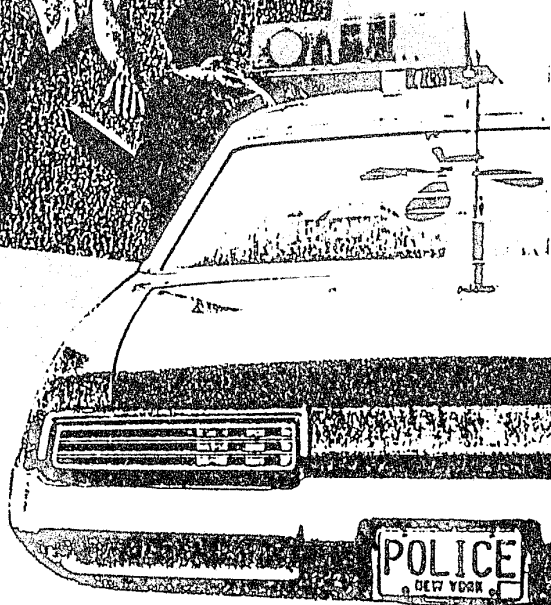
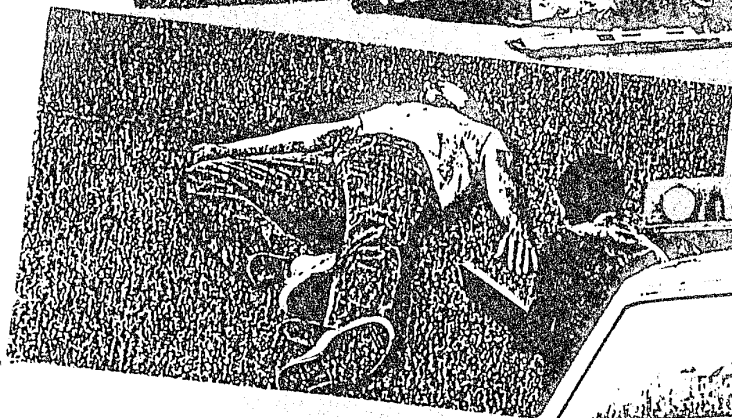


# Crime Victims Compensation Board

1975 ANNUAL REPORT



37192



STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
CRIME VICTIMS COMPENSATION BOARD  
875 CENTRAL AVENUE  
ALBANY, NEW YORK 12208  
457-4060

BOARD MEMBERS  
EDWARD A. MORRISON  
CHAIRMAN  
GEORGE L. GROBE, JR.  
P. VINCENT LANDI  
RUSSELL G. OSWALD

To the HONORABLE HUGH L. CAREY  
Governor

and

To the HONORABLE LEGISLATURE OF THE  
STATE OF NEW YORK

I have the honor to submit the Ninth Annual  
Report of the Crime Victims Compensation Board for  
the year 1975 rendered pursuant to the provisions  
of Article 22, Section 623 of the Executive Law.

Respectfully,

*Edward A. Morrison*  
Edward A. Morrison  
Chairman

Albany, New York  
April 1st, 1976

NCJRS

OCT 27 1976

ACQUISITION

## Prologue

The legislative mandate of New York State's innovative Crime Victims Compensation Law under which we operate is to mitigate the economic loss of innocent victims of crime who have suffered a severe financial loss as a consequence of a criminal act.

The philosophical basis of the New York law establishing the Crime Victims Compensation Board was predicated on the failure of society to protect its citizenry and hence owes compensation to the victim. However, in a most pragmatic way, public compensation is the only effective method for compensating victims. The files of this Agency offer proof positive that insurance, public welfare, charity and restitution by the offender are totally inadequate. If crime victims are to be aided to any significant extent, society must provide the help.

A violent crime occurs, pernicious assault, rape or any of the malevolent deeds reflected in the claims made to the Crime Victims Compensation Board on a daily basis. What happens next? Perhaps the attacker is apprehended. If he is, the perpetrator may receive legal counsel, psychiatric examinations and treatment, hospitalization if needed, food, clothing and even vocational training or an education, all paid for by government. All this is as it should be. Yet, the victim and in many cases the dependents of the victim, may have their lives affected in a most tragic manner and more than likely will be ignored except for the few who qualify for awards by the Crime Victims Compensation Board.

New York State has established one of the best mechanisms in the United States for helping innocent victims of crime. Yet, even so, relatively few of our citizens know of the existence of the Crime Victims Compensation Board and because of the "means test" required by law, few can take advantage of the minimal benefits it offers.

According to figures compiled by the National Crime Panel of Albany, New York, 4% of the total rape, robbery and assault victims in New York State are eligible to receive awards. In fact, about 20% of those eligible to file claims with Crime Victims Compensation Board actually did so in 1975. Thus, less than 2% of New York State's violent crime victims file claims.

Yet, the rate of reported crime continues to rise. The number of total crimes against the person increased in 1975 from 1974 in New York City by 6.1%

Type of crime	1974	1975	% change
Murder & non-negligent manslaughter	1,554	1,645	+ 5.9
Forcible rape	4,054	3,866	-4.6
Robbery	77,940	83,190	+6.7
Aggravated Assault	41,068	43,481	+5.9
<b>Total crimes against person</b>	<b>124,616</b>	<b>132,182</b>	<b>+6.1</b>

As this fiscal year comes to a close, a Rand Corporation Study financed by the Law Enforcement Assistance Administration concluded that most serious crimes are solved through information obtained from the victim/witness rather than leads developed independently by police investigators. This determination by the National Institute of Law Enforcement and Criminal Justice, the research center of the Federal Law Enforcement Assistance Administration, concluded after a two year, \$500,000 study that new programs to increase victim cooperation were "imperative." At long last, the victim is now recognized as the unwilling but essential participant in the Criminal Justice System. Hopefully, this "new" view of the victim will be an incentive to the federal government to aid state crime victim compensation programs.

## I. The Problems

A. The last annual report of the Crime Victims Compensation Board discussed the difficult conditions under which the Board was functioning. Without a Secretary to the Board and without additional personnel it warned of undue delay in the processing of claims. Unfortunately, because of overall budget constraints the warning became an actuality in 1975.

The following summary of workload and increases in investigative staff since the creation of the Crime Victims Compensation Board evidences a large part of the problem.

Fiscal Year	Claims Received
1967-68	196
1968-69	519
1969-70	929
1970-71	1594
1971-72	1896
1972-73	1762
1973-74	2065
1974-75	2341
1975-76	3119

## INCREASES IN INVESTIGATIVE STAFF

Fiscal Year	Supervising Investigator	Senior Investigator	Investigator	Total
1967-68	—	3	2	5
1968-69	—	3	2	5
1969-70	—	3	5	8
1970-71	—	3	8	11
1971-72	1	2	8	11
1972-73	1	2	9	12
1973-74	1	2	9	12
1974-75	1	2	11	14
1975-76	1	2	11	14

Of the fourteen investigators who analyze claim documentation and submit a report together with a recommendation on each case to the Board, eleven are assigned to the New York City - Long Island area and are located in one office at 270 Broadway in Manhattan, New York City. These eleven include one Supervisor and one Senior Investigator who are supervisory employees in the main and have little original caseload responsibility. There are no Spanish-speaking Investigators of the Crime Victims Compensation Board.

