



Office of
Victim Services



New York State

Office of Victim Services

2021–22 Annual Report

Table of Contents

Executive Summary	1
Agency Operations	4
Structure.....	4
Disbursements for State Fiscal Years 2012–13 through 2021–22	5
Compensation and Claims Processing	5
Vocational Rehabilitation Services and Additional Medical Services.....	14
Grants.....	15
Victim Assistance Programs	16
Statewide Advisory Council	16
Training and Outreach	17
OVS 2021 Conference	17
Training & Technical Assistance Request Program	18
Victim of Crime Needs Assessment	18
Community Engagement	18
VAP Training Center Resources	19
Additional OVS Training	19
Legal Unit.....	19
“Son of Sam” Law	20
Subrogation and Restitution	21
2020 Chapter Laws Affecting Victims of Crime and Related Issues	23

Executive Summary

New York State has had an agency dedicated to serving 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 victims of crime, their families, and other eligible individuals in a timely, efficient and compassionate manner; fund direct services to victims of crime and their families through a network of programs across New York State; and advocate for the rights and benefits of all victims of crime.

OVS assists victims of crime and their families, which includes paying unreimbursed, crime-related expenses. Covered costs can include 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 community-based victim assistance programs (VAPs) that provide direct services to victims of crime and families across New York State.

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

OVS has received funding from the New York State Legislature since 1981 to award grants to community-based organizations and governmental programs that serve victims of crime 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 2021–22.

The Office of Victim Services is also responsible for advocating on behalf of victims of crime and for their rights in New York State. This advocacy role has resulted in the agency recommending policy changes that have protected those rights and expanded available services and assistance. 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 programs for, and challenges faced by, victims of crime. The agency also conducts programmatic and fiscal analyses related to its compensation program.

OVS staff meet regularly with an Advisory Council; its Advisory Committee for the New York Crime Victims Legal Network; regional coalitions for victims of crime; and other advocates. The agency's director serves on numerous advisory councils and working groups such as the New York State Trauma-Informed Network, 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 and the New York State Supreme Criminal Court E-Filing Committee.

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

OVS and the assistance programs it supports and funds for victims of crime across New York State faced unprecedented challenges due to the COVID-19 global pandemic. This included an increase in violent crime, the loss of victim of crime advocacy staff and an inability of programs to provide in-person services. All of the activities described in this report took place under the continuing pressures of COVID-19. OVS staff continue to work in a partially remote work environment, but OVS has ensured seamless processing of claims for assistance and to provide the same level of support to victim assistance programs despite COVID challenges.

The agency's efforts and accomplishments during State Fiscal Year 2021-22 included:

- Continuing to support victim assistance programs across New York State. OVS released a [competitive solicitation](#) in January of 2022 for the purpose of supporting the work of community-based organizations and governmental victim assistance providers for the period October 1, 2022, to September 30, 2025.
- Organizing a record 50+ trainings and webinars for VAPs attended by more than 3,000 advocates and direct service professionals representing more than 1,000 organizations.
- Hosting more than 400 victim services professionals at the agency's first hybrid biennial conference, "20 Years Later: Mass Casualty Events and the Evolution of Victim Services", held August 25-26, 2021, in New York City. The in-person and virtual event featured remarks and presentations from more than 20 expert speakers, survivors and presenters from across the country.
- Continuing to fund 86 awards to VAPs, supporting case managers, who provide comprehensive, victim-centered services with \$28.8 million in support provided through Sept. 30, 2022.
- Continuing to fund 61 awards to VAPs to provide civil legal services to victims of crime. OVS has provided \$63.5 million in support of these services through Sept. 30, 2022.
- 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 — to fund projects for services to victims of elder abuse, sexual, domestic and interpersonal violence; and gun violence across New York State.
- Continuing to manage the [Training & Technical Assistance Request Program](#), which matches consultants with OVS-funded programs to deliver a wide range of customized-organizational leadership and communication services trainings and webinars at no cost to programs. In just six months, TTARP processed more than 50 requests for training involving more than 500 victim service professionals.

- Maintaining the 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. During Fiscal Year 2021-22, 84 percent (8,165) of all claims to OVS were submitted through the portal during Fiscal Year 2021-22. 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.
- Implementing Legislative changes to OVS' enacting statute, including the Legislature's first significant changes to OVS' Forensic Rape Examination Direct Reimbursement (FRE) program since 2005. This change required coordination between OVS, the Department of Health, medical providers across the state, and OVS' software developer to ensure the Office properly implemented the changes to the law.
- Beginning the process to establish a storage facility for Sexual Offense Evidence Collection Kits (SOECK), including the initial design and renovation of the facility and the release of an RFP to create a tracking and notification system.
- Launching a new Concern-based online search engine connecting users with potential crime victim resources managed by OVS. The site featured over 62,000 page views from nearly 12,000 users in 2021-22.
- Partnering with the [Council of State Governments Justice Center](#) to conduct a comprehensive state-wide victim of crime needs assessment. This multi-year project will help to improve the effectiveness of services and resources to victims by identifying needs in the community and the gaps in services.

