

REPORT TO THE GOVERNOR, THE LEGISLATURE
AND TO THE DIRECTOR OF THE
STATE OFFICE FOR THE AGING

PROTECTING THE ELDERLY FROM CRIMINAL VICTIMIZATION
AND PROVIDING SERVICES TO ELDERLY VICTIMS OF CRIME

NCJRS

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ACQUISITIONS

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INTRODUCTION

On May 13 the Governor signed into law a bill (Chapter 145-Section 846 of the Executive Law) which requires that the Crime Control Planning Board submit every year for the next three years, on or before the 30 day of September, an annual report on crime against the elderly to the Governor, the Legislature and the Director of the State Office for the Aging. The law specifically requires that the report describe the extent to which programs and services for the protection of elderly persons were developed and implemented during the twelve month period prior to submission. The report should also describe the extent and manner in which the Director of the State Office for the Aging and the directors of local area agencies on aging were involved in the design and implementation of such programs and services. Finally, the report should contain recommendations, including the associated cost for new programs and appropriate changes to statutes, rules or regulations designed to improve the protection of elderly persons.

The legislation came at a time of heightened concern about crime against New York State's senior citizens. Available police statistics in 1976 indicate that in some communities the elderly were disproportionately represented as victims of such crimes as robbery, burglary and purse-snatching. In addition, the mass media, with increasing regularity, has been reporting numerous brutal crimes perpetrated against senior citizens. Even more alarming than the possible increase in crime against the elderly is the fear that such crime generates in senior citizens, keeping them isolated and alone.

Since January, the Crime Control Planning Board, through the Division of Criminal Justice Services (DCJS), has gathered statistics on the extent of crime against the elderly, offered technical assistance to governmental and community-based groups interested in assisting the elderly, and funded over nine new programs to address the problem at a cost in excess of two million dollars. Furthermore, since the passage of the legislation some four months ago, DCJS has been accumulating data on efforts being undertaken throughout the State to impact upon the problem as well as developing strategies and initiatives that governmental and community agencies could undertake to assist the elderly.

This report describes the types of activities that have been initiated over the last nine months by governmental agencies and community-based groups in urban, suburban and rural communities throughout the State to impact upon the incidence of crime against the elderly and to assist elderly victims of crime. Additionally, the report will describe the type of initiatives that State and local governmental agencies and community-based organizations can undertake during the coming year to address the problem.

The report is organized into four major sections. Section I gives a statistical overview of the problem and presents reasons why the elderly are likely to be victims of crime. A major portion of the section is concerned with the impact that the fear of crime has on the lives of elderly citizens.

Section II describes the Statewide response which the Governor, Legislature, the Division of Criminal Justice Services, Office for the Aging, Crime Victims Compensation Board and other State agencies have developed to assist the elderly. On the State level, most initiatives were undertaken with federal law Enforcement Assistance Administration (LEAA) funds.

Section III discusses the response which various localities throughout the State have undertaken utilizing funds other than those available from LEAA. A significant portion of this section is devoted to activities that have been implemented in New York City by the New York City Police and the New York City Office for the Aging which have developed initiatives and programs to assist elderly citizens. Additionally, activities that have been undertaken in the metropolitan counties of Westchester, Nassau and Suffolk, as well as such upstate counties as Monroe, Onondaga and Erie will also be discussed.

Finally, Section IV describes the type of programs and associated costs which the Crime Control Planning Board intends to consider in order to address the problem during 1978. In addition, numerous strategies and programs are described which State agencies and local governmental and community-based groups could implement to improve the protection of elderly citizens or assist elderly crime victims.

I. THE PROBLEM OF CRIMES COMMITTED AGAINST THE ELDERLY

During the last 25 years, the number of Americans living past the age of 65 has increased dramatically. Between 1950 and 1970 the number of elderly in New York State alone rose by 56%. Until recently, most crime surveys revealed that those over 65 were less likely to be victimized than other age groups in society. However, in the last three years statistics indicate that the elderly more frequently are becoming victims of crime.

A. Number of Elderly Residents in New York State

According to Bureau of the Census figures in 1970, there were 2,822,914 persons aged 60 or older living in New York State, with almost half of them (48.7%) living in New York City. Table 1 provides a detailed breakdown of the number and percentage of individuals over the age of 60 in the major population centers of New York State. As is apparent, the number and percentage of individuals over 60 years of age residing in New York State is significant, ranging from a high of 19.8% in the Borough of Manhattan to a low of 10.8% in Suffolk County.

Table 1: New York State Residents
Aged 60 or older (1970 Census)

<u>Area</u>	<u>Number</u>	<u>Percentage of Area's</u> <u>Total Population</u>
New York State	2,822,914	15.5
New York City	1,374,495	17.4
Kings	421,120	16.2
New York	304,394	19.8
Bronx	245,077	16.7
Queens	366,539	18.5
Richmond	37,365	12.6
Rest of State	1,448,419	14.0
Monroe	96,773	13.6
Onondaga	63,003	13.3
Albany	48,049	16.8
Nassau	168,076	11.8
Erie	161,312	14.5
Westchester	141,328	15.8
Suffolk	121,533	10.8
Other Counties	648,345	15.0

B. Characteristics of the Elderly in New York City

Of New York City's 1,374,495 elderly residents, 947,878 are 65 or older, and approximately 620,000 households are headed by persons 65+ (471,000 rented; 149,000 owned). The median income for these households was \$3,899.

