceeds to an appeal. During 2019–20, 43 claimants filed appeals.

An Administrative Review Panel handles appeals and hears any evidence or argument by the individual relevant to the claim. The panel's decision, either affirming or modifying the agency's decision, is the agency's final determination. Individuals may challenge the Administrative Review Panel's decision by bringing a proceeding under Article 78 of the state's Civil Practice Law and Rules. That challenge must occur within four months of the panel's decision.

During 2019–20, the Administrative Review Panel considered 81 appeals, including some filed in the same year and others from prior years: 63 percent of those decisions were affirmed without changes.

Vocational Rehabilitation Services and Additional Medical Services

The agency's Vocational Rehabilitation Unit strives to improve the quality of life for individuals who have been permanently disabled as a direct result of a crime. The unit is staffed by a registered nurse who:

- Manages the vocational and occupational rehabilitation program for victims and survivors of crime;
- Reviews the claimant's treatment plan to ensure services are allowable and 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 in excess of \$20,000 to agree on accepting some percentage of the bill as payment in full.

The agency's Medical Claims Unit processes medical bills received as a result of an awarded claim.

Individuals may submit requests for reimbursement at any time for expenses resulting from or related to the crime, including medical and mental health care. Some individuals submit bills throughout the course of their lifetime.

During 2019–20, the Medical Claims Unit approved 1,655 claims that resulted in more than \$14 million in vocational rehabilitation assistance to victims. The following chart outlines the services received by those individuals.

LOSS EXPENSE TYPE	AWARD
Home Care – Individual	\$4,715,703.00
Hospital	\$2,004,282.16
Doctor	\$1,940,018.20
Counseling	\$1,215,222.76
Home Care – Facility	\$1,064,227.85
Dentist	\$685,649.98
Ambulance	\$474,263.52
Home Modifications	\$412,753.15
Medical Supplies	\$348,864.57
Medical Consultant	\$313,577.39
Durable Medical Equipment (DMI)	\$264,758.09
Pharmacy/Medications	\$234,188.24
Addiction Recovery Treatment	\$168,650.00
Medical Transportation	\$72,414.71
Vehicle Modifications	\$63,880.94
Funeral	\$14,825.00
Moving/Storage	\$13,771.47

Other	\$4,408.72
Shelter	\$1,521.81
Total	\$14,012,981.56

Grants

The agency's Grants Unit administers federal Victims of Crime Act (VOCA) and state Criminal Justice Improvement Account (CJIA) funding that supports community-based programs serving victims of crime and their families. These 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. The unit oversees the open, competitive process that determines how grants are awarded and monitors the agencies that receive them to ensure funding is spent in accordance with federal and state laws. Most grant contracts align with the federal fiscal year (Oct. 1 through Sept. 30). The unit also:

- Oversees and supports the activities of the Office of Victim Services' Advisory Council.
- Coordinates statewide 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 nonprofit organizations, such as YWCAs, rape crisis centers, and community action programs.

Nearly all of the funding available for grants is the result of fines, fee and surcharges paid by certain offenders convicted in state or federal court. During 2019–20, the agency had appropriations totaling \$120 million for grant making: \$107 million in federal VOCA funds and \$13 million funded by the state Legislature from the state's Criminal Justice Improvement Account.

OVS makes this funding available through a Request for Applications (RFA), which allows the Grants Unit to assess a provider's ability to serve victims of crimes and their families using criteria that gauges need, services provided, capacity and effectiveness.

Grant funding allows providers to maintain, or in some cases, expand services to their communities. Many programs for crime victims and witnesses could 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 individuals when an offender's incarceration status in a local or state correctional facility changes. The state Comptroller's Office [Open Book New York website](#) lists all contracts with OVS. The agency currently administers:

- 227 Victim Assistance Program contracts
- 86 Case Manager contracts
- 61 Attorney Services contracts
- Five memorandums of Agreement with other state agencies
- Three single-source contracts with specific providers

Statewide Advisory Council

State Executive Law allows 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 Council must have at least 16 members who demonstrate an active interest in, or professional knowledge of, the problems, needs and treatment of crime 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. Other members must be active members of one of the five regional crime victim service provider coalitions. In addition, members of the state Legislature or other individuals with 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 general public on victims’ issues, linking efforts from across the state and offering planning and implementation information to any service provider.

Training and Outreach

The OVS Training and Outreach Unit oversees all training for agency-funded VAPs. Staff identify training needs; procure and execute statewide programming; and coordinate outreach and events that allow OVS to promote its work and the service providers it funds. The Unit plans and implements OVS’s biennial statewide conference, distributes the agency’s newsletter, *OVS Outreach*, quarterly and facilitates public awareness initiatives, including agency press conferences and events to mark National Crime Victims’ Rights Week.