Agency Operations

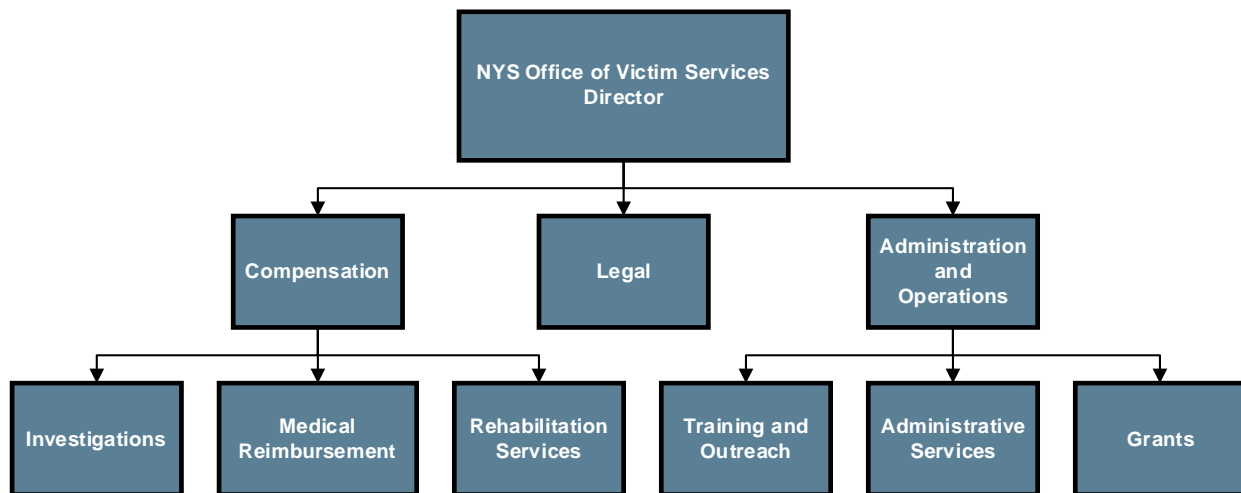
Structure

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

The OVS executive team includes the Deputy Director for Operations and Program Development, who oversees all finance, grants, and training and outreach activities; the General Counsel, who, in addition to providing legal counsel to the agency, oversees the restitution, subrogation, and legislative functions; and the Deputy Director of Compensation, who oversees all victim of crime compensation activities such as investigation, medical claims reimbursement, and rehabilitation services.

The staffing estimate for the agency is 102 full-time equivalent 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.

New York State Office of Victim Services Organizational Chart



Disbursements for State Fiscal Years 2012-13 through 2021-22

FISCAL YEAR	PAYMENTS TO VICTIMS	VICTIM AND WITNESS ASSISTANCE	TOTAL LOCAL ASSISTANCE
2012–13	27,973,708	29,379,624	57,353,332
2013–14	26,365,765	29,689,514	56,055,279
2014–15	23,886,074	30,625,000	54,511,074
2015–16	21,080,037	37,034,260	58,114,297
2016–17	23,420,253	42,406,050	65,826,303
2017–18	22,113,828	31,440,923	53,554,751
2018–19	23,311,062	47,355,749	70,666,811
2019–20	23,063,276	74,146,398	97,209,673
2020–21	18,696,108	91,476,066	110,172,174
2021-22	18,133,690	122,874,980	141,008,670

Compensation and Claims Processing

OVS plays a key role in helping to ensure that victims of crime are aware of services, their rights in the criminal justice system, and the existence of victim assistance programs in their communities.

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

State law requires district attorneys' offices to provide *The Rights of Crime Victims in New York State* to victims of crime or their families at no cost and to others for a fee not to exceed the cost of reproduction. In addition, those offices must report to OVS each year by Jan. 1 the number of publications it distributed annually.

Who may be eligible for compensation?