Many of the elderly are forced to live alone and this tends to increase their fear of crime. The following table provides a breakdown in living arrangements of those over 65 in New York City: (Table 2)

Table 2: Living Arrangements of New York City Residents Aged 65 or Older

Total living in own household	763,560
Living alone	270,319
Living with spouse	423,970
Living with other relatives	69,271
Total not living in own household	184,318
Living in household of children	130,988
Living in household of non-relatives	19,878
Living in institutions	33,452

Additionally, of those 65+ in New York City, the largest number are white females over 70 years of age. (Table 3)

Table 3: Age, Race and Sex of New York City Residents Aged 65 or Older

Age

65-69	37.5%
70-74	28.5%
75+	34.0%

Ethnicity

White	89.6%
Black	9.3%
Other	1.1%

Sex

Male	41.2%
Female	58.5%

C. Crimes Against The Elderly

Most communities in the State are just beginning to gather statistics on the problem of crime against the elderly. As a result, there is a relatively small amount of data State-wide describing the extent of the problem.

Although, statistically those over 60 years of age comprise approximately 17.4% of the City's total population, in 1976 they were the victims of: 21% of the purse snatches; 26.7% of pocketbook robberies; 27% of dwelling robberies; and 24.7% of those robberies in hallways, elevators, etc.

From January through October 1976, there were 72,130 felony and misdemeanor complaints filed by persons over 60 in New York City. Although this seems like a large number, it is only 7.9% of the total number of felony and misdemeanor complaints filed. Based on these 1976 statistics, the elderly do not appear to be victimized in proportion to their percentage of the population; however, with regard to the four crimes listed above, they were, in fact, overvictimized.

Elderly residents of the inner city are more vulnerable to crime. In 1976, the New York City Department for the Aging undertook a study of the elderly in the 26 poorest areas of the City. The study was entitled The Elderly in the Inner City of New York. The Office for the Aging found that of those 1,552 individuals over the age of 60 who were interviewed, 636 or 41% had been victims of crime. Of these, 20% were robbed, 18% were burglarized, 16% were assaulted, 15% had their mailboxes broken into and the remaining 31% had been victimized by other types of crimes.

As a result of the increasing incidence of crime against the elderly, the New York City Police Department undertook several initiatives to impact upon the problem. These initiatives appear to have been successful (see Section III for specific details). On July 2, 1977 Police Commissioner Michael J. Codd reported that crime against the elderly had declined more than 25% since the first of the year. Furthermore, statistics released by the police department in late September indicate that during the first seven months of 1977, the number of robberies involving elderly people declined by 30.6% over a comparable period in 1976. According to Police Department officials, the difference between the two rates was very significant. Table 4 compares five types of robberies reported against persons over 60 during the first seven months of 1976 and 1977. For each of the five categories of robbery, the number of reported incidents of crime against the elderly declined in 1977.

Table 4: Crime Against the Elderly in New York City

<u>Crime</u>	<u>First 7 Months 1976</u>	<u>First 7 Months 1977</u>
Pocket Robberies	1,903	1,125
Purse Snatchings	1,660	1,039
Open Area Robberies	1,730	1,301
Premise Robberies	1,427	1,112
Dwelling Robberies	1,051	889
<u>TOTAL</u>	<u>7,771</u>	<u>5,461</u>

Until recently, only a few police departments outside New York City collected crime statistics in a manner which documented the extent of crime against the elderly. As a result of increasing interest in the topic and at the urging of the Division of Criminal Justice Services, a number of departments have adjusted their data collection methods to obtain this information. The following is a brief discussion of the problem in those communities which have collected data.

The Syracuse Police Department reports a total of 266 crimes against persons over the age of 60 for the period from January 1, 1976 to September 1, 1976. Seventy percent of these crimes were committed in areas which the police identify as high crime areas i.e., the belt surrounding the central city. Eighty-three percent of the crimes occurred between 6 A.M. and 9 P.M., and most of the nighttime incidents took place in homes or apartments rather than on the street. It should be pointed out that this total of 266 is not regarded by the Syracuse Police Department as completely accurate, since it was not until September of 1976 that they were able to program their computer to gather specific information on crimes against the elderly. It is expected that they will have more complete data for the coming year.

Statistics concerning Erie County indicate that in 1975 there were 724 reported crimes against the elderly, an increase of 19.9% over the 1974 totals. The overwhelming majority of crime against the elderly, 590 or 87% took place within the city of Buffalo. For the first seven months of 1977 there were 434 felonies committed against Buffalo senior citizens. Of these, 25 crimes were perpetrated against males and 184 against females. The crimes were primarily robbery, larceny, and burglary.

In 1976 the Rochester Police Department reported 51 incidents against senior citizens. Of this total, 19 were reported as robberies, 15 as larcenies, 16 as assaults and 1 as a burglary. Of those victimized by crime, 29 were male and 22 were female. For the first seven months of 1977 the amount of crime against senior citizens increased dramatically. Between January 1, 1977 - July 31, 1977 the number of felonies perpetrated against those over 60 totaled 376. Of these, 194 were committed against males and 182 against females.

A survey was conducted by the Nassau County Criminal Justice Coordinating Council in conjunction with the Long Beach Police Department to develop data on victimization of the elderly in that community. In 1975, 128 senior citizens reported that they had been a victim of assault, rape, burglary, robbery, or larceny. However, in 1976 only 112 senior citizens reported that they had been a victim of one of these five crimes. This reflects a reduction of 12.5%. The crime rate for senior citizens in 1976 was 11.8 per 1,000 senior citizens as compared to 63.1 crimes per 1,000 population for the City as a whole.

These limited statistics can in no way describe the full scope of the problem. It should be remembered that the elderly often take excessive measures to insulate themselves from the possibility of being victimized; many stay at home or severely limit their activity, and this presents fewer opportunities for victimization and is probably reflected in the statistics. In addition, according to some criminal justice studies, a large proportion of crimes, perhaps as high as 50%, go unreported.

