

THE NEW YORK STATE OFFICE OF VICTIM SERVICES



# **MOVING FORWARD:**

**YOUR RIGHTS AFTER  
EXPERIENCING A CRIME**





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# ABOUT THE OFFICE OF VICTIM SERVICES (OVS)

## WHO WE ARE

Experiencing a crime can be the start of a long and challenging process for victims and survivors, their families, and their friends. The New York State Office of Victim Services (OVS) is committed to helping you find help, healing, and hope when you need it most.

Experiencing a crime is not your fault. Whether you have survived a crime, are assisting someone recovering from a crime, or want to support someone you love, you are not alone. OVS can help you navigate confusing systems as you work through difficult situations.

## WHAT WE DO

We can provide financial help and reimbursement to eligible people affected by crime for out-of-pocket expenses like medical and counseling costs, end-of-life arrangements and funeral expenses, lost wages, and more.

We also fund and support more than 200 Victim Assistance Programs (VAPs) across New York State that offer counseling, advocacy, emergency shelter, relocation assistance, and additional services.

### Things to remember: **DISTRICT ATTORNEYS**

You may hear some terms that mean the same thing throughout a criminal case. A **district attorney** is also known as a **DA** or **prosecutor**. They are the lawyer who is handling the case against someone who has been arrested.

## HOW THIS BOOKLET CAN HELP YOU

Under [New York State law](#), district attorneys (DAs), or prosecutors, are required to provide people affected by crime, their parents or caregivers (if they are under age 18), or surviving family members (if the person who experienced crime has died) with the information in this booklet at the earliest possible time following a crime.<sup>1</sup> You also have the right to receive materials and communicate in the language you prefer.

You'll find information about your rights to:

- File for compensation.
- Receive support services.
- Get notified about court dates related to the criminal case.
- Be protected from intimidation, which can include protective orders.
- Make impact statements before sentencing and parole hearings.
- Ask for financial compensation, also called restitution, from the person who committed the crime to cover crime-related losses or expenses.

If the person who committed the crime against you is sent to state prison, you can sign up with the Department of Corrections and Community Supervision's Office of Victim Assistance (DOCCS OVA) to receive services and updates after the sentencing. You can:

- Get notified when the person convicted of crime against you is released or paroled.
- Provide or update impact statements to the parole board.
- Request free transcripts of parole hearings.

This booklet also has information about how to contact OVS, your local DA's office, and more.

DAs are required to report each year on how they are complying with the law. As a victim or survivor of a crime, or a relative, you can request a free copy of the annual report.

<sup>1</sup> Executive Law 646-a(1).

# CONTACT US

## GET IN TOUCH WITH OVS

Call OVS toll-free: **1-800-247-8035**

Email OVS: [ovsinfo@ovs.ny.gov](mailto:ovsinfo@ovs.ny.gov)

Visit the OVS website: [ovs.ny.gov](http://ovs.ny.gov)

OVS has offices in Albany, NY and Brooklyn, NY. If you'd prefer to visit us in person, please **call first to make an appointment.**



On the lines provided, write the address of the OVS office where you made an appointment to visit. <sup>2</sup>

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## CONNECT WITH SERVICES AND SUPPORT

OVS funds and supports more than 200 Victim Assistance Programs (VAPs) across New York State that offer services like counseling, advocacy, emergency shelter, relocation assistance, and more.

OVS Resource Connect is a search engine that can help you find VAPs and advocates by location, plus other helpful resources organized by concern.



Scan the QR code for a map of VAPs near you or visit:

[ovs.ny.gov/connect](http://ovs.ny.gov/connect)

Write the name, address, email, and phone number of your local VAP program here. <sup>3</sup>

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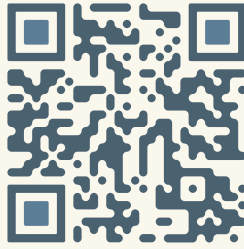
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<sup>2</sup> Executive Law §646-a(3)(a).  
<sup>3</sup> Executive Law §646-a(3)(c).

## REACH OUT TO YOUR DISTRICT ATTORNEY'S OFFICE

Your local DA can help answer questions about your case, give you advice about how to protect yourself, refer you to a VAP, and more.