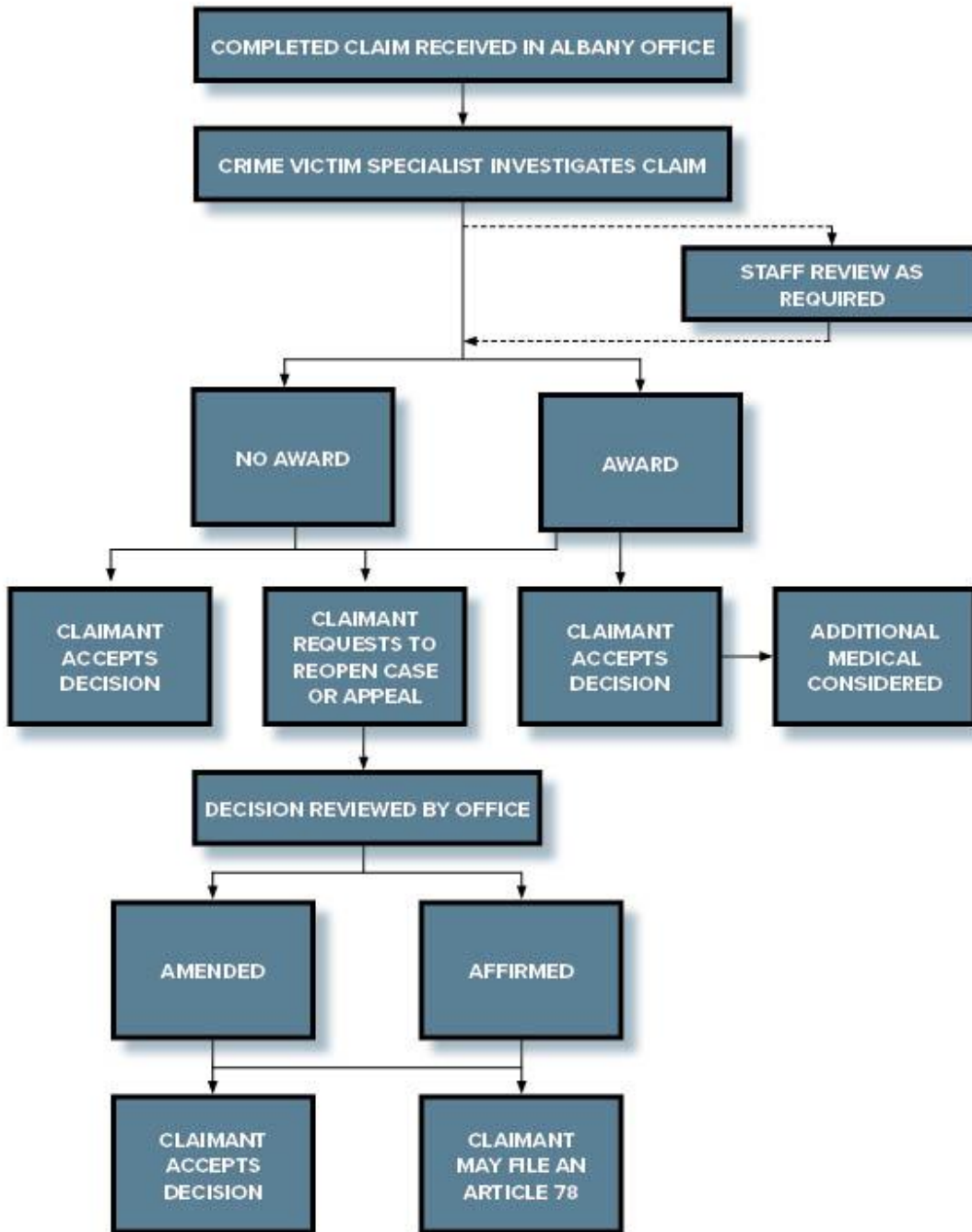
- Individuals must be victims of a crime in New York State
- Victims of crime who were physically injured as a result of the crime
- Victims of crime who were not physically injured but are under 18, older than 60, or disabled

- Vulnerable elderly, 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, domestic partner, grandparent, parent, stepparent, guardian, brother, sister, stepbrother, stepsister, child, stepchild or grandchild of a victim of crime
- Those who paid for or incurred burial costs for a victim of crime
- Children who are victims or witnessed a crime
- Certain victims of unlawful imprisonment or kidnapping
- Certain stalking victims
- Victims of certain menacing, criminal mischief, robbery, harassment, criminal contempt, unlawful surveillance, dissemination of unlawful surveillance and hate crime charges
- New York State residents who are victims of terrorist acts outside of the United States
- Victims of frivolous lawsuits brought by a person who committed a crime against the victim of crime

Compensation includes:

- Expenses for medical or other related services that are 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 of crime and to certain family members, in accordance with 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
- Employment-related transportation expenses, due to a victim's personal physical injury as the result of a crime, up to \$2,500
- 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 victim of crime 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 2021-22, the agency approved 487 emergency awards totaling \$1,296,586.