D. Victim and Offender Characteristics

For the past two years a New York City Senior Citizens Robbery Unit located in the Borough of the Bronx has been gathering data which correlates the age of the arrested perpetrator with the age of the elderly victim. Of 207 arrests made, 173 of them (83.6%) were for robbery. The age breakdown of these 173 alleged robbers is as follows:

Table 5: Number of Persons by Age Arrested in the Bronx between 1/75 - 2/77 for Robbing an Elderly Person

<u>Age</u>	<u>Number</u>	<u>Age</u>	<u>Number</u>	<u>Age</u>	<u>Number</u>
10	1	16	30	21	7
12	3	17	18	22	4
13	5	18	12	23	5
14	13	19	8	24	5
15	<u>31</u>	20	<u>4</u>	25	<u>27</u>
Subtotal:	53 (30.6%)	Subtotal:	72 (41.7%)	Subtotal:	48 (27.7%)

The above table indicates that only about 30% of those robbing the elderly are under 16 and, therefore, under the jurisdiction of Family Court. However, the Bronx Senior Citizens Robbery Unit, in formulating a profile of persons arrested for crime against the elderly, finds that the overwhelming majority of those over 16 charged with victimizing the elderly have prior Family Court records.

Unfortunately, there are no statewide statistics that indicate the level of crimes against the elderly committed by juveniles. However, a statewide rate of total juvenile arrests for robbery (25%) and burglary (31%) far exceed the percentage of juveniles within the total population. Utilizing the Bronx Senior Citizens Robbery Unit findings as a guide, it seems evident that a substantial portion of these crimes were committed against elderly persons. The statistics denoting the serious incidents of juvenile crime against the elderly are reinforced by the perceptions of law enforcement officials, the public at large, and most importantly, the elderly themselves that they are preyed upon by juveniles.

The average senior victim in New York City has been identified as a white female, between 65 and 75 years of age, who is generally attacked while returning alone from an outing, shopping or banking. When the average senior victim is attacked indoors, additional crimes usually occur. The overwhelming number of crimes takes place either in the victim's home or close to it, often in daylight hours. The previously noted study, The Elderly in the Inner City, revealed that most older persons are neighborhood-based and undertake all of their outside activities within a ten block radius. Not surprisingly, therefore, the crimes experienced by the study's respondents occurred in their own neighborhoods.

E. The Reasons the Elderly are Victimized

The reasons the elderly are victims of crime are many. However, the single most important variable is age. The unique vulnerability of the aged and the reasons they are susceptible victims can be summarized as follows:

1. City Dwellers. The elderly tend to live in inner city high crime areas. Thus, either because of low income or their reluctance to move to unfamiliar locations, the elderly tend to remain in the most crime prevalent neighborhoods.

2. Residences. The elderly are likely to live alone; this situation increases the vulnerability of senior citizens since they have no one to intervene during times of need. In fact, 26.0% of New York State's senior citizens live alone (in New York City the percentage is 28.5%).

3. Physical Strength. The elderly have diminished strength and stamina and are less able to defend themselves in threatening situations. In addition, their declining health, relative weakness and frailty are well known to others. According to one gerontologist, chronic illnesses significantly limit the activities of about half of all Americans aged 65 and over with nearly one older person in five unable to carry out such basic activities as cooking and climbing stairs.

4. Lifestyles. Criminals are well aware of the characteristics and lifestyles of the elderly, and their associated weaknesses. The dates that Social Security and pension checks are received are equally well known.

5. Transportation. The elderly depend on public transportation and walking rather than on a private automobile. Most older persons do not own cars and their dependency on walking and public transportation may expose them to hazardous conditions and increases the likelihood of victimization.

Not only are older people promising victims for criminal intent but the effect of victimization upon them is in general far more devastating than upon other age groups. The several consequences of victimization which leave the elderly devastated economically, physically, and emotionally can be described as follows:

1. Economically. Because so many older persons live on limited and reduced incomes, any loss of funds may be tragic. The loss of even \$10 could cause an older person to avoid meals whereas the loss of \$25 could amount to one-third or one-half of a weekly income. If money, Social Security or pension checks are stolen, an older person may have nothing for the entire month since loans, replacement checks or emergency checks are hard to come by and/or slow in arriving. In the event of physical injury, an elderly person's life savings can be rapidly depleted on medical bills. Thus, the economic impact tends to be much greater than for any other group of crime victims.

2. Physically. Due to their frailty, the elderly are most likely to suffer broken bones and other injuries. In addition, they require a longer recovery period and may require post-crime in-home services. Tragically, many elderly persons are unlikely to ever fully recover from an injury.

3. Emotionally. The impact of criminal victimization on older people, however, is not confined solely to financial loss and physical injury. The social and psychological impact of victimization on the elderly can be as severe as economic deprivation and physical impairment. The fear of becoming a victim can have a disastrous and handicapping effect on the daily life of an older person. Although criminal justice planners disagree on the severity of the crime problem against the elderly, there is general consensus on the devastating impact that the fear of crime has on the elderly.

As Governor Carey noted in his State of the State Message: "We must also deal with a more intangible issue: the fear of crime. Fear is as important as the problem of crime itself. Such fear dramatically alters the lives of many senior citizens. Too often older people withdraw from an active social life, are reluctant to leave their homes, and live a life of isolation and desolation. While such persons may never be victims of crime, such fear pervades their lifestyle, and makes them a less productive and less happy member of society."

Governor Carey's concern has been substantiated by a number of surveys of the opinions of the elderly.

In 1974, Lous Harris & Associates conducted the most comprehensive national study every undertaken concerning problems of the elderly. The survey, commissioned by the National Council on Aging, concluded that the social problem of most concern to those age 65 and older was fear of crime. This concern was considered a major problem by 23% of the respondents, with poor health ranking second at 21%. Fear of crime, according to the poll, was greatest among those with incomes under \$3,000, with 31% responding that fear of crime was a major social problem, compared to 17% among those with incomes of \$15,000 or more. In a separate question regarding transportation problems, 24% of those aged 65 and over listed danger of being robbed or attacked on the street as a serious problem while only 14% of those 18 to 64 felt the same concern.