In 2019–20, the unit organized nearly 50 trainings and webinars for VAPs attended by approximately 850 advocates and direct service professionals from more than 300 organizations.

OVS 2019 Conference

Nearly 450 victim services professionals from across the state attended the agency’s biennial training conference, which occurred Nov. 19–21, 2019, in Albany. The three-day event, “Innovation in Victim Services: Transforming the Field through Creative Solutions,” featured a diverse group of keynote speakers and more than 30 workshops. Highlights included presentations by:

- The Urban Resources Institute’s [PALS \(People and Animals Living Safety\) program](#), the only domestic violence shelter in New York City that houses both victims and their pets;
- Heather Martin, who survived the Columbine High School shooting and co-founded [The Rebels Project](#), which specializes in providing long-term support for survivors of mass trauma;
- Youngbee Dale on uncovering the Asian sex market in the United States; and
- Zeke Thomas shared his survivor story and facts and figures about instances of male sexual assault.

The agency also presented its Lifetime Achievement Award to Bethann Holzay, the recently retired director of the Bronx District Attorney’s Office Crime Victims Assistant Unit, and Anne Fitzsimmons, the first female police chief in the White Plains Police Department, for their commitment to victims and families. In addition, recently retired OVS Deputy Director of Administration Virginia Miller was presented with the Dedicated Service Award for her more than a decade of invaluable service to the agency.

Training & Technical Assistance Request Program

The agency relaunched its [Training & Technical Assistance Request Program \(TTARP\)](#) for OVS-funded programs in September 2019 and processed 46 requests for custom-tailored organizational leadership and communication services trainings and webinars. More than 150 victim services and allied professionals from 15 different organizations took advantage of this no-cost professional development programming.

VAP Training Center

In 2019–20, the [VAP Training Center](#) hosted webinars that trained more than 280 direct service professionals from 150-plus organizations. The center also manages the [OVS Training Listserv](#) and sends training announcements, advisory bulletins, funding opportunities and calls for participation in community survey projects to approximately 6,000 subscribers.

A calendar of current trainings, access to previous training materials and many more resources also are available on the VAP Training Center’s webpage.

Additional OVS Training

Within the Grants Unit, contract managers provide technical assistance and training as part of their on-site monitoring responsibilities, and staff attend at regional coalition meetings with providers in five geographic regions of the state to provide updates and information from OVS. Those coalition meetings occur monthly, bi-monthly or quarterly. Claims Processing Unit investigators also host monthly compensation trainings in Albany and Brooklyn for all VAPs. The agency also offers a training for attorneys about crime victim compensation and restitution that is accredited by the state’s Continuing Legal Education Board.

Legal Unit

The agency’s General Counsel oversees its Legal Unit, which is staffed by an associate attorney, a senior attorney, and support staff. The unit provides legal counsel to the Director and agency staff; reviews legislation at the request of the Governor and makes recommendations for executive action; monitors legislation and new laws impacting crime victims and the operation of the agency; develops proposals for statutory changes and necessary regulations assists in enforcing the state’s “Son of Sam” law; and oversees the agency’s collection efforts. There were no regulations proposed or adopted during 2019–20.

The Legal Unit also oversees the Forensic Rape Examination Direct Reimbursement program (see page 7) and coordinates the review of claim decisions and makes final determinations on appeals submitted by victims of crime or their family members (see page 12). As part of this process, the agency can administer oaths and affirmations, issue subpoenas and take testimony when necessary. OVS also can obtain affidavits or depositions when it deemed necessary.

“Son of Sam” Law

The state’s “Son of Sam” Law, named after one of the monikers given to serial killer David Berkowitz, allows OVS to freeze financial assets of individuals convicted of certain crimes so their victims can obtain court-ordered monetary settlements. The agency can freeze profits of a crime, such as money received for a book or movie, or funds of convicted person, defined as “all funds and property received from any source.” The law also requires that any individual or entity paying or receiving profits from a crime or funds of a convicted person notify OVS of those funds.

Under the funds of convicted person provision, the agency must determine whether the crime of conviction is detailed in the law (primarily serious felonies). If the agency receives notice of profits from a crime, the conviction must be a felony offense.

OVS then notifies crime victims about the assets. If those victims advise the agency that they wish to proceed with a claim, the assets are frozen. This provides victims with a three-year window to retain a lawyer and initiate a lawsuit.

During 2019–20, the agency froze \$3,836,037 under the funds of a convicted person provision of the law; there was no activity from profits from a crime. The chart on the following page details 10 years of activity under the law:

FISCAL YEAR	AMOUNT FROZEN
2019–20	\$3,836,037
2018–19	\$3,419,517
2017–18	\$4,133,934
2016–17	\$2,061,216
2015–16	\$10,377,047
2014–15	\$1,620,131
2013–14	\$1,272,371
2012–13	\$2,350,389
2011–12	\$1,731,159
2010–11	\$1,197,610

Subrogation and Restitution

When OVS provides a monetary award to a crime victim, the agency has a lien on any funds recovered by the victim through 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 incurred as a result of the crime. OVS has a lien on restitution when the agency makes a monetary award to a claimant and that claimant receives restitution for the same loss.