The victim of crime 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 and provide related care.

This reimbursement system is designed to ensure that victims of crime and survivors of sexual assault are not billed for any forensic rape examination services, and it 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.

During 2021-22, OVS reimbursed health care providers \$2,030,192 for 4,004 forensic rape examination claims.

Claims

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

VAPs are required, pursuant to the terms of their contracts with OVS, to assist victims of crime with filing applications with OVS, which also accepts claims directly from individuals. Before it accepts a claim, the agency requires certain documents, depending on the type of crime and the category of victim of crime (for example, a child or someone older than 60). OVS then investigates each claim to determine whether an individual is eligible for assistance and if deemed eligible, OVS determines if their expenses can be reimbursed and awards the claim.

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

OVS may also be able to pay for the repair or replacement of EPP if an individual did not sustain personal injury for a particular category of victims. Individuals who are 60 years old or older, less than 18 years of age or persons with disabilities can submit claims for reimbursement up to \$500. The majority of claims awarded solely for EPP are older adults, 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, including Enhanced Multi-Disciplinary Teams. During the Fiscal Year 2021-22, the agency accepted 1,051 of EPP claims, which represented 25 percent of all claims accepted.

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.

During the most recent 10 fiscal years, OVS accepted a total of 122,792 claims for review to determine eligibility. The following chart details accepted claims by year.

Accepted Compensation Claims by Fiscal Year

FISCAL YEAR	TOTAL CLAIMS ACCEPTED
2021-2022	7,930
2020-2021	7,058
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

Claims Accepted by Type: 2021-22

CLAIM TYPE	ACCEPTED CLAIMS
Personal Injury	5,012
Death	980
Essential Personal Property	1,938
Total	7,930

Claims Rejected: 2021-22

During 2021-22, the agency rejected 465 applications because they were missing required information about the claimant, and / or the crime, and could not be investigated. It is the policy and practice of OVS to contact claimants or work with a victim service provider assisting a victim of crime 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.

CLAIM REJECTION REASONS	NUMBER OF CLAIMS
Application Not Signed / No Authorization Submitted	120
No Police Complaint Number	105
No Police Agency Name	88
Claimant Under the Age of 18	45
No Crime Date	34

Original Decisions: 2021-22

OVS rendered 8,395 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: 2021-22

CLAIM TYPE	AWARDED CLAIMS
Personal Injury	2,672
Death	680
Essential Personal Property	810
Total	4,162

Awarded Claims by Age and Sex: 2021-22

Almost half (49 percent) of claims awarded involved individuals who ranged in age from 18 to 44, and 52 percent of claims involved those who reported their sex as female on their claim application. 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	SEX	CLAIMS AWARDED
0–12	F	149
0–12	M	68
0–12	NR	1
13–17	F	126
13–17	M	92
13–17	NR	0
18–29	F	459
18–29	M	465
18–29	NR	6
30–44	F	586
30–44	M	536
30–44	NR	6
45–59	F	296
45–59	M	316
45–59	NR	5
60 and older	F	547
60 and older	M	499
60 and older	NR	5
Total		4,162

Claims Paid: 2021-22

OVS provided approximately \$16.7 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 due to the time it takes to process claims. 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).

Paid Claim Volume and Annual Paid Amount Totals by Claim Type

CLAIM TYPE	NUMBER	AMOUNT
Personal Injury	1,801	\$11,970,479
Death	646	\$2,493,690
Essential Personal Property	868	\$257,617
Forensic Rape Exam Direct Reimbursement	4,004	\$2,030,192
Total	7,319	\$16,751,978

No Award Decisions

During 2021-22, OVS investigated and determined that 2,900 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 1,669 of those claims ineligible because individuals failed to provide necessary documentation and / or information.

Under state regulations and agency rules, those claims can be reevaluated if an individual subsequently provides necessary documents. OVS determined another 351 claims were ineligible under the law.

This chart details other reasons claims were deemed ineligible.