Fear reduces mobility and freedom of movement and the older person ventures out only if absolutely necessary. Fear is also one cause of isolation, in this case self-imposed (rather than caused externally as in the case of income, loss of family and friends, or inadequate transportation, for instance). In addition, fear prevents grocery shopping, necessary trips to medical facilities and the ability of the aged to participate in community activities.

II. STATEWIDE INITIATIVES TO ADDRESS THE PROBLEM

Throughout 1977, the Governor, the Legislature, and various state agencies have developed strategies and initiated programs to prevent crime against the elderly or assist elderly victims of crime. On the State level the two agencies with major responsibility for assisting localities to address the problem have been the State Division of Criminal Justice Services and the Office for the Aging. The Crime Victims Compensation Board and other state agencies have also made contributions to assisting senior citizens. The following sections will discuss initiatives that have been undertaken during the last nine months by the Governor, the Legislature and various State agencies.

A. Governor's Initiatives

Throughout his administration, the Governor has been concerned with crime and the fear of crime which weighs so heavily on the lives and property of New York State citizens. During the past year, the Governor has become particularly concerned about the rash of violent crimes against senior citizens. As a result, in 1977 the Governor undertook two decisive actions to address the problem of crime against the elderly. In his January 5th, 1977 State of the State Message to the Legislature, the Governor "... directed the Division of Criminal Justice Services to establish as the first priority in the allocation of Federal LEAA funds, programs to protect the elderly and to aid elderly victims of crime. These would include special police operations, programs to train the elderly in self-protection, and the delivery of direct services to elderly victims of crime, such as temporary financial aid and shelter, medical attention and counseling".

Following his directive to the Division of Criminal Justice Services (DCJS) the Governor initiated the development of a comprehensive senior citizen crime prevention program utilizing many State agencies. On May 23rd, 1977, during Senior Citizens Month, the Governor announced his program which was developed by various State agencies, with the cooperation and assistance of the United States Department of Justice. According to the Governor the program could only be successful through the combined efforts of State agencies, local agencies, and most importantly, senior citizens themselves.

As part of his program, the Governor established the Office of Crime and Delinquency Prevention within DCJS. The purpose of the new office is to offer technical assistance and coordinative activities to municipal law enforcement agencies, local senior

citizens organizations, and other agencies throughout the State to prevent crimes against the elderly. The new unit will also develop and implement a Statewide Operation Identification Program, conduct training sessions for law enforcement agencies on crime prevention techniques, and develop home and personal-security programs. The Governor also noted that other state agencies would have a significant role in the program. Accordingly, the Department of Education would provide, through the Adult Education Program, courses to help senior citizens reduce their own vulnerability whereas the Department of Social Services and the Office for the Aging would be charged with developing escort services for the elderly throughout New York State. According to the Governor, individuals in the State's expanded public works and CETA Title VI program would be trained to escort the elderly to and from nutrition sites, senior citizen centers and the places where senior citizens gather. Additionally, the Department of Social Services would encourage recipients of its checks to use its direct deposit system, and the Department of Banking in conjunction with the New York Bankers Association would publicize available banking service, including savings and checking accounts. Finally, the State Department of Insurance was directed by the Governor to publicize the Federal Crime Insurance Program which provides low cost burglary and robbery insurance.

These programs were designed to be available for all communities and senior citizens throughout the State, however, eight target areas were designated by the Governor for intensified efforts. These eight areas are located in Rochester, Niagara Falls, Albany-Schenectady and Middletown, as well as four police precincts in New York City. The Governor stated that in these areas additional staff and resources would be provided to work with local law enforcement agencies and appropriate senior citizens organizations, to assess locally the particular crime problems which plague the elderly, and to develop and implement strategies to combat these particular crimes.

Finally, the Governor expressed his concern about the fear of crime which in his opinion is equally as important a problem as crime itself. To partially address the problem the Governor supported the development of programs which enabled senior citizens to alert police of a potential assault upon themselves. In order to implement such a program, he directed the Office of Crime and Delinquency Prevention to develop in Rochester, a two-way radio communication and alarm project between police and senior citizens. Subsequently, on July 6th, 1977, the Governor awarded \$500,000 in supplemental budget funds to implement the program.

B. Legislative Initiatives

During the 1976-1977 New York State Legislative session, the legislature took a number of initiatives to impact upon the

problem of crime against the elderly. During this session a number of bills designed to address the problem were introduced.

The following bills dealing with the elderly and the criminal justice system were passed and signed by Governor Carey:

1. Laws of New York State Chapter 145 - Section 846 of the Executive Law - The statute to remain in effect for three years amends the Executive Law to require the following: that DCJS take appropriate measures to prevent elderly citizens from being criminally victimized and that DCJS use LEAA and other federal and State funds for this purpose; that DCJS identify the protection of elderly persons from situations and criminal acts which threaten their safety as a priority in the State's Comprehensive Plan; that in developing plans and programs for this purpose DCJS consult frequently with the Director of the State Office for the Aging and local agency representatives as designated by the Director; and that DCJS prepare and submit an annual report on or before September 30th of each year to the Governor, the Legislature and the Director of the State Office for the Aging. This report should describe what programs have been initiated during the preceding twelve months, the extent and manner in which the Director of the State Office for the Aging and appropriate local agency representatives were involved in these activities, and make recommendations for statutes, policies, regulations and applications of State and federal funds for the purpose of protecting the elderly (see Appendix B).

2. Laws of New York State Chapter 182 - Section 843 of the Executive Law - The statute to remain in effect for three years amends the Executive Law in relation to the configuration of the Crime Control Planning Board. The law requires that the Director of the State Office for the Aging serve on the Board as a voting member (see Appendix C).