The other Senior Investigator had no real supervisory functions but instead was responsible for investigating cases arising out of the impossibly large geographical area extending through the Hudson Valley to the City of Albany in which the principal office of the CVCB is located and continuing north to the Canadian border. Another investigator is responsible for investigation of cases emanating out of the City of Buffalo area where an office of this Board is maintained. The third upstate investigator is charged with the responsibility of investigations in the rest of the State with particular emphasis on the Cities of Syracuse and Rochester.

The result of this insufficient investigating staff is not only the large number of cases still open but also the inordinate time taken to analyze and process a claim to completion because of the need to spend some time on so many cases.

#### WORKLOAD SUMMARIES

Fiscal Year	Claims Received	Disallowed or Decisions Rendered	Outstanding Claims	Awards
1967-68	196	99	97	43
1968-69	519	422	194	220
1969-70	929	845	278	372*
1970-71	1594	1101	771	512*
1971-72	1896	1482	1185	618*
1972-73	1762	1957	990	824*
1973-74	2065	1887	1168	891*
1974-75	2341	2399	1110	1074*
1975-76	3119	2535	1694	1097*

\*These figures include Amended Decisions

Further, the large case overload on each investigator makes it more difficult to increase productivity.

B. The lack of an outreach program even in the more densely populated and hence, high crime areas of the State, makes it most difficult

to give the kind of individualized and personalized attention to each claimant that is desirable. The large number of claimants who failed to furnish sufficient information and whose claims by consequence were disallowed, is no doubt due in some measure to their inability to understand what was required of them. (See chart on Reasons for Disallowing Claims, Page 18.)

C. The inability to maintain a full-blown publicity campaign designed to alert all eligible innocent victims of crime corroborates the view that many if not most eligible victims do not know of the benefits afforded to them under the law. In many cases, the unknowledgeable are precisely the people who are most in need of this help.

D. Due to the legislative history of the enactment of the Crime Victims Compensation Law, the Crime Victims Compensation Board set up rigorous procedures to prevent potential fraud by some claimants. Not only does this part of the investigative process take up an inordinate amount of investigative time, it has also led to a complicated and necessarily bureaucratic maze that many claimants could not penetrate.

The complex claim form to be filled out and notarized by the claimant before this Board would take jurisdiction is an example of this problem. (See appendix, Page 25.)

E. The Rules and Regulations of the Crime Victims Compensation Board attempted to define serious financial hardship as a prerequisite to eligibility of a potential claimant. Unfortunately, this was done with imprecision leaving large inequities within the framework of award eligibility.

F. The high medical costs incurred by claimants in some cases have made unconscionable demands upon the budget of this Agency. This is particularly true for reimbursable elective surgery, therapeutic psychiatry and dental care. The Board Members have diligently attempted to guard the public treasury in this regard. Difficult negotiations by the Board Members have often succeeded in appreciably reducing these costs but oftentimes these medical charges are unconscionably high. Further, certain hospitals and doctors charge fees to complete "forms" required of a claimant. This disgraceful attempt at a rip-off of the "Public Purse" is particularly noteworthy in that these "forms" are merely requests for bills and for services rendered. The passive role of patients in purchasing medical care is apparently magnified when the patient is also a victim of a violent crime.

## II. Reforms

Governor Hugh Carey instructed the new Chairman of the Crime Victims Compensation Board in January, 1976 to reform the procedures of the Board so as to effectively answer the desperate calls for help from innocent victims of crime who have been physically hurt and by consequence suffered severe financial loss. The Governor's concern and understanding in helping these crime victims was communicated to the Crime Victims Compensation Board and responded to with alacrity.

A. Bureaucratic procedures of the Crime Victims Compensation Board were reviewed. Many internal procedures were abandoned and still others were changed; all with a view toward processing claims as expeditiously and fairly as possible.

The first major change made was in the Claim Form. The new Claim Form (one page) will now be incorporated in the brochure describing the agency's work which will be distributed to Police Departments and other interested public and private agencies throughout the State.

Secondly, instructions were issued to all investigators that they must speak to each claimant within 15 days from the receipt of the claim. The new procedure adopted for processing claims insured each claimant would immediately be given the name of the investigator assigned to the case. Heretofore, many months would pass before an investigator was assigned to a claim.

A processing and claims unit located in Albany had been responsible for advising the claimant as to how to get necessary information from institutions in New York City. These efforts by staff could not give the personal touch necessary in many cases. The investigator is now charged with the responsibility of helping each claimant obtain the necessary information. The investigator now acts as the Notary. No longer is the sole responsibility for dealing with institutions such as the Health and Hospital Corporation, Police Department, Workmen's Compensation Board, Department of Social Services, etc. placed on the claimant. The investigator working on behalf of the claimant now shares that responsibility.

New forms promulgated for intra-agency use, relieve the investigators of a great deal of unnecessary paperwork.

The following procedure is now to be used for processing claims:

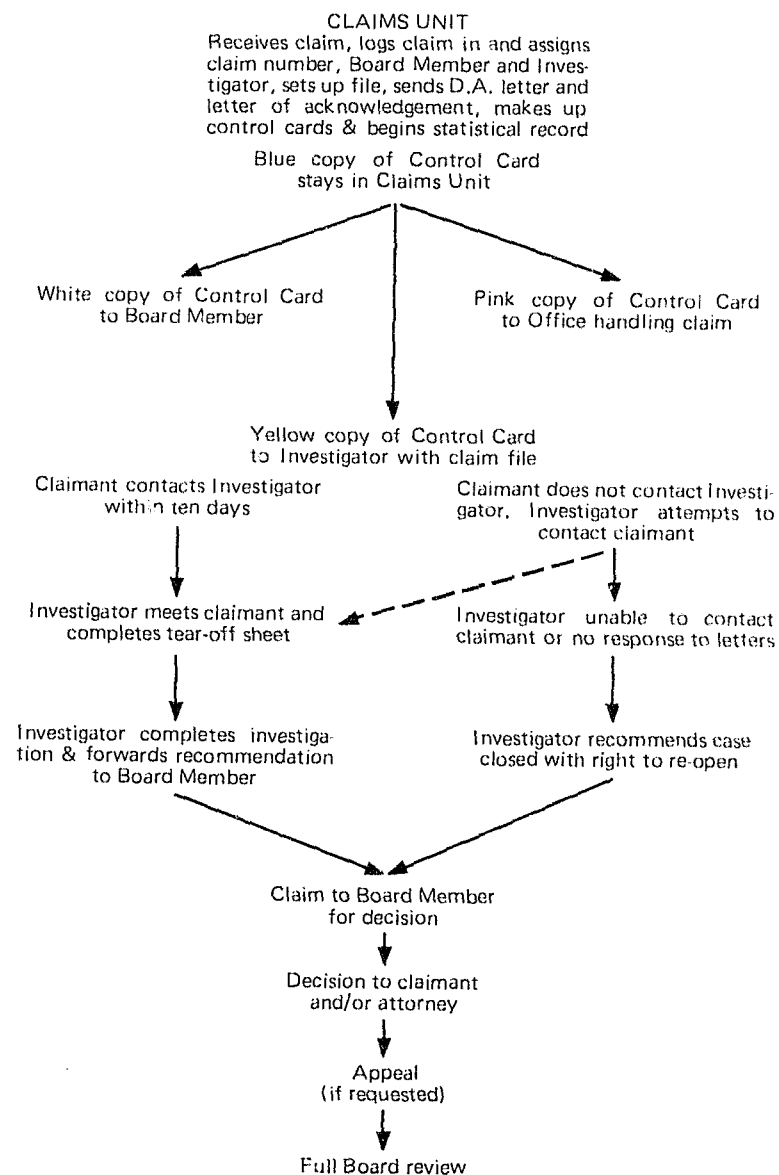
1. A claim is filed by the claimant on the new claim form.
2. The claim form will direct the claimant to mail the form to the Albany Office. The Albany Office upon the receipt of the claim, if accepted, will set up a file and direct a letter to be sent to the District Attorney as done heretofore. They will also mail a letter of acknowledgement to the claimant advising him of the name of his investigator and instructing him to arrange a mutually convenient appointment within 10 days.

3. The investigator should immediately upon receipt of the file diary the file for 15 days from the date of the acknowledgement letter. If in that time no response is received from the claimant, a 15 day "Cut Off" letter should be sent cautioning him that if no response is received within this period his file will be closed.

If a response is received during this period an interview appointment should be made at the office provided the claimant is ambulatory and lives within a reasonable distance from the office (in New York City — the five counties). If the claimant is not ambulatory and/or does not live within a reasonable distance from the office the appointment should be made at the claimant's convenience. At the time that the appointment is being arranged (whether by telephone or by mail) the claimant should be asked to make available at the interview his Tax Return, any medical bills and/or medical reports which he may have in his possession, birth certificate(s) and/or death certificate, disability benefits statements, Workmen's Compensation Decisions and medical insurance reimbursement statements and in addition, if convenient and feasible, to have the claimant obtain from the Police Precinct the Police Complaint number (U.F. 61 Number).

4. At the interview the Claimant's Affidavit Form should be filled out by the investigator and signed by the claimant. The investigator should at this point be able to determine what direction the claim will take (i.e., no minimum allowable, no serious financial hardship, ineligible claimant, provocation, award for medical only, funeral only, loss of earnings or support only, etc.). With this knowledge it is hoped that the closing of a claim can be expedited. Also, in this interview, the investigator should determine what additional information and docu-

## Claim Procedure Chart



mentation the claimant can best supply. The emphasis should be on the investigator obtaining that documentation which would be difficult for the claimant to obtain.

5. Upon accumulating all the information and documentation necessary to make a recommendation the Revised Investigator's Final Report Form and also the Decision Form should be prepared and the file submitted for decision.

Together with the use of overtime work, the investigative staff working with the Members of the Board showed unusual zeal and dedication in reducing the number of open cases which are over one year old to less than 50. Nevertheless, the caseload for each investigator is astronomical and unmanageable as this fiscal year comes to a close. We look forward to the appointment of additional investigators to be added to the staff and to include at least one Spanish-speaking person.

B. We have asked and received a great deal of voluntary support from the private sector and autonomous agencies in amplifying our outreach program. Working in conjunction with the Urban Coalition and the Amsterdam News we anticipate an early opening of a new office in Harlem, New York City, without any budgetary consequence to the public treasury. The Brooklyn Victim/Witness Program has been particularly helpful in the origination of claims. The New York City Police Department under the leadership of Commissioner Codd and other police departments throughout the State have been most helpful in communicating to innocent victims of crime the work of this Agency. The fact that almost all current claims are made immediately after the occurrence of the crime and not two or three or more months later is a testament to the good work done by the police departments throughout the State in alerting the victim of a crime to this program. Largely through the excellent efforts of the New York State Radio-TV Bureau we eagerly await a public service campaign to be undertaken by the media early in the next fiscal year. Various hospital associations throughout the State have also indicated their willingness to have member institutions place advertising posters for use in their emergency waiting rooms.

C. The Crime Victims Compensation Board has relieved several of its investigators from their full time preoccupation in uncovering fraud. "Protracted" cases are now to be verified by affidavit rather than by a field investigator. These investigators have now been reassigned and will be working a full original caseload.

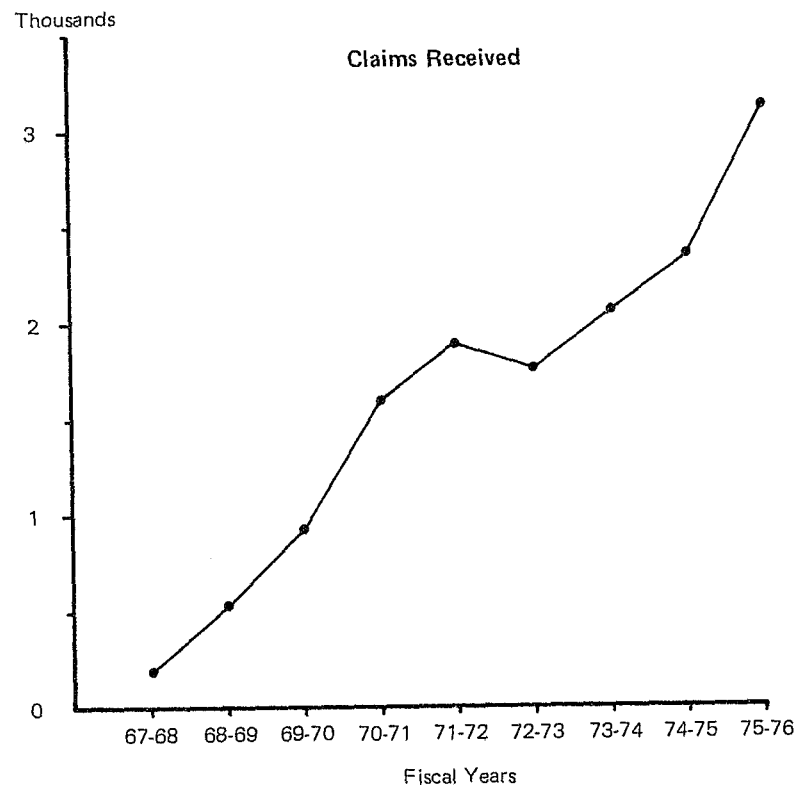
D. The Rules and Regulations of the CVCB have been reviewed and revised with an aim at achieving evenhandedness in granting of awards. For example, under the prior rules there was a provision allowing the owner of a home to gain an exemption of the value of his home when considering his eligibility in regard to his total assets. We have kept this provision but have now provided for a tenant to exempt five years rental for the same purpose.