Claim Volume by No Award Reason

NO AWARD	NUMBER OF CLAIMS
No Information Supplied	1,669
Not Eligible	351
Unable to Locate Claimant	137
Withdrawn	137
Unsubstantiated or No Crime	93
No Cooperation	83
Domestic Violence No Physical Injury	55
Pending Police Investigation	50
Duplicate Claim	50
Victim not a Victim of Crime	44
Essential Personal Property Only (no other compensable loss)	33
Child Not Victim or Witness	33
Accident	29
Unable to Locate Police Report	26
Not Eligible and No EPP Items	25
Conduct Contributing	13
No Funeral Loss	11
Hit and Run, Leaving the Scene of Property Damage	11
Legal Guardian Must File Claim	9
Victim Over 18 and Must File for Self	7
Lost Property	6
Business Loss	6
Pending Trial	5
Claimant Died from Unrelated Causes	4
Crime Not in New York State	4
Year Late Filed	4
Not Eligible and Lost Property	2
Not Victim of Criminal Act	2
Conflicting Data	1

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, which is handled by an Administrative Review Panel. The panel reviews any evidence or argument by the individual relevant to the claim and its decision, and either affirms or modifies the agency's decision. The resulting decision of the Administrative Review Panel is the agency's final determination. Individuals may challenge the final determination 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 2021-22 there were 50 appeals reviewed and decisions rendered by the Administrative Review Panel. Out of those decisions, 66percent of the appeal determinations made during 2021-22 were affirmed without changes.

Vocational Rehabilitation Services and Additional Medical Services

The agency's Rehabilitation Services 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 registered nurses who:

- review medical bills, reports and claimant requests for appropriateness to injuries sustained as a result of the crime;
- review the claimant's treatment plan to ensure services are allowable and related to the crime;
- refer the claimant to an independent medical consultant, as needed, for further professional opinion on service needs and causally-related services;
- review 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);
- review requests from claimants for durable medical equipment (e.g., wheelchairs, beds, prosthetics, vehicle modifications) and work with vendors to determine reasonable and customary costs;
- assist the agency's Medical Reimbursement Unit with interpreting medical bills and records;
- review requests for educational assistance for job retraining;
- develop and maintain cooperative relationships with community resources to assist the victim in achieving pre-injury status or maximum potential; and
- negotiate 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 Reimbursement Unit processes medical bills that individuals receive after OVS has awarded eligibility to the claimant. New York is the only state in the nation that does not have a cap on medical or counseling expenses, which allows these eligible individuals to receive reimbursement from OVS for these costs throughout the course of their lifetime.

During 2021-22, the Medical Reimbursement Unit approved 1,140 claims that resulted in almost \$11 million in health and or other rehabilitation services to victims of crime. The following chart outlines the annual total reimbursement by medical service type across all victims of crime who received compensation for medical care during the state fiscal year.

Total Annual Medical Reimbursement Amount by Expense Type

MEDICAL EXPENSE TYPE	AWARD AMOUNT
Home Care - Individual	\$4,084,916
Counseling	\$1,762,004
Doctor	\$1,339,148
Hospital	\$887,805
Home Care - Facility	\$845,281
Dentist	\$494,908
Medical Consultant	\$463,752
Durable Medical Equipment (DMI)	\$333,146
Vehicle Modifications	\$198,610
Home Modifications	\$192,724
Medical Supplies	\$179,242
Pharmacy/Medications	\$98,217
Medical Transportation	\$54,193
Moving/Storage	\$13,985
Attorney Fees	\$2,500
Other	\$945
Security System	\$929
Vocational Education	\$100
Total	\$10,952,405

Grants

The agency's Grants Unit administers federal Victims of Crime Act (VOCA) and state Criminal Justice Improvement Account funding that supports community-based organizations and system-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; monitors the agencies that receive grants to ensure funding is spent in accordance with federal and state laws; oversees and supports the activities of OVS' Advisory Council; and coordinates statewide training for VAPs 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 victims of crime 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.

During 2021-22, the agency had appropriations totaling \$163 million for grant making: \$150 million in federal VOCA-supported appropriations and \$13 million from the state's Criminal Justice Improvement Account.

OVS makes this funding available through a request for applications, which allows the agency 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. Without funding from OVS, many programs for victims of crime and witnesses could not exist. 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:

- 228 Victim assistance program contracts;
- 86 Case manager contracts;
- 61 Attorney services contracts;
- Memorandums of agreement with other state agencies; and
- 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 victims of crime 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 of crime. 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 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 victims of crime 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 that are funded by the agency. The committee focuses on concerns directly affecting program administration, including budgeting, staffing and the grant process.
- The *Compensation and Service Committee* informs the agency of unmet needs and advises how to improve services for victims of crime. 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 victims of crime and reports findings and recommendations to the agency to address those issues.
- The *Public Outreach Committee* notifies the agency of efforts to inform victims of crime and the general public about issues faced by victims of crime, 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 Training and Outreach Unit plans and implements OVS's biennial statewide conference, distributes the agency's quarterly newsletter, *OVS Outreach*, and facilitates public awareness initiatives, including agency press conferences and events to mark National Crime Victims' Rights Week.