3. Law of New York State Chapter 144 - Section 846 of the Executive Law - This statute also to remain in effect for three years amends the Executive Law to require that all local Criminal Justice Coordinating Councils include in their membership at least one member who is representative of persons aged 60 and over (see Appendix D).

4. Laws of New York State Chapter 824 - Section 753-a of the Family Court Act - The purpose of the law is to amend the Family Court Act section 753-a with respect to designated felony acts, to (1) mandate restrictive placement in cases where the juvenile inflicted serious physical injury on an elderly person (age 62+); and (2) to extend the period of confinement in a secure facility that may be imposed from 12 to 18 months (see Appendix E).

In addition to the laws listed above, the Legislature passed two additional bills which were vetoed by the Governor. Bill number A.1-C would have added a new Article 275 to the Penal Law, Offenses Against the Elderly or Physically Disabled, providing for severe mandatory prison terms for commission of these crimes, restricting plea bargaining with respect thereto, and including such conduct within the scope of "designated felony acts" when committed by juveniles (see Appendix F).

While the Governor shared the deep concern of those in the Legislature who supported the bill with respect to crimes against the elderly and physically disabled, he withheld his approval because its provisions in his opinion were inconsistent with the structure of the criminal laws of New York State. The bill would have created substantive criminal offenses based upon a single characteristic of the victim. Currently the New York State Penal Law defines crimes according to the nature of the criminal conduct involved, and allows the court to consider particular characteristics of the victim, along with other factors, in setting an appropriate sentence. In the Governor's judgement creating separate categories of crime based upon a characteristic of the victim was inappropriate (see Appendix G).

The extremely severe winter of 1976-77 apparently resulted in a number of senior citizens being found frozen to death in their houses. These deaths may have been caused by landlords' failures to give adequate heat or the fact that utility companies may have turned off power for failure to pay the bills. In response to these unfortunate events, the Legislature passed a bill number A.7272-a which would have added a provision to County Law section 700, requiring district attorneys to investigate deaths resulting from hypothermia, (loss of body heat), of senior citizens found in their residence (see Appendix H).

According to the Governor, no justification has been provided for singling out one type of homicide for special treatment over other types of homicide, and over all other types of crimes. Furthermore, S700 of the County Law already places a district attorney under a duty to investigate all crimes occurring within his county. Therefore, according to the Governor, the bill is unnecessary and its enactment would serve no useful purpose (see Appendix I).

C. The Division of Criminal Justice Services

The Office of Program and Planning Assistance (OPPA), a sub-unit of the Division of Criminal Justice Services (DCJS), is responsible for collecting and analyzing data on the problems of crime

and delinquency in New York State, and developing programs to address these problems pursuant to the federal Crime Control and Juvenile Justice and Delinquency Prevention Acts. In addition, under Article 35 of the Executive Law, DCJS is charged with the responsibility for advising the Governor on matters of crime and justice and providing for coordinative approaches to improving the juvenile and criminal justice systems. DCJS, in carrying out its duties, operates under the supervision and policy guidance of the 30 member New York State Crime Control Planning Board, which is broadly representative of governmental officials and private citizens concerned with addressing criminal justice problems.

DCJS for several years has encouraged local criminal justice agencies to develop either police or community based programs which addressed the crime prevention needs of the elderly. Since the Governor's directive in January of 1977, DCJS has redoubled its efforts.

1. Extent of the Problem

As previously noted, statistics concerning the extent of the crime problem against the elderly were not systematically collected and reported prior to this year. In order to rectify this situation and obtain statistics for more meaningful planning and program development DCJS requested that the various Police Chiefs or Police Commissioners of the State's towns and cities collect data which would more accurately describe the nature and the scope of the problem. The Commissioner of DCJS wrote these officials that the agency had just recently initiated a program to collect victim data through the arrest fingerprint card which is submitted to DCJS for each fingerprintable arrest effected in New York State. While he anticipated that this approach would be useful, he recognized that it would provide data for only those offenses which result in arrest. He informed these officials that additional data is essential if progress is to be made to impact upon the incidence of crimes against the elderly.

Therefore, he requested that police departments collect, analyze and disseminate information showing the number and types of crimes committed against the elderly population of New York State. Furthermore, he requested that DCJS be provided with the data and analysis on a routine basis for its funding and planning needs.

The Commissioner also directed the Identification and Information Services Division of DCJS to gather available statistics on the problem as well as identify ways of obtaining more complete information. To date, the Office of Identification and Information Services (IIS), a division of DCJS, is in the process of designing and implementing a prototype incident based system which would collect detailed data, including victim characteristics, for felonies committed in New York State. The IIS anticipates that such a system will be implemented in the winter of 1978.

2. Special Task Force on Programs for the Elderly

The Commissioner also appointed an internal task force called the Special Task Force on Programs for the Elderly. The responsibilities of the Task Force include: encouraging local governmental and community groups to develop programs which address the problem; shaping DCJS applications to include whenever possible, program components which will prevent crime against senior citizens or assist elderly crime victims; gathering and analyzing statistics on the issue in order to recommend appropriate solutions; and offering technical assistance to interested agencies on how to address the problem or develop applications for funding.

In the last nine months the task force has undertaken the following activities:

a. Development of Data Base - The Task Force has encouraged local criminal justice coordinating councils, which are located in the major counties and cities of New York State to gather statistics concerning the problem. The Task Force recommended that not only should the locality gather victimization rates, but also should gather data on the number of crimes committed against the elderly in a given year; the types of crimes committed; the percentage of the elderly population victimized (with the base being the elderly population of the locality); and the percentage of elderly victims for each crime. In addition, localities that had reliable information for earlier years were encouraged to show changes in the elderly victimization rate from year to year and/or a correlation between the age of the victim and the age of the assailant. These local planning offices were encouraged to include information on the problem in their 1978 Local Comprehensive Plans. In fact, three localities described the problem of crime against the elderly in their 1977 local plans. The Counties of Nassau and Suffolk as well as New York City discussed the issue in their Local Comprehensive Plans, with New York City identifying elderly victimization as a priority problem.

b. Funding of New Programs or Redesigning Existing Programs to Address the Needs of the Elderly - The Task Force also encouraged the local planning offices to consider the crime problems of the elderly when assessing the funding of new programs.

