

OVS Outreach

Summer 2018

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From the Director's Desk



Crime does not discriminate – anyone can become a victim. But individuals with physical or developmental disabilities can be particularly vulnerable. An estimated 14 percent of Americans live with disabilities such as vision, hearing,

mobility, or cognitive impairments. These individuals are 2½ times more likely to be a victim of violent crime than people without disabilities, according to the [Bureau of Justice Statistics' annual report](#).

Unfortunately, many individuals with disabilities do not report crime when they are victimized. The reasons are varied and can include feelings of shame, fear, embarrassment, dependence, or concern that they will not be believed. Also, many perpetrators of violence against people with disabilities are either their family members or caregivers, which can further complicate a victim's decision to report a crime. Many victim service providers rarely see victims with disabilities coming to their programs, something that underscores this issue, according to the federal Office of Victims of Crime.

We must identify these individuals whose needs are unmet and provide the appropriate help and resources.

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Victim Service Academy Trainings Announced

Due to popular demand, OVS will host regional Victim Service Academy Trainings this Summer. Each 2½ day training will cover the essentials of trauma informed care and self-care practices. Save the date for the upcoming Academy in your region:

- [Albany](#) – July 25-27
- [Manhattan](#) – Aug. 1-3
- [Rochester](#) – Aug. 22-24

A 1½ day training exclusively for supervisors is also scheduled for Sept. 13-14 in the [Hudson Valley](#).

OVS brought Victim Services Academy Trainings back in 2016 to help victim service professionals understand the psychological toll of trauma so they could improve services for victims of crime.

Advocates will also learn about the essentials of trauma and strategies for practicing self-care to sustain their own well-being. Since 2016, more than 200 professionals have attended an OVS Victim Service Academy Training.

Additional training details are available [online](#).



**Office of
Victim Services**

Providing help, healing and hope to crime victims since 1966.

From the Director's Desk *(continued)*

Outreach must be a part of this effort. We must spread the word about how we can better assist crime victims with disabilities, and replicate programs that are successful in helping underserved populations. We also need to build community-based networks, and establish relationships with various organizations and agencies that interact with crime victims; law enforcement, medical and mental health providers, advocacy groups, educators, and disability service organizations, among many others. We also must ensure that victims have physical access to the services they seek.

This issue of OVS Outreach explores how we serve crime victims who have disabilities or who develop a disability due to their victimization. We continue to search for ways to reach all victims of crime and find innovative solutions for providing them effective and responsive services. As always, thank you for your dedication and commitment to serving crime victims and their families.

Sincerely,



Elizabeth Cronin, Esq.

State Training and Technical Assistance Request Program Launched

The [OVS Victim Assistance Program \(VAP\) Training Center](#) launched a new [Training and Technical Assistance Request Program](#) this spring to provide needed training and consulting to OVS-funded programs.



This unique program matches state-funded victim assistance programs with customized training and technical assistance from professional consultants at no cost. Eligible programs can submit a simple [online request form](#) identifying a service or training topic from nearly 30 categories.

Requests are considered on a first-come, first-served basis, with the selection process streamlined for swift review and response. More information about this program, including standard operating procedures and consultant biographies, is available [online](#). VAPs are encouraged to use this program while funding is available and before the budget year ends on Sept. 30. ■

Disability (ADA) Awareness Day in July



The Americans With Disabilities Act (ADA) was enacted on July 26, 1990, and each year, the ADA National Network celebrates this landmark event as a way of bringing attention to the important work that has been done to promote equal opportunity for people with disabilities. For more information and resources, visit the [ADA National Network Website](#). ■

Lives changed with OVS: Stories of help, healing and hope

[The 2016-2017 OVS Annual Report](#) shows that the agency paid more than 7,500 claims last year, with nearly 6,000 involving compensation for crime-related personal injuries. Some of these cases resulted in lifelong injuries to the crime victim.

The agency's Vocational Rehabilitation and Additional Medical Services Unit specializes in handling these cases and helps to improve the quality of life for crime victims. The following narratives illustrate how OVS has assisted individuals who were disabled as the result of a crime.

"K" was in his 20s when he suffered a gunshot wound to his spine. The injury led to years of care in a rehabilitation facility before he could move back to independent living in his community, with support arranged and paid by OVS. Services he receives at home include neuromuscular retraining, home health aide assistance, adaptive equipment, medical transportation, and educational/rehabilitation services.

"L" was 20 when she sustained a gunshot wound to her spine. After hospitalization and extended inpatient rehabilitation, she could return to her

family's upper floor apartment with services and support provided by OVS. She receives weekly neuromuscular treatment and regularly visits a gym that is accessible for people with disabilities, an activity that bolsters her feelings of independence.

"D" was in his 40s when he was left with life-long injuries: He was injured while acting as a good Samaritan as a crime was being committed. His home and vehicle were modified to accommodate his wheelchair. Ongoing medical and other needs are provided by OVS to allow him to maintain a strong quality of life with his wife and children.

"R" was left paralyzed on one side of his body following a stabbing when he was 20. OVS provided equipment and rehabilitation services, including adaptive driving lessons. Once this training is completed, OVS can assist him with recommended vehicle modifications.