In 2021-22, the unit organized a record of over 50 trainings and webinars for VAPs attended by more than 3,000 advocates and direct service professionals, who represented more than 1,000 organizations.

Additional unit efforts and highlights from 2021-22 are featured below.

OVS 2021 Conference:

More than 400 victim services professionals attended the agency's first hybrid biennial conference, "20 Years Later: Mass Casualty Events and the Evolution of Victim Services", held August 25-26, 2021, in New York City. The in-person and virtual event featured heartfelt remarks and presentations from more than 20 expert speakers and presenters. Highlights included presentations by:

- The [9/11 Memorial and Museum](#)
- Scarlett Lewis, of the [Jesse Lewis Choose Love Movement](#)
- Max Schachter, of [Safe Schools for Alex](#)
- Eric McGriff, from the [Crime Victims Treatment Center](#), and

- Alissa Torres, essayist, educator, and author of *American Widow*.

This was the first in-person event held in over 20 months and was one of the largest attended events ever offered by OVS. Additional highlights and photos from the OVS 2021 Conference are available in the [Fall 2021 Issue of OVS Outreach](#) and on [OVS VAP Connect](#).

Training & Technical Assistance Request Program

The agency's [Training & Technical Assistance Request Program](#) processed another 40 requests for custom-tailored organizational leadership and communication services trainings and webinars. More than 500 victim services providers and allied professionals from 28 different organizations took advantage of this no-cost professional development programming for OVS-funded VAPs.

Victim Service Academy Trainings

Approximately 60 victim service professionals from nearly two dozen different organizations participated in the first ever online [OVS Victim Service Academy Training](#) cohorts. Offered in partnership with [the Institute for Disaster Mental Health at SUNY New Paltz \(IDMH\)](#), each eight-week course provided information on how victim advocates can help victims receive basic early supports and learn self-care practices that will help enable them to handle profession stressors that come from working with victims of crime.

Victims of Crime Needs Assessment

In 2021–22, OVS partnered with the [Council of State Governments Justice Center](#) to conduct a comprehensive state-wide victim of crime needs assessment. This multi-year project will help to improve the effectiveness of services and resources to victims by identifying needs in the community and the gaps in services. Research findings and recommendations for improvements should be completed in 2024.

Community Engagement

To ensure OVS resources are reaching underserved victims of crime and communities, the OVS Training & Outreach Unit added a Community Engagement Liaison (CEL) position in 2021-22. This new position is responsible for helping to cultivate and facilitate inter-agency and stakeholder relationships. In 2021-22, the CEL attended and participated in more than 100 stakeholder meetings and logged more than 140 community engagement hours.

VAP Training Center Resources

In addition to hosting webinars and trainings for thousands of direct service professionals, the OVS Training & Outreach Unit also manages multiple resources for victims of crime and victim service providers.

Featured resources made available via the [VAP Training Center](#) in 2021–22 included:

- [OVS VAP Connect](#) – An online community forum for OVS-funded victim assistance programs to come together, network and share best practices, featured approximately 100 posts and gained nearly 200 additional (572 total) registered users in 2021–22.
- OVS Training Listserv – Utilized for training announcements, advisory bulletins, funding opportunities and more, the OVS Training Listserv issued more than 60 periodic national,

state and regional updates to over 8,000 subscribers resulting in more than 59,000 emails opened in 2021–22.

- [OVS Training YouTube Channel](#) – Featuring up-to-date resources and recently recorded training opportunities for victim assistance programs, the OVS Training YouTube Channel logged over 15,400 views and over 2,500 hours of watch time in 2021–22.
- [OVS Resource Connect](#) – A new Concern-based online search engine connecting users with potential crime victim resources managed by OVS, featured over 62,000 page views from nearly 12,000 users in 2021-22.

A calendar of current trainings, access to previous training materials, and more resources are also 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 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, accredited by the state's Continuing Legal Education Board, on compensation and restitution for victims of crime and restitution.

Legal Unit

The agency's general counsel oversees its Legal Unit, which is staffed by an associate attorney, an attorney II 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 victims of crime 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 2021–22.

During this reporting period, the Legal Unit transferred the responsibility of processing claims submitted under the Forensic Rape Examination Direct Reimbursement program to the Compensation Unit. The Legal Unit continues, however, to provide support during the Compensation Unit's processing of these claims. Also, during this reporting period, through its associate attorney, the Legal Unit was assigned to manage the establishment of a storage facility for retention of the Sexual Offense Evidence Collection Kits (SOECK) pursuant to Public Health law §2805-l. This included the initial design and renovation of the facility, the release of an RFP to create a tracking and notification system, working with state partners and engaging outside stakeholders, to meet all statutory requirements. The unit coordinates the review of claim decisions and makes final determinations on appeals submitted by victims of crime or their family members. As part of this process, the agency can administer oaths and affirmations, issue subpoenas and take testimony when necessary. OVS also obtains affidavits or deposition when it deems them to be necessary.