According to DCJS officials, as soon as a locality determines that crime against the elderly is a priority problem, some portion of their funding should be earmarked to assist the elderly. In addition, whenever possible, funded programs especially in the area of police crime prevention or delinquency prevention should be carefully reviewed by local offices to determine whether one component of a project could be redesigned to help prevent crime against the elderly or aid elderly crime victims.

c. LEAA Discretionary Funding - This year the Law Enforcement Assistance Administration made available discretionary funds for programs which either directly or indirectly impacted upon the problem of crime against the elderly. These discretionary funds were made available by LEAA directly from Washington, D.C. for programs which in their judgement have a national impact.

In February 1977, LEAA announced a national competition for three grants ranging from \$250,000 to \$500,000 concerning crime against the elderly. DCJS staff received over 30 inquiries concerning the competition for these funds from local community and governmental agencies interested in assisting the elderly. Unfortunately, although DCJS staff assisted six community based groups and one governmental agency to submit applications for funding, none of these agencies applications were funded. The three grants awarded were to projects submitted from other states.

In early July LEAA announced another discretionary grants competition for Community Anti-Crime Programs. According to the discretionary guidelines these applications could be designed with components to protect the elderly. Unlike the previous competition which only funded three grants, the anti-crime program makes 75 grants available ranging from \$25,000 to \$250,000 for periods of 12 to 18 months. Because LEAA is considering applications over three separate 60-day time periods (August, October, and December 1977), it is impossible to estimate the number of applications expected for submission. However, numerous calls to DCJS staff from virtually every major city in the State demonstrates a significant local interest in the competition. DCJS staff and numerous local CJCC staff are providing technical assistance to governmental and community-based organizations interested in applying for funding.

d. Program Initiatives - Task Force staff actively participated in the Governor's May 23rd Crime Prevention Program. Through the efforts of the Task Force, a number of recommendations concerning DCJS' role in assisting the elderly were incorporated into the program. In addition, members of the Task Force led discussion groups consisting of police and State and Local Office for the Aging officials to discuss ways of implementing the Governor's program on the local level.

3. Office of Crime and Delinquency Prevention

A major component of the program called for by the Governor on May 23rd was the establishment of the Office of Crime and Delinquency Prevention (OCDP) within the Bureau for Municipal Police, a sub-unit of DCJS. The OCDP, funded by the Crime Control

Planning Board in June, 1977 under DCJS No. 2516 Crime and Delinquency Deterrence and Senior Citizen Protection Program (\$483,521), is responsible for working hand-in-hand with municipal law enforcement agencies, senior citizens organizations, juvenile aid bureaus, and others throughout the State to improve the capacity of local communities to prevent crimes against the elderly. The unit will act as a coordinator and catalyst for developing local crime prevention programs, including home and personal security programs. Unit staff will conduct training sessions for law enforcement agencies on crime prevention techniques, and work to improve crime reporting capabilities throughout the State.

The OCDP in coordination with local police juvenile aid bureaus and through the use of juvenile volunteers will encourage senior citizens to mark their property with a social security and code number indicating the police district within which they live. OCDP will publish materials indicating the police district code. Efforts will be made by the local juvenile aid bureau to develop this program through the joint efforts of paired senior citizens centers and the youth centers. This program is designed to aid in the return of stolen property, act as a deterrent to burglary and improve the image of juveniles in the eyes of the elderly.

To reduce the vulnerability of senior citizens to attack on their way to or from shopping, the bank and other errands, OCDP trained staff will also develop escort services in various localities.

In addition, the OCDP will design, purchase and operate a mobile crime prevention bus which will be used to display crime prevention hardware such as locking devices and burglary alarms, as well as provide crime prevention material and instruction for senior citizens throughout the State. The instruction will serve to heighten public awareness of the problem and educate and motivate citizens throughout the State to take steps to reduce the likelihood of criminal victimization.

Since June, a staff has been hired and visited the Niagara Falls, Rochester and Middletown Police Departments in order to conduct an assessment of the crime prevention practices currently in use in those areas; early in the fall Albany/Schenectady will also be assessed.

OCDP staff is forming a 20 agency task force which will discuss approaches to reducing crime against the elderly as well as how each agency can participate in the effort. In addition, project staff is currently arranging a conference in the early fall for chiefs of police, local Crime Prevention officers, directors of Offices for the Aging, and directors of Youth Bureaus from localities

in the State with a high proportion of elderly citizens. The purpose of the conference is to create a climate of mutual cooperation among those agencies involved in the delivery of crime prevention programs.

4. Funding of Crime Prevention and Victim Assistance Programs for the Elderly

During the past eighteen months, projects designed to make the elderly more safe and secure as well as projects designed to provide assistance to elderly victims of crime have been funded by the Crime Control Planning Board in several areas of the State. In all, some 39 projects at a cost of approximately \$8 million have been undertaken Statewide to address the needs of New York's senior citizens. Furthermore, since the Governor's State of the State Message the Crime Control Planning Board has met on three occasions. At those three meetings the Board approved 9 projects at a cost of \$2,070,567 to address these needs.

A description by geographical area of these 39 projects which either entirely or through the services of one or more program components impact upon the problem of crime against the elderly or assist elderly crime victims can be found in Appendix A.