E. We are attempting to work out with the New York State Medical Society a modus operandi to deflate some of the astronomical medical costs of the claimant. If we are unsuccessful in this endeavor, we will initiate requests for therapeutic legislation.

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### III. Accomplishments

The number of claims received during the 1975-76 fiscal year rose sharply from the previous fiscal year. The 3,119 claims made on the Crime Victims Compensation Board represents an increase of 33% over last year and continues the progression of previous years.



Similarly, the number of claims processed as well as outstanding claims for the year increased proportionately.



The number of claims processed in both the Albany and New York City offices continued to increase with the large bulk of claims coming in the New York City area.

Claims	Albany	New York
April	39	232
May	38	230
June	47	194
July	39	220
August	51	195
September	40	218
October	41	239
November	40	210
December	44	214
January	41	199
February	37	224
March	<u>52</u>	<u>235</u>
Totals	<u>509</u>	<u>2610</u>

Attorney fees are paid out of awards to claimants and necessarily are very low. Much of the work of attorneys represents pro bono publico effort by them. Yet, more than 16% of the claimants are represented by attorneys.

#### Claims Filed by Individual or Attorney

Month	Individual	Attorney
April	227	44
May	230	38
June	203	38
July	241	18
August	219	27
September	229	27
October	246	34
November	215	35
December	216	42
January	206	34
February	219	42
March	<u>237</u>	<u>50</u>
Totals	<u>2688</u>	<u>431</u>

The serious personal injury claims as well as death claims where dependents make claim on the Crime Victims Compensation Board are fairly constant figures throughout the fiscal year.

Month	Serious Personal Injury	Death
April	213	58
May	218	50
June	195	46
July	222	37
August	208	38
September	224	34
October	235	45
November	211	39
December	222	36
January	207	33
February	226	35
March	<u>249</u>	<u>38</u>
Totals	<u>2630</u>	<u>489</u>

The character of crimes responsible for injuries to innocent victim claimants are as varied as the human imagination can contrive but broad general categories do emerge. The following chart presents a summary breakdown of the crimes committed against claimants in 1975-76.

#### Types of Crime — April 1, 1975 - March 31, 1976

Month	Assault	Stabbed	Shot	Murder	Rape	Auto	Misc.
April	126	51	32	58	3	0	1
May	138	33	42	50	5	0	0
June	122	34	32	46	4	0	3
July	123	49	37	37	4	2	7
Aug.	117	36	46	38	5	0	4
Sept.	128	38	42	34	7	1	8
Oct.	140	35	50	45	5	1	4
Nov.	132	27	32	39	7	0	13
Dec.	127	40	36	36	8	0	11
Jan.	111	42	39	33	6	0	9
Feb.	135	35	42	35	5	1	8
March	<u>142</u>	<u>114</u>	<u>115</u>	<u>38</u>	<u>4</u>	<u>1</u>	<u>13</u>
Totals	<u>1541</u>	<u>464</u>	<u>475</u>	<u>489</u>	<u>63</u>	<u>6</u>	<u>81</u>

### Breakdown of Miscellaneous

Hit with bottle . . . . .	17	Hit with pipe . . . . .	3
Explosion . . . . .	11	Cut with machete . . . . .	3
Beaten with baseball bat . . .	10	Beaten with hammer . . . . .	3
Slashed with razor . . . . .	6	Run over by train . . . . .	2
Kidnapped . . . . .	4	Thrown off roof . . . . .	1
Burns . . . . .	4	Intentional use of bike . . . .	2
Sexual attack . . . . .	4	Rock Thrown . . . . .	1
Beaten with tire iron . . . . .	4	Attacked with meat cleaver .	1
Lye thrown in face . . . . .	3	Beaten with gun . . . . .	2
Arson . . . . .	1		

There is no prototype of a prospective claimant as the following summary of the age and sex of claimants makes clear. However, a male between the ages of 19 and 30 is the single largest category of claimant.

### Age and Sex Statistics of Claimants — April 1, 1975 - March 31, 1976

Month	No. of Decisions	Male	Female	0-18	19-30	31-45	46-65	Over 65
April	178	113	65	9	52	40	58	19
May	208	139	69	9	58	51	68	22
June	192	136	56	7	52	56	62	15
July	268	184	84	18	82	76	61	31
Aug.	214	139	75	8	62	58	55	31
Sept.	238	148	90	17	68	66	55	32
Oct.	215	138	77	6	69	53	59	28
Nov.	177	105	72	7	60	44	39	27
Dec.	157	107	50	8	38	38	52	21
Jan.	174	117	57	4	55	33	46	36
Feb.	190	118	72	6	56	53	56	19
March	324	220	104	12	103	82	88	39
Total	2535	1664	871	111	775	650	699	320

The implementation of some of the new internal procedures in processing claims before the Crime Victims Compensation Board began in

March, 1976. An immediate initial success was apparent and is reflected in the decisions total when surveyed on a monthly basis.

### Decisions by Month

April	178	Aug.	214	Dec.	157
May	208	Sept.	238	Jan.	174
June	192	Oct.	215	Feb.	190
July	268	Nov.	177	March	324
				Total	2535

In both award and no award cases, the Board's decision has given the right to the claimant in a total of 1266 cases to reopen decisions and make applications for reimbursement of monies upon submission of proof of the new claim. This procedure will no doubt result in a substantial number of awards in the next fiscal year.

Emergency awards continue to be a small, but important, element of the work of the Crime Victims Compensation Board. There were thirty-one emergency awards granted in 1975-76.

There are many reasons why the Crime Victims Compensation Board must disallow claims. The chart below shows the reason for the disallowance of each claim in 1975-76 by the CVCB. The largest single category continues to be the consequence of failing to furnish sufficient information. An examination of files in this category shows two basic reasons for the failure to give necessary information after the claimant took the trouble to file a claim.

The explanation emanating from the largest number of cases is that the claimant refuses to give confidential information to the Board in answering requests for copies of tax returns and asset information as an invasion of their privacy. How many of these claimants would be refused an award because of no serious financial hardship if they came forward with the necessary information cannot be estimated. Another explanation for others in this category of award refusal are those for whom institutions (such as hospitals) and various service organizations prepared the original claim form. In many of these cases, wrong addresses, misspelling of names, etc. are responsible for the Board's inability to communicate further with the claimant.