Scan the QR code for a map of DA's offices or visit:

[nypti.org/new-york-district-attorneys](https://nypti.org/new-york-district-attorneys)

Write the name, address, email, and phone number of your local DA's office here. <sup>4</sup>

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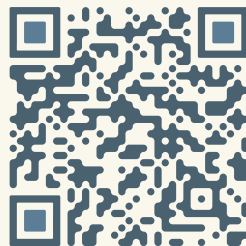
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## REGISTER WITH DOCCS OVA

If the person who committed the crime against you is sent to state prison, you have the right to sign up to get information about them—where they're being held, when they might be released, or if they're up for parole—by registering with the [Department of Corrections and Community Supervision's Office of Victim Assistance \(DOCCS OVA\)](#).<sup>5</sup>

### DOCCS OVA is located at<sup>6</sup>:

The Harriman State Campus  
1220 Washington Avenue  
Albany, NY 12226-2050



You can register with OVA by scanning the QR code here and filling out the form, calling **1-800-783-6059**, or asking the DA's office for help.

<sup>4</sup> Executive Law §646-a(3)(d).

<sup>5</sup> Criminal Procedure Law §380.50(5).

<sup>6</sup> Executive Law §646-a(3)(b).

# GET FINANCIAL HELP AND COMPENSATION

## GETTING REIMBURSED FOR EXPENSES

You can turn to OVS for resources and compensation after experiencing a crime. OVS can provide financial help and reimbursement to eligible people affected by crime for out-of-pocket expenses like:



Medical and counseling costs.



Loss or damage of personal property important to health, safety, and welfare.



End-of-life arrangements and funeral expenses.



Lost wages or support.



Transportation to court appearances or medical appointments.



Moving expenses or relocation costs.



Home security devices and installation.



Restoring properties or spaces where a crime occurred.



Other eligible expenses resulting from a crime.

## FILING A CLAIM

To get financial help, you need to file a claim with OVS within three years of the crime. If you are filing a claim on behalf of a crime victim who has died, you have to file within three years of their date of death.

The quickest and easiest way to complete an OVS compensation claim is to connect with a VAP. You may also complete the application online.

Your rights:

### RECEIVING COMPENSATION AND SERVICES<sup>7</sup>

Crime victims and survivors have the right to file for compensation for expenses that resulted from a crime, and to receive services to help them through the process of recovering from a crime.

Places that can help you with the services you need might include VAPs, survivor or witness assistance programs, survivor assistance hotlines, domestic violence shelters, sexual assault crisis centers, and adult protective services.

Contact your VAP for help completing the application. You can also scan the QR code here for the claim application and instructions, or visit:

[ovs.ny.gov/victim-compensation](https://ovs.ny.gov/victim-compensation)



Things to remember:  
**YOUR PRIVACY**

Recovering from a crime can make you fearful or worried. OVS understands how important it is to protect the personal information you provide on application forms. The records we request for claims are **confidential and exempt from disclosure** with **very limited exceptions**, including:

- Requests from law enforcement for legitimate criminal justice purposes.
- Judicial orders.
- Reasons necessary for OVS to process your claim quickly and efficiently.

## KEEPING UP WITH YOUR CRIMINAL CASE

### FOLLOWING KEY UPDATES

If you have experienced a crime, you have a right to know<sup>9</sup>:

- The date someone is arrested.
- The date that person sees a judge for the first time.
- The date of their trial.
- When someone pleads guilty to the crime against you.
- The date of their sentencing, or when a judge decides their punishment.
- The sentence they face.
- When that person is scheduled to be released from prison or jail.

Your rights:  
**YOUR CRIMINAL CASE<sup>8</sup>**

Crime victims and survivors have the right to know what's happening in their criminal cases, how their cases are being handled, and how they can be involved in the process. To stay informed, give your phone number and address to your DA's office and make sure you update them if your information changes.

### APPEARING IN COURT

You have the right to attend court dates related to your criminal case if you feel safe doing so. You may find it helpful to speak to the DA's office before attending court dates to understand how your attendance could impact the criminal case. You can always request updates from the DA's office about what happened in court.

Whenever possible, the court or DA's office should provide prosecution witnesses—or anyone asked to testify about what they saw or went through—with a safe and private place to wait, away from other witnesses, before going into court.<sup>10</sup> If you're concerned about your safety, the DA's office may be able to offer additional protections or support.

<sup>8</sup> Executive Law §646-a(2)(b).

<sup>9</sup> Executive Law §641(3).

<sup>10</sup> Executive Law §642(2) and §647(2).