“Son of Sam” Law

The state’s “Son of Sam” Law, named after a moniker 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 a convicted person, defined as “all funds and property received from any source” by a person convicted of a “specified crime.” 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 a convicted person provision, the agency must determine whether the crime for which a conviction was obtained is a “specified crime,” as defined by law (primarily serious felonies). If the agency receives notice of profits from a crime, the conviction must be a felony offense to meet the requirements for the “Son of Sam” Law.

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

The agency froze \$5,781,986 under the law’s funds of a convicted person provision; there was no activity from profits from a crime. The chart below details 10 years of activity under the law:

FISCAL YEAR	AMOUNT FROZEN
2021-22	\$5,781,986
2020-21	\$2,375,866
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

Subrogation and Restitution

When OVS provides a monetary award to a victim of crime, 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 2021–22			
Month	Subrogation	Restitution	Total
April	\$13,767.44	\$3,722.45	\$17,489.89
May	\$84,848.93	\$2,742.04	\$87,590.97
June	\$19,428.24	\$4,475.72	\$23,903.96
July	\$6,318.17	\$2,481.71	\$8,799.88
August	\$22,476.20	\$24,133.85	\$46,610.05
September	\$448.00	\$2,409.13	\$2,857.13
October	\$16,433.93	\$15,553.33	\$31,987.26
November	\$5,062.00	\$1,125.13	\$6,187.13
December	\$32,533.98	\$4,666.19	\$37,200.17
January	\$44,963.13	\$1,297.57	\$46,260.70
February	\$63,704.22	\$1,428.63	\$65,132.85
March	\$7,260.08	\$20,228.95	\$27,489.03
Total	\$317,244.32	\$84,264.70	\$401,509.02

2021 Chapter Laws Affecting Victims of Crime and Related Issues

Chapter 16 (Signed: 01/28/2021, Effective: 01/28/2021): Relates to certain data to be reported regarding child welfare preventive services; adds a repeal date.

Chapter 23 (Signed: 02/02/2021, Effective: 02/02/2021): Repeals provisions relating to loitering for the purpose of engaging in a prostitution offense; makes technical corrections relating thereto.

Chapter 56 (Signed: 4/16/2021, Part II Effective: 4/1/2021): Enacts into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2021-2022 state fiscal year; provides criteria for the storage of sexual offense evidence collection kits.

Chapter 210 (Signed: 07/01/2021, Effective: 07/31/2021): Allows the department of corrections and community supervision to contact a victim of a crime electronically.

Chapter 223 (Signed: 07/01/2021, Effective: 07/01/2021): Establishes an elder abuse enhanced multidisciplinary team program under the office for the aging consisting of professionals for complex cases of elder abuse, including financial exploitation, physical abuse, psychological abuse, sexual abuse, and neglect.

Chapter 227 (Signed: 07/01/2021, Effective: 07/01/2021): Extends provisions of law relating to the interagency task force on human trafficking.

Chapter 236 (Signed: 07/06/2021, Effective: 07/01/2021): Relates to the purchase of firearms, rifles and shotguns. Criminal Sanction Impact.

Chapter 303 (Signed: 07/16/2021, Effective: 7/16/2021): Extends the chief administrator of the courts' authority to allow referees to determine certain applications to a family court for an order of protection.

Chapter 309 (Signed: 07/23/2021, Effective: 07/23/2021): Establishes that domestic violence advocates may not disclose any communication made by a client to the advocate except in certain circumstances including after the consent of the client or if the client reveals an intent to commit a crime.

Chapter 311 (Signed: 07/28/2021, Effective: 07/28/2021): Relates to a civil cause of action for human trafficking; allows for actions relating to human trafficking to be commenced within fifteen years after the victimization has occurred.

Chapter 397 (Signed: 08/19/2021, Effective: 08/19/2021): Relates to clarifying provisions prohibiting wage theft; provides that there are no exceptions to liability for failure to pay wages.

Chapter 447 (Signed: 10/08/2021, Effective: 11/07/2021): Requires law enforcement agencies and district attorney's offices to advise human trafficking victims of the availability of social and legal services; unless law enforcement agencies and district attorney's offices are notified by the victim that they do not want such services, such law enforcement agency shall contact the appropriate provider and request that a representative be provided.