# Reasons for Disallowing Claims — April 1, 1975 - March 31, 1976

Month	Withdrawn	Member of Family	Provocation	No Prin. Sup. or Loss Sup.	No Serious Fin. Hrdshp.	No Crime	No Police Report	Work. Comp.	Claimant Ineligible	Failed Furn. Info.	No Min. Req.	Misc.
April	8	2	1	2	15	0	0	6	0	28	23	11
May	12	0	3	1	9	1	1	10	0	69	16	14
June	3	0	0	1	7	4	1	2	0	96	11	14
July	3	0	0	0	10	1	0	3	0	161	17	14
Aug.	0	2	0	0	5	0	2	7	1	103	18	14
Sept.	3	1	0	0	6	0	0	13	0	108	14	11
Oct.	2	2	4	0	16	2	0	6	3	72	12	16
Nov.	3	0	1	0	8	1	1	3	1	63	16	11
Dec.	7	2	2	1	12	1	1	1	0	42	10	13
Jan.	16	0	0	1	2	0	0	4	0	80	10	9
Feb.	6	0	0	1	6	0	0	6	0	58	19	15
Mar.	7	3	1	1	13	7	3	13	2	97	45	32
<b>Totals</b>	<b>70</b>	<b>12</b>	<b>12</b>	<b>8</b>	<b>111</b>	<b>17</b>	<b>9</b>	<b>74</b>	<b>7</b>	<b>977</b>	<b>211</b>	<b>174</b>

## Explanation of Miscellaneous

Unable to locate claimant . . . . .	38	Claimant out of state . . . . .	2
Not innocent victim. . . . .	36	V.A. pending. . . . .	2
No cooperation with police . . . . .	26	Pending trial . . . . .	2
No cooperation with Board . . . . .	11	Falsified information . . . . .	1
Pending Medicaid . . . . .	8	Failure to prosecute. . . . .	1
Claimant died . . . . .	6	Awaiting additional information. . . . .	2
Over one year . . . . .	7	Claimant out of country . . . . .	2
Pending Social Security. . . . .	5	Awaiting tax return . . . . .	2
No physical injury. . . . .	1	Pending loss of earnings . . . . .	1
Pending civil suit. . . . .	4	Awaiting police information . . . . .	1
Superseded by death claim. . . . .	4	Claimant moved . . . . .	1
Duplicate claims. . . . .	3	Good Samaritan . . . . .	1
Pending auto insurance . . . . .	3	No cooperation with D.A. . . . .	1
Pending medical insurance . . . . .	3		

Along with the large increase of claims received by the CVCB the number of amended decisions has also increased. This year there were 302 amended decisions compared to 222 amended decisions last year. All amended decisions require investigations more intensive and difficult than the original investigation. Of the 302 amended decisions, 244 received awards, representing an increase of 48% over the prior year.

Payments made to claimants after decision by the CVCB amount to \$1,744,760.52 for this fiscal year. In addition, \$901,508.03 was paid for personal injury and death claims on a protracted basis. Additional medical bills submitted after an initial award was made totalled \$332,806.75. A monthly analysis provides an average of \$248,256.27 paid out by the Crime Victims Compensation Board over the past 12 months.

	Decision Payments	Protracted Payments	Additional Medical	Monthly Total	Cumulative Total
April	209,327.60	69,811.34	36,393.90	315,532.84	315,532.84
May	170,153.41	66,933.59	16,441.59	253,528.59	569,061.43
June	96,845.17	72,207.08	44,627.89	213,680.14	782,741.57
July	8,954.88	71,246.70	19,699.95	99,901.53	882,643.10
August	318,362.25	75,793.18	20,294.98	414,450.41	1,297,093.51
September	163,029.21	75,734.16	41,118.00	279,881.37	1,576,974.88
October	161,381.97	77,161.09	30,916.62	269,459.68	1,846,434.56
November	87,245.23	75,960.60	22,172.93	185,378.76	2,031,813.32
December	208,691.66	78,968.28	23,563.70	311,223.64	2,343,036.96
January	107,721.94	79,733.74	27,252.37	214,708.05	2,557,745.01
February	77,276.85	77,897.30	18,393.09	173,567.24	2,731,312.25
March	135,770.35	80,060.97	31,931.73	247,763.05	2,979,075.30
<b>Totals</b>	<b>1,744,760.52</b>	<b>901,508.03</b>	<b>332,806.75</b>		<b>2,979,075.30</b>
Monthly Average	145,593.71	75,125.66	27,733.89	248,256.27	
<b>Totals 1974-75</b>	<b>1,561,433.71</b>	<b>747,269.40</b>	<b>220,428.81</b>		<b>2,529,131.92</b>
% increase over 74-75	10.51%	17.11%	33.77%		15.10%
\$ increase over 74-75	183,326.81	154,238.63	112,377.94		449,943.38

#### IV. Distinguished Cases

The dozen cases briefly discussed below represent not only the claimants in these particular cases but mirror to a large extent many hundreds of similar claims upon the Crime Victims Compensation Board in 1975-76. What distinguishes these claims is that they rank as the twelve most "expensive" cases for the CVCB in this fiscal year.

Claimant, a 37 year old man, tried to break up a fight between teenage boys and girls in Port Chester, New York. The claimant, a father of four, was set upon by several of these boys and stabbed repeatedly in the stomach. While laying on the ground as a result of these wounds, he was kicked in the head. The perpetrators were later apprehended. This claimant was well known for his volunteer work in helping "new-comers" to his town. He had been written up in the local newspaper the week before this crime was committed as a leading force in volunteer work in his community. Payments by this Board enabled the claimant to keep his house and still pay his medical bills.

Claimant, a 57 year old widow, was awakened from her sleep in her home in Mount Vernon, New York by the sound of breaking glass. While screaming for help she was attacked by a burglar and stabbed 23 times. Extensive emergency surgery saved her life but at a very high financial cost. Benefits paid by CVCB kept her house from being sold while she was recovering from her injuries. The perpetrator was not found.

Claimant was a four year old son of a homicide victim who was killed in Buffalo, New York in a gangland slaying by four assailants wearing ski masks. The victim, although divorced, provided sole support for the youngster. Ineligible for welfare, payments made by the CVCB allowed the claimant to be kept with his mother.

An innocent victim of a crime was killed when he went to the aid of his wife who was assaulted in front of his business premises located in a busy commercial district in Manhattan, NYC. Benefits paid by the CVCB allowed the widow to continue the business instead of having to sell it and become a public charge.

The innocent victim of a crime was shot and robbed in his store in New York City. The gunshot wounds produced quadraplegia. An award

by CVCB was made to the victim which ceased upon his death several months later. Claimant, widow of the deceased was a teacher in a nursery school and ineligible for Social Security survivor benefits. Workmen's Compensation benefits were also unavailable. An award was made to the widow for unreimbursed funeral costs and loss of support which enabled her to continue working and providing for her two teen-age daughters.