SUBROGATION AND RESTITUTION BY MONTH FOR 2019–20			
Month	Subrogation	Restitution	Total
April	\$42,790.08	\$17,212.59	\$60,002.67
May	\$56,068.67	\$8,181.39	\$64,250.06
June	\$32,245.47	\$12,213.28	\$44,458.75
July	\$26,744.28	\$709.28	\$27,453.56
August	\$33,334.15	\$17,718.80	\$51,052.95
September	\$22,626.88	\$9,942.80	\$35,569.68
October	\$20,022.93	\$12,557.66	\$32,580.59
November	\$5,642.40	\$11,748.36	\$17,390.76
December	\$18,959.28	\$11,843.96	\$30,803.24
January	\$33,742.75	\$13,773.99	\$47,516.74
February	\$14,772.26	\$6,890.95	\$21,663.21
March	\$32,710.60	\$3,661.32	\$36,371.92
Total	\$339,659.75	\$126,454.38	\$466,114.13

2019 Chapter Laws Affecting Crime Victims and Related Issues

Chapter 715 (Signed: 12/20/2019, Effective: 6/17/2020): Requires domestic violence and sexual assault awareness education for persons engaged in the practice of nail specialty, waxing, natural hair styling, esthetics and cosmetology.... Effective immediately, the addition and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date

Chapter 150 (Signed and Effective: 8/8/2019): Relates to mailing special ballots to victims of domestic violence

Chapter 681 (Signed: 12/18/2019, Effective 6/15/20): Relates to HIV post-exposure prophylaxis and other health care services for sexual assault victims

Chapter 245 (Signed and Effective: 9/4/2019): Establishes a time period in which an action to recover damages for injury arising from domestic violence must be brought

Chapter 115 (Signed: 7/25/2019, Effective: 9/23/19): Relates to requiring a consumer credit reporting agency to offer identity theft prevention and mitigation services in the case of a breach of the security of such agency's system... and shall apply to any breach of the security of the system of a consumer credit reporting agency that occurred no more than three years prior to the effective date of this act

Chapter 571 (Signed: 12/02/2019, Effective: 3/1/2020): Relates to providing information on where to seek help in regards to military sexual trauma.... Effective immediately the addition, amendment and/or repeal of any rules and regulations necessary for the implementation of this act on or before its effective date are authorized to be made and completed on or before such effective date

Chapter 690 (Signed: 12/20/2019, Effective: 6/17/20): Expands eligibility for crime victims' compensation to include domestic partners

Chapter 263 (Signed and Effective: 9/13/2019): Establishes the right of tenants to call police or emergency assistance without fear of losing their housing and shall apply to all pending actions and proceedings

Chapter 31 (Signed: 5/14/2019, Effective: 8/12/2019): Relates to sentencing and resentencing in domestic violence cases provided, however, that §§1 and 2 shall apply to offenses committed on, after and prior to such effective date where the sentence for such offense has not yet been imposed; provided, further that §§3, 4 and 5 shall take effect on the ninetieth day after it shall have become a law

Chapter 151 (Signed: 8/8/2019, Effective: 11/1/2019): Creates the crime of staging a motor vehicle accident

Chapter 694 (Signed and Effective: 12/20/2019): Relates to the termination of a residential lease by a victim of domestic violence; repealer

Chapter 152 (Signed: 8/8/2019, Effective: 10/7/2019): Relates to the reporting of domestic violence incidents

Chapter 186 (Signed and Effective: 8/28/2019): Requires companies to allow victims of domestic violence to cancel contracts when there is a domestic violence incident report, a police report, an order of protection or a signed affidavit

Chapter 164 (Signed: 8/13/2019, Effective: 6/5/2019): Relates to child abuse in an educational setting takes effect on the same date and in the same manner as chapter 363/2018, amending the education law relating to child abuse in an educational setting, as proposed in legislative bills numbers S. 7372-B and A. 8485-B, takes effect

Chapter 109 (Signed: 7/23/2019, Effective: 9/21/2019): Establishes the crime of unlawful dissemination or publication of an intimate image

Chapter 178 (Signed: 08/21/2019, Effective: 2/17/2020): Relates to the definition of a “child victim” and to awards for certain child victims

Chapter 179 (Signed: 8/21/2019, Effective: 2/17/2020): Relates to victim compensation for unlawful surveillance crimes

Chapter 663 (Signed: 12/16/2019, Effective: 3/15/2020): Relates to notification of rights of victims of domestic violence in criminal and family court proceedings