Chapter 449 (Signed: 10/08/2021, Effective: 02/05/2022): Relates to requiring counselors to have certain courses of study or equivalent on-the-job experience including on providing trauma-informed, patient-centered care, referring individuals to appropriate treatments for co-occurring disorders, and sensitivity training.

Chapter 483 (Signed: 10/20/2021, Effective: 10/20/2021): Establishes a task force to explore the effects of cyber-bullying in New York state and potential measures to address such effects.

Chapter 484 (Signed: 10/20/2021, Effective: 12/19/2021): Expands the definition of the offense of coercion in the third degree to include the production or dissemination of nude images. Criminal Sanction Impact.

Chapter 517 (Signed: 10/28/2021, Effective: 10/28/2021): Requires the release of individuals from utility corporation services in instances of domestic violence where such individuals request to opt-out in writing and provide certain documents to the utility corporation.

Chapter 518 (Signed: 10/28/2021, Effective: 11/01/2021): Amends the definition of a "disguised gun" to include a weapon or device capable of being concealed on a person from which a shot can be discharged through the energy of an explosive which is designed and intended to appear to be a toy gun.

Chapter 520 (Signed: 10/28/2021, Effective: 04/26/2022): Criminalizes the sale of ghost guns; requires gunsmiths to register and serialize firearms, rifles, shotguns, and unfinished frames or receivers they assemble.

Chapter 521 (Signed: 10/28/2021, Effective: 10/28/2021): Relates to the confidentiality of registration records for victims of domestic violence; requires victims of domestic violence wishing to make their registration records confidential to deliver a signed written statement swearing or affirming that they are victims of domestic violence and due to the threat of physical or emotional harm they wish to keep their registration record confidential.

Chapter 552 (Signed: 11/02/2021, Effective: 11/02/2021): Provides that an individual who was an eligible youth who was not determined to be a youthful offender by the sentencing court may apply to such court for a new determination after at least five years have passed since the imposition of the sentence, or at least five years after the individual's latest release from incarceration, if such individual was sentenced to a period of incarceration. Criminal Sanction Impact.

Chapter 554 (Signed: 11/02/2021, Effective: 11/02/2021): Prohibits the selling or displaying of symbols of hate by municipalities, fire districts, volunteer fire companies, police departments and school districts.

Chapter 589 (Signed: 11/08/2021, Effective: 11/08/2021): Provides taxpayer gifts for gun violence research; requires the tax commission to include space on the personal income tax return to enable a taxpayer to make such contribution; establishes the gun violence research fund.

Chapter 595 (Signed: 11/08/2021, Effective: 02/06/2022): Creates a firearm violence research institute and a firearm violence research fund.

Chapter 629 (signed: 11/16/2021, Effective: 11/16/2021): Relates to proceedings to vacate convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution and provides for confidentiality of records of such proceedings.

Chapter 655 (Signed: 12/06/2021, Effective: 12/06/2021): Incorporates identity theft into the definition of elder abuse for purposes of support services and programs for elder persons.

Chapter 658 (Signed: 12/09/2021, Effective: 12/09/2021): Requires law enforcement agencies and district attorney's offices to advise human trafficking victims of the availability of social and legal services; unless law enforcement agencies and district attorney's offices are notified by the victim that they do not want such services, such law enforcement agency shall contact the appropriate provider and request that a representative be provided.

Chapter 715 (Signed: 12/22/2021, Effective: 12/22/2021): Specifies that a person convicted of prostitution, or a person whose participation in the offense is determined by a court to be a result of having been a victim of sex trafficking is excluded from the definition of designated offender. Criminal Sanction Impact.

Chapter 722 (Signed: 12/22/2021, Effective: 3/22/2022): Enacts the "hate crimes analysis and review act", specifying the collection and reporting of certain demographic data regarding the victims and alleged perpetrators of hate crimes.

Chapter 739 (Signed: 12/22/2021, Effective: 12/22/2021): Relates to impersonating another by using another's electronic signature; makes it a class A misdemeanor. Criminal Sanction Impact.

Chapter 740 (Signed: 12/22/2021, Effective: 01/01/2022): Relates to covered employment as a domestic worker for temporary disability benefits.

Chapter 755 (Signed: 12/22/2021, Effective: 12/22/2021): Relates to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability.

Chapter 764 (Signed: 12/22/2021, Effective: 12/22/2021): Requires the division of criminal justice services to publish quarterly reports beginning October 1, 2021, providing information related to firearms, rifles and shotguns used in the commission of crimes in the state of New York.