Victim was assaulted by a neighbor in Brooklyn, New York who was apprehended and served five months probation. Victim was bludgeoned with an axe and suffered permanent brain damage. Claimant, the wife of the victim, was found ineligible for welfare, food stamps, Social Security benefits or union welfare. Victim had worked 19 years as a union carpenter but as a result of the unprovoked attack was now paralyzed. After a Full Board hearing, claimant was awarded unreimbursed loss of earnings and medical bills enabling her to keep her home and provide continuing medical care for her husband.

Claimant is the 67 year old widow of an innocent victim of a crime. The victim, employed as a zoo-keeper, was crossing the street in Long Island City, New York when a motorcycle struck him and knocked him to the ground. When the injured victim yelled after the driver of the motorcycle, the driver turned the motorcycle around and deliberately ran it into the victim. The victim, confined to the hospital for 116 days, subsequently died as a consequence of the injuries sustained. The perpetrator was arrested shortly after the assault. He was released on bail and thereafter jumped bail and has not since been apprehended. Unreimbursed funeral and medical expenses as well as loss of earnings were paid to the widow by the CVCB.

Claimant is a 38 year old married man whose wife is 36 years of age. They have four teen-age children. At the time of the crime, he was a self-employed bricklayer and construction worker. One evening his mother visited his family in New York City and at about 9:30 p.m. he left, with his mother, to take her home. As they approached his car, a man came up to them and demanded money. When the claimant did not provide the money fast enough, the perpetrator began shooting a gun at him. Claimant suffered gunshot wounds of the abdomen, shoulder, forearm and perforation of the stomach and colon. The crime was reported to the police immediately after it was committed and the claimant was taken to the hospital in an ambulance. The perpetrator escaped and has remained unapprehended. The claimant was rejected for Medicaid and could not secure any kind of disability benefits. The CVCB awarded claimant unreimbursed loss of earnings and unreimbursed medical expenses.

The victim was a 13 year old minor son of the divorced claimant. He was injured in front of his home in a residential community in the Bronx, NYC by a teen-age boy who was a resident of a wayward children residential care facility. The perpetrator attacked the victim with a pointed metal rod which he pushed into the victim's head, penetrating several inches. The victim suffered hemiparesis, which is the inability to use his hand or arm. He also sustained a depressed skull fracture and other injuries to the brain. An important aftermath of these injuries is that the victim now requires special education and psychiatric care. The only disciplinary action taken, if any, against the perpetrator was by the wayward boy's home. The CVCB was advised that the perpetrator is "on the streets again" and is not incarcerated. An award was made by the CVCB for handicapped child special school tuition and unreimbursed hospital and doctor bills.

Claimant was the widow of the victim, a resident alien, who was assaulted, robbed and left dead on a curbside in New York City. The perpetrator(s) is unapprehended. The victim was the father of five children who live in Santo Domingo. After a long and intensive investigation the CVCB awarded the claimant unreimbursed funeral expenses and loss of support for the full amount allowed by the law.

Claimant was a 38 year old married man with two teen-age children employed in Rego Park, Queens, NYC. Two men, during an attempted robbery in the subway, shot him in the brain. Both perpetrators were apprehended and have been charged with this heinous crime. An award was made by the CVCB for unreimbursed loss of earnings, medical and hospital costs. The claimant's vision has been seriously impaired and he continues to be totally disabled.

Claimant was a 25 year old, unemployed single female with two daughters living with her from a previous marriage, aged 3 and 7 years. While at home one evening with her two daughters and her sister, they were visited by the sister's boyfriend. The boyfriend had been drinking and refused to leave the home. Claimant went to the store with her daughters and when she returned she found the boyfriend refusing to leave. Her sister thereupon telephoned for the police. In response to this attitude, the boyfriend pulled out a gun and proceeded to murder the sister and shoot the claimant. As a result of the shooting, claimant is a quadriplegic and is completely physically dependent on others. She is totally and permanently disabled. The CVCB assumed responsibility since claimant is not eligible for Medicare or Social Security. Together with the Department of Social Services of the State of Georgia, the claimant's needs are being attended to with the CVCB payments paying for the cost of full time care which would otherwise be unavailable.

## V. Legislation

Governor Carey has urged the Crime Victims Compensation Board to cooperate with the Legislature in strengthening the law to aid the innocent victims of crime.

The following amendments to the law are favored by the Members of the Crime Victims Compensation Board and have been discussed with the Legislature:

A. It has become increasingly apparent that attorneys fees should not be paid out of an award to a claimant but rather the attorney should be minimally compensated in addition to the award made. Our projections indicate that the total cost for such a program would not exceed \$50,000 annually.

B. The CVCB believes strongly that the serious financial hardship "means test" provision of the existing law should be repealed.

C. The CVCB believes minor children should be eligible for an award where an injury or death was caused by a member of their family. Also, the Board members are in favor of allowing eligibility to a parent of a child who was the victim of a crime.

D. The CVCB believes the Board working together with the New York State Attorney General should be empowered to compromise subrogation claims.

E. The CVCB is in favor of a legislative proposal to mandate the imposition of minimal monetary penalties upon defendants convicted of certain crimes. An amount equal to the receipts from these penalties should be appropriated to aid innocent victims of crime.

F. The CVCB is in favor of legislation mandating that victims of crime be notified of their rights under the Crime Victims Compensation Law by the local law enforcement authorities.

## VI. Looking Ahead

The dedicated efforts of the Board Members and employees of the Crime Victims Compensation Board in carrying out both new and established procedures while at the same time carrying an increasing caseload augurs well for the future administration of the Crime Victims Compensation Law.

But if society is serious about helping those people who it has failed to protect, it is evident that a larger fiscal responsibility must be undertaken. Federal action and monetary help in this area, so often promised in the past, must finally occur if our society is to redeem its promise to help the innocent victims of crime.

---

## APPENDIX

OLD FORM

CRIME VICTIMS COMPENSATION BOARD

Personal Injuries Claim Form  
(Answer all questions fully)

DO NOT WRITE IN  
THIS SPACE

CLAIM NO. \_\_\_\_\_  
Board \_\_\_\_\_  
Member \_\_\_\_\_  
Inv. \_\_\_\_\_  
County \_\_\_\_\_

NOTE: If victim is a minor, claim may be completed and signed by parent or guardian.

Particulars of Claimant (Type or Print with ball point pen)

1.(a) Name of Claimant \_\_\_\_\_  
Last First Middle Initial

(b) Social Security No. \_\_\_\_\_

2. Address \_\_\_\_\_  
Street City, Town or Village County State Zip

3. Claimant's date of birth \_\_\_\_\_ Telephone-Home \_\_\_\_\_  
Month Day Year Work \_\_\_\_\_

4. Particulars of circumstances when you were injured:

(a) Date \_\_\_\_\_ Time: \_\_\_\_\_ A.M.  
P.M.