5. 1978 Comprehensive Crime Control Plan

The 1978 Comprehensive Crime Control Plan sets forth the prevention of crimes committed against the elderly and the provision of services to elderly victims of crime as a "Special Priority" of the Crime Control Program in New York State. Accordingly, DCJS staff, when reviewing each funding application received by the agency, will consider how program components can be developed within the project to place emphasis on protecting and aiding the elderly. In addition, the Crime Control Planning Board in approving the Annual Action Plan specifically created a Community Crime Prevention and Victim Assistance category to provide a framework for the development and funding of the following type of innovative program approaches.

a) Programs to increase the involvement of citizens and neighborhood organizations in efforts to prevent crime in local communities. Localities in the State should be encouraged to develop programs which organize community groups around the issue of crime prevention, especially through projects of the target-hardening mode and through joint police-community participation. Special attention should be paid to enhancing the security of elderly residents of high crime areas.

b) Programs to alleviate the burdens experienced by victims of crime and witnesses to criminal acts, especially when those victims and witnesses are elderly. Victims of crime, especially the elderly, suffer pronounced financial and psychological, as well as, physical burdens as a result of crime victimization. Witnesses to crime often suffer the inconveniences of repeated court appearances only to have the trial postponed for another date. There is a need to provide improved services to both victims and witnesses of criminal acts and to assist them in overcoming the effects of crime victimization.

D. Activities of the New York State Office for the Aging

The problem of criminal victimization of the elderly has been of direct concern to the New York State Office for the Aging (OFA) for some time. With increased reports of the aged becoming victims of violent crime, the OFA began to work as a catalyst in State government to stimulate State level activity.

During the Summer of 1976, it became clear to the OFA that the problem was becoming severe and increasingly alarming to older persons. OFA began research into the problem and in August, 1976 completed a working paper outlining the extent of the problem: Criminal Victimization of the Elderly: Unique Causes - Distinctive Effects.

More data gathering and statistical analysis ensued and the OFA decided that in order to develop possible solutions, the assistance of other State agencies was needed. The Director of OFA invited those agencies most directly involved in law enforcement and crime problems to a meeting in November 1976 to begin formulation of possible solutions. Invitations were extended to the Governor's Office, DCJS, the Crime Victims Compensation Board, the Division of Housing and Community Renewal, the Division for Youth, and the Office of Drug Abuse Services and each was represented at the meeting.

Staff of OFA determined as a result of the meeting that the most promising method of pursuing solutions was to work closely with DCJS, since they too were working on the problem. Such inter-agency cooperation and joint efforts were essential to seeking out a reasonable approach to preventing the victimization of older persons by reducing their vulnerability. In January, 1977 OFA and DCJS began working together in what has become a continuous partnership. Officials of both agencies have met frequently to discuss and formulate approaches to the problem.

In January, OFA also met with the Division for Youth to discuss possible joint efforts to reduce crimes against older persons. The January/February issue of the OFA's newsletter for older persons highlighted Crime Victims Compensation Board benefits. In February, OFA sent a Technical Assistance Memo to all local agencies for the aging advising them of the availability of Law Enforcement Assistance Administration funds for programs designed to reduce victimization of the elderly. In April, OFA participated in the Senior Crime Institute sponsored by the New York State Police.

The cooperative effort of DCJS and OFA from January onward concentrated on the development of a Statewide approach to crime prevention which focused on serving older persons and reducing individual vulnerability. With the assistance of OFA, DCJS and other State agencies, the Governor's Office in the spring of 1977 began an intensive effort to develop a comprehensive Statewide crime prevention program for the elderly. The final plan for this program was included in Governor Carey's Special Message to the Legislature on Crime Prevention and the Elderly. Announcement of the program was made at a May conference on crime and the aging attended by local law enforcement officials and leaders in the senior citizens community. The Office of Crime and Delinquency Prevention was established and several State agencies were instructed to carry out tasks designed to prevent the victimization of elderly persons.

The OFA, with the assistance of the State Department of Social Services and the State Department of Labor, was directed to develop an escort program for older persons in order to reduce their vulnerability to street crime. County Offices for the Aging will serve as lead agencies for the program which utilizes work relief and CETA workers as escorts. Initial program development was completed in July. The escort service will be provided for those attending senior centers, nutrition sites, and other community services.

Throughout this period, OFA has been active in other areas related to crime and the aging. OFA has cooperated in the development of crime prevention programs with several local agencies and has reviewed and supported several applications for federal funding for crime prevention programs.

E. New York State Crime Victims Compensation Board

The New York State Crime Victims Compensation Board was established within the executive department of the State government on August 1, 1966. The intent of the Legislature in setting up such a Board was to mitigate the economic loss of innocent victims of crime who had suffered a severe financial loss as a consequence of a criminal act.

The basic function of the Board is to hear and determine all claims for awards filed with it. In order to do this, the Board has a staff consisting of fourteen investigators who analyze claim documentation and submit reports and recommendations on each case.

Those who may file claims include the innocent victims of a crime; a surviving spouse, parent, or child of a victim who dies as a result of the crime; or any other person dependent for his principal support upon the victim who died. Those who may not file claims include any person criminally responsible for the crime upon which a claim is based; any accomplice in the crime; and any member of the families of the criminal or accomplice.

Prior to 1976, relatively few of the residents of New York State even knew of the existence of the Crime Victims Compensation Board, and many of those who were aware of the Board were ineligible to receive any awards. However, in 1976, the New York State Legislature passed a bill creating major changes in the workings of the Crime Victims Compensation Board (CVCB). The new law, effective January 1, 1977, mandated that every police station, precinct house or other appropriate location in New York State where a crime may be reported, have on hand application forms and informational brochures relating to the availability of compensation and other help to be given to every victim who reports a crime.