## PLANNING FOR YOUR SAFETY

Victim advocates at the DA's office or at victim assistance programs can help you create a plan to stay safe and find sources of support. If you'd like help from law enforcement, you can ask for advice from the police, sheriff's office, or DA about how to make your safety a priority. They can also help you if you've been threatened or intimidated. Additionally, the courts can issue orders of protection that require your intimidator to stay away from you.<sup>11</sup>

**If you are threatened or harassed, contact the police, sheriff's office, DA, or victim assistance program right away. If someone in prison is threatening or harassing you, contact [DOCCS OVA](#) at 1-800-783-6059.**

Things to remember:

### INTIMIDATION

Intimidating a witness is a **felony**, or a crime that can carry a sentence of **more than a year in prison**. Intimidation can include **someone trying to scare you** into not reporting a crime, working with police or DAs, or testifying in court.

Types of intimidation may include:

- Direct verbal or written threats of harm.
- Stalking, following, or physical confrontation.
- Repeated unwanted contact, calls, or messages.
- Damaging your home, car, or belongings.
- Threatening job loss, eviction, or financial harm.
- Spreading rumors, harassing online, doxxing, or blackmailing.
- Filing false lawsuits or threatening legal action.
- Offering money or favors, or falsely promising protection.
- Sending or influencing others outside the case to make threats or make you nervous.

## SPEAKING UP

You have the right to give a victim impact statement at sentencing.<sup>12</sup>

Before sentencing, the DA will ask you what you think about letting the person who caused harm, or the defendant, go free or get a punishment besides prison. The judge will think about your opinion when deciding the sentence.

If you want to speak at sentencing, you have to tell the court you want to speak at least 10 days ahead of time. The defendant will be in court when you make your statement at sentencing.

Things to remember:

### **VICTIM IMPACT STATEMENTS**

A victim impact statement gives you the opportunity to share your feelings about the crime and how it affected you and your loved ones.

You can either speak in person or ask someone to read it for you. If you choose not to speak in person, your statement can be included instead in the pre-sentence report.

The statement should be truthful and come from the heart. It can describe what you've been through physically, emotionally, and financially because of the crime, and can talk about how your life has changed since the crime.

## LEARNING THE RESULT OF THE CASE

You have the right to ask the DA to let you know how your case ended.<sup>13</sup> When you do, ask for the “final disposition” of the case to find out whether the person was found guilty or not. You'll get an answer within 60 days of the end of the case.

<sup>12</sup> Executive Law §646-a(2)(d) and (e).

<sup>13</sup> Criminal Procedure Law §440.50.

# STAYING INFORMED AND MOVING FORWARD

## FINDING INFORMATION ABOUT THE OFFENDER

You have the right to know if the person who caused harm is free, paroled, or in jail or prison.<sup>14</sup> To find out, you will typically need the offender’s full name, date of birth, and NYSID (New York State Identification) number or DIN (Department Identification Number). The DA’s office should have this information for you.

To find the offender’s status, you can do one of the following:

1. Register with [DOCCS OVA](#) to receive notifications.<sup>15</sup>
2. Call DOCCS OVA at 1-800-783-6059 with questions about release dates, parole contact information, or other related concerns.
3. Check online at [doccs.ny.gov](#), where you’ll find “Incarcerated Look-Up” or “Parolee Look-Up.”

Things to remember:

### USING VINE

DOCCS offers a service called [VINE \(Victim Information and Notification Everyday\)](#). **It is separate from registering with DOCCS OVA.** VINE is a free service that allows anyone to:

- Anonymously check an offender’s custody status—like whether they have been released or transferred—by phone, website, or mobile app.
- Register to receive automatic notifications by phone, email, text, or mobile app when an offender’s status changes.

DOCCS encourages victims and survivors who register with DOCCA OVA to **also register with VINE** to get more immediate updates. Here are the differences between the two.

|                       | DOCCS OVA  | VINE   |
|-----------------------|--|--|
| Who can register      | Victims and survivors of crime   | Anyone   |
| When can you register | When the offender is sent to state prison  | As soon as the offender is arrested and held in jail                                   |
| How you get updates   | Through the mail   | Electronically, via phone, email, text, or mobile app                                  |
| Help available        | Staff can answer questions, support you, and guide you when the offender is sent to state prison | Limited to automatic electronic updates and a list of resources without human guidance |

For more information about VINE, call **1-888-846-3469**, visit [VINELink.com](#), or **download the VINELink app** in your phone’s app store.

## GETTING HELP WITH EVERYDAY LIFE

You have the right to ask for help when your life is affected by a crime. The police or your DA should help you<sup>16</sup>:

- Contact your employer if you have to miss work to help with your case.
- Give creditors information if you can't pay your bills because of the crime.
- Get your property back if it's being held as evidence, unless it's needed at trial. If it is, the court can help you get it back as soon as it's over.<sup>17</sup>

## RECOVERING FROM CRIME

Experiencing crime can interfere with your life in many ways. It's important to know that New York State law affords you the time and space to get aspects of your life back together.