(b) Location of Crime \_\_\_\_\_

(c) Description of crime in your own words \_\_\_\_\_

Offender \_\_\_\_\_

5. Particulars of police action.

(a) Date when incident reported to police \_\_\_\_\_

(b) To which Police Agency reported \_\_\_\_\_  
(Precinct)

6. What injuries did the victim sustain? \_\_\_\_\_

7. Name and address of treating doctor \_\_\_\_\_

8. If you received hospital treatment:

Name and address of hospital \_\_\_\_\_

9. If your injuries required dental treatment. please give name and address of treatment dentist \_\_\_\_\_

10. U.F. 61 # \_\_\_\_\_  
or  
Police Complaint # \_\_\_\_\_

11. Particulars of sums received or applied for as reimbursement for expenses incurred by you as a result of your injuries.

Check the following:

(a) Blue Cross - Yes \_\_\_\_\_ If yes \_\_\_\_\_  
No \_\_\_\_\_ Amount \_\_\_\_\_

(b) Blue Shield - Yes \_\_\_\_\_ If yes \_\_\_\_\_  
No \_\_\_\_\_ Amount \_\_\_\_\_

(c) Workmen's Compensation - Yes \_\_\_\_\_ If yes \_\_\_\_\_  
No \_\_\_\_\_ Amount \_\_\_\_\_

(d) Disability benefits - Yes \_\_\_\_\_ If yes \_\_\_\_\_  
No \_\_\_\_\_ Amount \_\_\_\_\_

(e) Unemployment insurance - Yes \_\_\_\_\_ If yes \_\_\_\_\_  
No \_\_\_\_\_ Claim No. - Amount \_\_\_\_\_

(f) Medicare - Yes \_\_\_\_\_ If yes \_\_\_\_\_  
No \_\_\_\_\_ Claim No. - Amount \_\_\_\_\_

(g) Medicaid - Yes \_\_\_\_\_ If yes \_\_\_\_\_  
No \_\_\_\_\_ Claim No. - Amount \_\_\_\_\_

(h) Major Medical Policies - Yes \_\_\_\_\_ Amount - Company Name - Policy#  
No \_\_\_\_\_

(i) Accident and Health Policies - Yes \_\_\_\_\_ Amount - Comp. Name - Policy#  
No \_\_\_\_\_

(j) Welfare - Yes \_\_\_\_\_ If yes \_\_\_\_\_  
No \_\_\_\_\_ Case Number - Amount \_\_\_\_\_

(k) Union or Company benefits - Yes \_\_\_\_\_ Source - Amount  
No \_\_\_\_\_

12. Particulars of out of pocket expenses.

If you incurred any out of pocket expenses as a direct result of your injuries, please list them below and give the cost.

ITEM

EXPENSE

CLAIMANT'S MARITAL STATUS \_\_\_\_\_

Dependents: Names, relationship and age.

13. Particulars of earnings lost as a result of injuries:

Were you absent from work for two weeks or more \_\_\_\_\_  
(YES) (NO)

Name and address of employer \_\_\_\_\_  
\_\_\_\_\_

I HEREBY AUTHORIZE AND DIRECT that if an award is made, out-of-pocket expenses including indebtedness reasonably incurred for medical, or other expenses necessary, as a result of the injury, upon which the claim is based, and unpaid at the time the decision is made, and also attorneys fee as allowed by the Board, shall be paid by the Comptroller directly to such person, or persons, as the case may be.

DATED: \_\_\_\_\_  
\_\_\_\_\_ CLAIMANT

SUBROGATION

The claimant hereby covenants that no release has been or will be given in settlement or for compromise with any third party who may be liable in damages to the claimant and the claimant, in consideration of any payment and/or award made by the Crime Victims Compensation Board in accordance with the Executive Law of the State of New York, Article 22, hereby subrogates the State of New York to the extent of any such payment and/or award to any right or cause of action accruing to the claimant against any third person and agrees to accept any such payment and/or award pursuant to the provisions of the statute and authorizes the State of New York to sue in the name of the claimant, but at the cost of the State of New York, pledging full cooperation in such action and to execute and deliver all papers and instruments and do all things necessary to secure such right or cause of action.

\_\_\_\_\_  
Claimant

\_\_\_\_\_  
Address

Subscribed and sworn to this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

AUTHORIZATION

I hereby authorize any hospital, physician, or other person who attended or examined \_\_\_\_\_;  
(Victim's name)  
any undertaker or other person who rendered services; any employers of the victim; any police or other municipal authority or agency, or public authority; any insurance company or organization; or any other person, firm, agency or organization, having knowledge thereof, to furnish to the New York State Crime Victims Compensation Board, or its representative, any and all information with respect to the incident leading to the victim's personal injuries or death, and the claim made herewith for benefits. A photocopy of this authorization shall be considered as effective and valid as the original.

\_\_\_\_\_  
Claimant's Signature

\_\_\_\_\_  
Address

Subscribed and sworn to this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

PLEASE NOTE!

THIS CLAIM FORM WILL BE RETURNED IF IT IS NOT SIGNED AND NOTARIZED IN THE PROPER PLACES.

TO: OFFICE OF THE SECRETARY  
CRIME VICTIMS COMPENSATION BOARD  
875 CENTRAL AVENUE  
ALBANY, NEW YORK 12206



OLD FORM

CLAIM NO.  
For Official Use

DEATH BENEFITS CLAIM  
CRIME VICTIMS COMPENSATION BOARD

(Answer all questions fully)

1. Name of deceased \_\_\_\_\_ Soc. Sec. No. \_\_\_\_\_
2. Address \_\_\_\_\_  
Street City, Town or Village County State Zip
3. Married \_\_\_\_\_ Single \_\_\_\_\_
4. Date of birth \_\_\_\_\_  
Month Day Year
5. Occupation \_\_\_\_\_
6. Name and address of employer \_\_\_\_\_  
\_\_\_\_\_
7. Date of death \_\_\_\_\_ 7(a) Cause of death \_\_\_\_\_  
7(b) Place of death \_\_\_\_\_
8. Spouse, children or other person dependent for his or her principal support upon the crime victim.  
  