Through the efforts of victim assistance programs and OVS staff, thousands of crime victims overcome the physical challenges of their disabilities and continue living productive and meaningful lives. ■

Case Manager Procurement: A Totally Electronic Process

Case manager grants recently awarded by OVS represented the first time the entire award process, application through payment, was handled electronically. While previous procurements have had

applications and contracts processed through the [New York State Grants Gateway](#) system, the case manager grants represent the first time that all payments and any required budget modifications will also be made electronically. Moving to a completely electronic process should allow for quicker turnaround time for both contracts and payments and OVS is striving to make this new process as easy as possible. Please reach out to your contract manager for assistance if you have any questions or concerns about this process. ■



New York State
Grants Gateway

Legal Corner

Restitution may not be a familiar term to individuals who have never been a victim of a crime or involved in a criminal matter. Black's Law Dictionary defines restitution as the return or restoration of some specific thing to its rightful owner or status; the compensation for benefits derived from a wrong done to another; and compensation for reparation for the loss caused to another.

Restitution may be ordered by a court for any expenses incurred as a result of a criminal offense. This could include medical expenses, counseling expenses, loss of earnings, property that was damaged or stolen, funeral expenses, insurance deductibles, and any other incidental expenses. Restitution is not, however, intended to pay for future losses, mental anguish or "pain and suffering", these types of payments would be sought after in a civil lawsuit.

Anyone who has been the victim of a criminal offense and has suffered injuries, economic losses or damages can seek restitution. Victims often do not realize they are entitled to restitution or understand they can request it. The district attorney's office prosecuting the case can assist victims with making this request.

The second page of the OVS claim application can be helpful in collecting all the victim's crime-related expenses in one place, so it is useful for a claimant to keep a copy. When a prosecutor indicates that a victim has requested restitution or when the victim impact statement contained in the probation investigation report (also called a pre-sentence, pre-plea or pre-disposition report) indicates that the victim is seeking restitution, the court must order it unless the interests of justice dictate otherwise. When the judge does not order restitution, the judge must clearly state the reason on the record.

The amount of restitution is based on proof of the out-of-pocket losses incurred because of the criminal offense. The defendant has the right to object to the amount of restitution. The sentencing court may conduct a hearing where a judge considers the defendant's current and future ability to pay restitution. Victim service practitioners should know the type of crime-related expenses that are eligible for OVS reimbursement, because the losses that can be sought through restitution are much broader. Restitution orders are good for 10 years and renewable for an additional 10 years.

Restitution payments are usually made by the perpetrator to the local probation department. In New York City, non-probation restitution may be referred to Safe Horizon for collection. Payments are based on the amount ordered and disbursed according to the schedule of payments in the restitution order issued by the court. For instance, if the total amount of restitution ordered is \$1,200, a judge can order the perpetrator to make 12 monthly payments of \$100.

Restitution can impact a victim's claim for compensation through OVS. When a claimant accepts an award from OVS, he or she creates a lien in favor of New York for any recovery related to the crime that resulted in their claim, including any judgment, settlement or order of restitution. If a claimant receives restitution from the offender, they must reimburse OVS for any payments made on their behalf for those expenses. If expenses are covered by restitution, OVS cannot compensate the victim for those costs. Essentially, claimants cannot receive payments from two sources – OVS and the offender – for the same crime-related expenses. The court may even order that restitution payments be made directly to OVS in instances where the agency has paid a victim's bills.

Restitution is just one way for a victim to get reimbursed for their losses. A victim can also file a civil lawsuit against the offender or a liable third party and may be eligible for other assistance, such as workers' compensation; homeowner's/renter's insurance; liability insurance; automobile insurance; and veteran's benefits. ■

OVS Hosts First-Ever Summit on Male Sexual Assault

New York Times op-ed columnist Charles M. Blow headlined OVS' first-ever summit for victim advocates, service providers and law enforcement professionals to help identify ways they can better reach and assist male victims of sexual abuse or assault.

Nearly 200 people from state-funded victim assistance programs, advocacy organizations and law enforcement agencies attended the summit, "Seeking Solutions: Starting the Conversation about Male Sexual Assault," in April. Blow, author of the critically acclaimed, best-selling memoir, "Fire Shut Up in My Bones," described the abuse he suffered as a 7-year-old and how that incident affected his life. He discussed the social stigma and shame surrounding male sexual assault and underscored how this crime often is much more than just a physical attack.

Supported by the state Division of Criminal Justice Services, the summit also featured a panel of male survivors and a roundtable



OVS Director Elizabeth Cronin is joined by, from left to right, Tom Andriola, Charles Blow, and Jason Gough. Andriola and Gough participated in the survivors' panel at the summit.

discussion featuring professionals in the fields of victim advocacy, law enforcement, psychology, and the media exploring solutions. The event aimed to shed light on the complex nature of male sexual abuse, discuss ways to reduce the stigma of reporting and improve the law enforcement response and services available to male victims and survivors. Visit www.1in6.org and www.endsexualviolence.org for more information about the topic. ■

OVS Compensation Video Training Series to be Completed by Fall

OVS has undertaken a major training project to create 11 videos explaining the various facets of compensation. Topics covered by the videos include the following: Overview-Introduction; Personal Injury; Essential Personal Property; Death; Domestic Violence; Medical; Lost Wages; Child Victims; Vocational Rehabilitation; and an Application "walk through". The purpose of the project – more than a year in the making – is to offer a user-friendly, easily accessible around-the-clock training to better ensure applications submitted are complete and error-free. Stay tuned for more details about this exciting training project to be unveiled this fall. ■

OVS Staff Participate in the 2018 CDPHP Workforce Team Challenge



OVS staff participated in the 2018 CDPHP Workforce Team Challenge alongside thousands of runners and walkers from hundreds of organizations. The 3½ mile race is the largest annual road race in the Capital Region. Their efforts were also highlighted in a recent Hudson Mohawk Road Runners Club, [Why Do They Run?](#) article. ■