You have the right to:

- Get a free copy of the related police report.<sup>18</sup>
- Ask the New York State Department of Motor Vehicles (DMV) to remove fees for replacing any licenses, permits, registrations, and license plates lost, destroyed, or stolen because of a crime.<sup>19</sup>
- Keep your job and be free from retaliation at work for being a witness in court, taking time to give a victim impact statement, or helping the DA.<sup>20</sup>
  - This applies to next-of-kin survivors of a crime victim, representatives of crime victims and survivors, and good samaritans who tried to help during the incident even though it wasn't their job.<sup>21</sup>
- Ask, in writing, that the court order someone convicted of a felony sexual offense to be tested for HIV. You and the offender will receive the results, not the court.<sup>22</sup>

## GETTING PAID BACK

You have the right to ask for restitution, or for the offender to pay you back for what you lost because of the crime.<sup>23</sup> This is different from financial assistance you may receive by filing a claim with OVS. You can ask for restitution for:

- Medical and counseling costs.
- Loss of earnings from missing work.
- Replacing, repairing, or restoring property.
- End-of-life arrangements and funeral expenses.
- Other crime-related costs.

The court includes restitution in an offender's sentence. The amount is based on proof of what you lost because of the crime. For this reason, it's important to keep good records and your receipts. Give copies to the police, DA, and probation department. The probation department will include your restitution claim as part of its report filed with the court.

16 Executive Law §642(4).

17 Executive Law §642(3) and §647(3).

18 Executive Law §646(1).

19 Vehicle and Traffic Law §401(3)(c) and §503(3)(ii).

20 Penal Law §215.14(1).

21 Penal Law §215.14(2).

22 Criminal Procedure Law §390.15.

23 Executive Law §646-a(2)(f).

## WHAT HAPPENS NEXT? | RESTITUTION

| If you don't submit a request in time:   | If the offender challenges your request:  | If the judge grants restitution:  | If the judge doesn't grant restitution:   |
|--|---|---|---|
| <ul style="list-style-type: none"><li>• Restitution will not be part of the defendant's sentence.</li><li>• You may be able to get repaid by suing the defendant in civil court.</li></ul> | <ul style="list-style-type: none"><li>• The court can hold a hearing, or special meeting, about it, where you may have to testify about your request.</li><li>• If you're feeling scared about coming to court to answer questions, talk to the DA.</li></ul> | <ul style="list-style-type: none"><li>• The payment order will be in the offender's official court papers.</li><li>• The papers will show who collects the money.</li><li>• You'll get your payments via check, so update your address if you move.</li></ul> | <ul style="list-style-type: none"><li>• The judge has to explain why they didn't order payment.</li></ul> |

**Did you already file a claim with OVS before requesting restitution?** If OVS already paid your bills and the court orders restitution, the repayment may go to OVS instead of you. Make sure OVS knows if the court orders repayment to you.

Family court handles restitution payments if the offender is under 18 years old.

- A juvenile delinquent, or person under 18 who committed a crime but is not being tried as an adult, can only be ordered to pay up to \$1,500.
- A person in need of supervision (PINS), or person under 18 who has not committed a crime but is acting in a way that requires court supervision, can only be ordered to pay up to \$1,000.
- If your restitution request exceeds those limits, you have the right to take the offender's parents or caregivers to civil court.

# KNOWING YOUR RIGHTS: SPECIAL CONSIDERATIONS

## CHILDREN AND YOUTH UNDER AGE 18

Young victims and survivors of crime have additional rights under state law.<sup>24</sup>

They are able to:

- Describe the crime as few times as possible.
- Testify as a witness via video recording or two-way closed-circuit TV.
- Use dolls and drawings to help them when acting as a witness.
- Have a person sit next to them for support when they testify as a witness.

Their parents, caregivers, or representatives can make sure:

- The judge understands, and is sensitive to, the stress a child might have while testifying in court.
- The same DA handles the case when it's possible.
- The child has a team of people around them to prevent and address child abuse.

## SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND OTHER CRIMES



You may have additional rights depending on the crime you've experienced. Scan the QR code here for a comprehensive guide maintained by the New York State Office for the Prevention of Domestic Violence (OPDV), or visit:

[opdv.ny.gov/know-your-rights](https://opdv.ny.gov/know-your-rights)