Full names	Address	Date of Birth	Relationship to Deceased
9. Particulars of circumstances leading to death.  
  - (a) Date and time \_\_\_\_\_ A.M. P.M.
  - (b) Location \_\_\_\_\_
  - (c) Name of offender (if known) \_\_\_\_\_
  - (d) Description of incident (in your own words) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - (e) Name and address of treating physician and hospital \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Particulars of police action.  
  - (a) Date when incident reported to police \_\_\_\_\_
  - (b) By whom was it reported, if known \_\_\_\_\_
  - (c) To which Police Agency reported \_\_\_\_\_  
(Precinct)
  - (d) Has the offender been arrested \_\_\_\_\_  
Yes No
  - (e) Has prosecution been started \_\_\_\_\_  
Yes No
  - (f) Name of Court \_\_\_\_\_
  - (g) Names and addresses of witnesses:  
\_\_\_\_\_  
\_\_\_\_\_
11. Name of applicant \_\_\_\_\_
12. Address \_\_\_\_\_  
Street City, Town or Village County State Zip
13. Male Single Widow Widower  
Female Married Divorced Separated
14. Occupation \_\_\_\_\_
15. Relationship to deceased \_\_\_\_\_
16. Deceased's earnings for the last year \_\_\_\_\_
17. Amount contributed to or on behalf of claimants \_\_\_\_\_  
\_\_\_\_\_
18. Out of pocket costs for medical, hospital, funeral or other services. Please itemize, giving amount and name and address of person paid or creditor in each case.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

19. Particulars of sums received or applied for as reimbursement for expenses incurred by you as a result of the death.

Check the following:

- (a) Blue Cross - Yes ☐ No ☐ If yes ☐ No. of policy \_\_\_\_\_ Amount \_\_\_\_\_
- (b) Blue Shield - Yes ☐ No ☐ If yes ☐ No. of policy \_\_\_\_\_ Amount \_\_\_\_\_
- (c) Workmen's Compensation - Yes ☐ No ☐ If yes ☐ Amount \_\_\_\_\_
- (d) Medicare - Yes ☐ No ☐ Claim Number \_\_\_\_\_
- (e) Medicaid - Yes ☐ No ☐ Claim Number \_\_\_\_\_
- (f) Major Medical Policies - Yes ☐ No ☐ Name of Company - Pol. No. \_\_\_\_\_
- (g) Accident and Health policies - Yes ☐ No ☐ Name of Company - Pol. No. \_\_\_\_\_
- (h) Welfare - Yes ☐ No ☐
- (i) Social Security Number \_\_\_\_\_  
or  
Railroad Retirement Number \_\_\_\_\_
- (j) Veterans Administration \_\_\_\_\_  
Amount \_\_\_\_\_
- (k) Union or Fraternal death benefits \_\_\_\_\_  
Name and Amount \_\_\_\_\_
- (l) Life Insurance \_\_\_\_\_  
Name of Company \_\_\_\_\_ Amount \_\_\_\_\_
- (m) Pensions \_\_\_\_\_  
Name of Company \_\_\_\_\_

20. (a) Particulars of any other sums received by you or claimed as a result of the incident.

(b) Are you or any dependent eligible for any pension or Social Security?

(c) Have you or any dependent filed an application for any pension or Social Security benefits?

21. Any further facts claimant may wish to bring to the attention of the Board.

I HEREBY AUTHORIZE AND DIRECT that, if an award is made, out-of-pocket expenses including indebtedness reasonably incurred for medical, or other expenses necessary, as a result of the injury, upon which the claim is based, and unpaid at the time the decision is made, and also attorneys fee as allowed by the Board, shall be paid by the Comptroller directly to such person, or persons, as the case may be.

Dated: \_\_\_\_\_ Claimant \_\_\_\_\_

State of New York :  
: SS  
County of \_\_\_\_\_:

\_\_\_\_\_ being duly sworn for himself (herself) deposes and says the \_\_\_\_\_ he is the claimant named in the foregoing claim; that \_\_\_\_\_ he has read the same and knows the contents thereof; that the same is true to his (her) own knowledge except as to the matters alleged to be on information and belief and as to those matters \_\_\_\_\_ he believes it to be true.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
\_\_\_\_\_  
Notary Public

Note: All claimants must sign; if claimant is a minor, claim may be signed by his parent or guardian.

TO: OFFICE OF THE SECRETARY  
CRIME VICTIMS COMPENSATION BOARD  
875 Central Avenue  
Albany, New York 12206

### SUBROGATION

The claimant hereby covenants that no release has been or will be given in settlement or for compromise with any third party who may be liable in damages to the claimant and the claimant, in consideration of any payment and/or award made by the Crime Victims Compensation Board in accordance with the Executive Law of the State of New York, Article 22, hereby subrogates the State of New York to the extent of any such payment and/or award to any right or cause of action accruing to the claimant against any third person and agrees to accept any such payment and/or award pursuant to the provisions of the statute and authorizes the State of New York to sue in the name of the claimant, but at the cost of the State of New York, pledging full cooperation in such action and to execute and deliver all papers and instruments and do all things necessary to secure such right or cause of action.

\_\_\_\_\_  
Claimant

Subscribed and sworn to this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Notary Public

### AUTHORIZATION

I hereby authorize any hospital, physician, or other person who attended or examined \_\_\_\_\_;

(Victim's name)

any undertaker or other person who rendered services; any employers of the victim; any police or other municipal authority or agency, or public authority; any insurance company or organization; or any other person, firm, agency or organization, having knowledge thereof, to furnish to the New York State Crime Victims Compensation Board, or its representative, any and all information with respect to the incident leading to the victim's personal injuries or death, and the claim made herewith for benefits. A photo copy of this authorization shall be considered as effective and valid as the original.

\_\_\_\_\_  
Claimant

\_\_\_\_\_  
Address

Subscribed and sworn to this \_\_\_\_\_  
day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Notary Public

## NEW FORM

CRIME VICTIMS COMPENSATION BOARD

CLAIM FORM

DO NOT WRITE IN  
THIS SPACE

CLAIM NO. \_\_\_\_\_  
Board \_\_\_\_\_  
Member \_\_\_\_\_  
Inv. \_\_\_\_\_  
County \_\_\_\_\_

Claimant's Name \_\_\_\_\_

Claimant's Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Office Telephone No. \_\_\_\_\_

Claimant's Relationship to victim \_\_\_\_\_

Victims Date of Birth \_\_\_\_\_ Male ☐ Female ☐

Victim's Name \_\_\_\_\_  
(to be completed in case of death only)

Victim's Address \_\_\_\_\_

Name and Address of Attorney (if any) \_\_\_\_\_

Brief Description Crime \_\_\_\_\_

Brief Description of Injuries \_\_\_\_\_

Date of Crime \_\_\_\_\_ Location of Crime \_\_\_\_\_  
(street address)

County \_\_\_\_\_ City \_\_\_\_\_

Name of Perpetrator if known \_\_\_\_\_

Police Precinct where crime was reported \_\_\_\_\_

Police Complaint No. (U.F. 61 Number) \_\_\_\_\_  
(may be obtained at Police Pct.)

\_\_\_\_\_  
Claimant's Signature

Mail this Form to:

Crime Victims Compensation Board  
875 Central Avenue  
Albany, New York 12206

NOTICE: The Law requires a determination by the Crime Victims Compensation Board that you have incurred a serious financial loss in order to make an award in your favor. If you have substantial assets you probably will not qualify for an award.

Members of the Board



Edward A. Morrison, *Chairman*



George L. Grobe, Jr.



P. Vincent Landi



Russell G. Oswald

END