Chapter 160 (Signed: 8/12/2019, Effective: varies): Relates to increased protections for protected classes and special protections for employees who have been sexually harassed provided, however: (a) §1 takes effect on **(2/8/2020)** the one hundred eightieth day after it shall have become a law. (b) §§1-a, 2, 3, 4, 5, 7, 8, and 9 take effect on **(10/11/2019)** the sixtieth day after it shall have become a law. (c) §13 takes effect **(8/12/2020)** one year after it shall have become a law. (d) §1, 1-a, 2, 3, 4, 5, 6 and 13 only apply to claims filed under such sections on or after the effective date of such sections. (e) Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date

Chapter 291 (Signed: 9/13/2019, Effective: 11/12/2019): Permits antitrust fines or penalties to be paid to the office of victim services in the court’s discretion ... shall apply to any judgment entered or fine or penalty imposed on or after such date

Chapter 176 (Signed: 8/20/2019, Effective: 11/18/19): Relates to domestic violence; repealer

Chapter 8 (Signed: 1/25/2019, Effective: 2/24/19): Prohibits discrimination based on gender identity or expression and includes offenses regarding gender identity or expression under the hate crimes statute ...provided, however, that §§ 19 through 24 of this act takes effect on **11/1/2019**

Chapter 134 (Signed: 7/30/2019, Effective: 1/26/2020): Establishes certain crimes relating to the criminal possession or manufacture of an undetectable firearm, rifle, or shotgun

Chapter 180 (Signed 8/21/2019, Effective: 10/20/2019): Exempts parties liable for failure to obey or enforce domestic violence orders of protection or temporary orders of protection from limited liability provisions

Chapter 129 (Signed: 7/29/2019, Effective: 9/12/2019): Establishes an extension of time of up to thirty calendar days for national instant background checks

Chapter 11 (Signed: 2/14/2019, Effective: varies): Provides for the timeliness of commencing criminal and civil action for sexual offenses committed against children except that §9 of this act takes effect **(8/14/2019)** ...; provided, however, that training for cases brought pursuant to §214-g of the civil practice law and rules, as added by §3 of this act, shall commence three months after this act shall have become a law; and §10 of this act takes effect **(5/14/2019)**

Chapter 130 (Signed and Effective: 7/29/2019): Prohibits the possession, manufacture, transport, and disposition of rapid-fire modification devices provided, however, that §2 takes effect on (11/26/2019)

Chapter 19 (Signed: 2/25/2019, Effective: 8/24/2019): Establishes extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing, or attempting to purchase or possess a firearm, rifle or shotgun

Chapter 153 (Signed and Effective: 8/8/2019): Expands the crimes included in domestic violence to include identity theft, grand larceny, and coercion, for purposes of assistance to victims thereof

Chapter 182 (Signed: 8/22/2019, Effective: 9/21/2019) Relates to restrictions on a sex offender's custody of a child

Chapter 552 (Signed: 11/25/2019, Effective: 2/23/2020): Relates to policies and procedures regarding hate crimes and establishes a hate crimes training program takes effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date

Chapter 737 (Signed: 12/23/2019, Effective: 3/22/2020): Relates to enacting the “safe way home act” takes effect on ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date

Chapter 146 (Signed: 8/6/2019, Effective: 11/1/2019): Prohibits the manufacture, transport, shipment, or possession of an undetectable knife

Chapter 141 (Signed: 8/1/2019, Effective: 10/30/2019): Relates to participation in the address confidentiality program

Chapter 228 (Signed and Effective: 8/30/2019): Extends provisions of law relating to the interagency task force on human trafficking

Chapter 732 (Signed and Effective: 12/22/2019): Relates to indicated reports of child maltreatment; repealer, provided that §§1, 3, 4 and 5 take effect on **(4/20/2020)** ...; provided, however, that §2 shall be deemed to have taken effect on the same date as §1 of chapter 342/2010, took effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date

Chapter 184 (Signed and Effective: 8/26/2019): Relates to the statute of limitations for certain crimes related to fraudulent practices

Chapter 45 (Signed and Effective: 6/30/2019): Relates to affirmative defenses for certain homicide offenses

Chapter 315 (Signed and Effective: 9/18/2019): Relates to statutes of limitations for certain sex crimes and shall apply to acts or omissions occurring on or after such effective date and to acts or omissions occurring prior to such effective date where the applicable statute of limitations in effect on the date of such act or omission has not yet expired

Chapter 161 (Signed: 8/12/2019, Effective: 8/12/2019): Relates to increased protections for protected classes and special protections for employees who have been sexually harassed takes effect ... the same date and in the same manner as a chapter 160/2019 amending the executive law and other laws relating to increased protections for protected classes and special protections for employees who have been sexually harassed, as proposed in legislative bills numbers S. 6577 and A. 8421, takes effect