The CVCB experienced extreme difficulties last year with the passage of the legislation mandating that crime victims be made aware of the possibility of compensation, for the Legislature did not at first appropriate any additional funds to the CVCB to accommodate the large increase in persons filing claims. With all of the precincts and police departments handing out application forms, and with the staff size of the CVCB remaining the same, there emerged in early 1977 a waiting period of several months between the filing of a claim and the awarding of any money. In addition, it was expected that the actual award money would run out long before the year was up. Fortunately, this crisis was remedied in April by the State Legislature, which voted to sharply increase the budget of the Crime Victims Compensation Board from \$3,650,400 to \$6,250,400, an increase of over 70%. Most of the increase will go for payments to victims, but the Board's administrative budget will also be increased by one-sixth.

Between April 1, 1976 and July 31, 1977, a sixteen month period, approximately 2,874 individuals applied to the CVCB for compensation. Of those who applied, 1,610 were under 60 years of age, 834 were over 60 and the remaining 430 didn't list their age. For the last seven months between January-July the agency has settled 1,249 claims. Of those who were compensated, 816 were under 60 years of age, 362 were over 60 and for the remaining 61 individuals their age was unreported.

In the early part of 1977, the Board members considered whether or not to give preferential treatment to elderly victims of violent crime when assessing their application for compensation. On May 31, 1977 in a letter to DCJS, the CVCB Chairman indicated that the Board members had decided to establish a special claims unit in the CVCB, under the supervision of a Commissioner, which would be responsible for expediting claims of crime victims over the age of 60. In addition to placing such claims on a high priority basis, CVCB staff working with volunteers from the community would assume the responsibility heretofore left to the elderly claimant of obtaining all needed jurisdictional information. According to the CVCB Chairman, this special effort to complete the claims of the elderly on a preferential basis, is consistent with the Governor's initiative to help the elderly victims of violent crime.

1. Federal Support of Victimization Programs

Currently, only the State government makes funds available for the compensation of crime victims. However, a number of federal legislators have proposed legislation to make federal funds available to supplement State victim compensation projects. The House of Representatives, is currently assessing the passage of H.R. 7010, a bill which contains special provisions for elderly victims of crimes. This act, to be cited as the "Victims of Crime Act of 1977", empowers the Attorney General, with the advice of a ten member Committee on Victims of Crime, to make annual and supplemental Federal grants to aid State victim compensation programs. One hundred percent of the costs of compensating federal crimes and 50% of compensation costs related to State crimes would be assumed for qualifying State programs.

Among the requirements set down within the bill to qualify for the federal aid are special provisions for elderly victims of crime. The State program, in order to be eligible, must provide an immediate interim payment to each eligible elderly crime victim (65 or older) as soon as possible after the crime is reported to the appropriate law enforcement officials, the eligibility of the victim is established, and application is made. The legislation also specifies that the State Commissioner of the Aging be named a member of the "Advisory Committee on Victims of Crime."

Appropriation for purposes of this bill would be \$40,000,000 for fiscal year ending September 30, 1978, \$50,000,000 for fiscal year ending September 30, 1979, and \$60,000,000 for fiscal year ending September 30, 1980.

III. LOCAL INITIATIVES TO ADDRESS THE PROBLEM

Throughout 1977, numerous efforts have been undertaken in various suburban and rural sections of the State to reduce the incidence of crime against the elderly. While many of these programs were implemented utilizing federal LEAA funds (see Appendix A), public and private agencies on the local level have also undertaken numerous strategies and initiatives to assist the elderly, using federal, local, or other types of private funds. The material in this section describes some of the programs that have been undertaken in New York City, the metropolitan counties of Westchester, Nassau and Suffolk, and the upstate communities of Erie County, Monroe County, Onondaga County, Rensselaer County, and other communities of the State. Since, as previously indicated, New York City is the first area of the State to document a significant problem of crime against the elderly and marshal governmental and community resources to address the problem, a substantial proportion of this section is concerned with the activities undertaken in New York City. The type of programs initiated by the New York City Police Department and the New York City Department for the Aging can serve as a model for other communities undergoing similar crime problems. It is anticipated that in the next year's annual report there will be more detailed data concerning efforts by other localities to assist senior citizens.

A. New York City Initiatives

The Crime Control Planning Board has allocated more than two million dollars to New York City for programs which, in whole or in part, are aimed at deterring crimes against the elderly or offering assistance to elderly victims of crime. In addition to those funds made available by the Board, New York City has committed a significant portion of public and private resources to address the problem. The following is a description of the strategies and initiatives that the Police, the Department for the Aging, the New York City Criminal Justice Coordinating Council and selected community groups have undertaken during the past nine months.

1. New York City Police Department

The first efforts to reduce crime against the elderly were made in 1975, when the City Police Commissioner, responding to increased incidents of crime against the elderly in the Bronx Area Command, established within that command a senior citizen robbery unit.

The unit focused on preventing crime against elderly Bronx citizens as well as providing them with information on how to avoid being victimized or once victimized how to receive needed social services.

By late 1976, however, the problem of senior citizen safety became of utmost concern to the Police Department when statistics revealed that crimes against the elderly for the selected felonies of robbery, assault and burglary exceeded their proportionate numbers in society. Thus, on November 4, 1976, in the wake of a number of particularly brutal assaults and robberies against elderly individuals, the Commissioner issued Operations Order Number 96. The order set forth a coordinated Citywide program to combat crime against the elderly and established in each of the City's seven area commands senior citizen anti-crime units.

The order provided for the deployment of the senior citizen anti-crime units and the utilization of the resources of the department to assist in the protection of the elderly. In this respect, area commanders were directed to:

- a. Enlist the assistance of the Crime Prevention Section in providing lectures, films, etc.
- b. When deemed advisable, request assistance from the Commanding Officer, Street Crime Unit in targeted areas, day or night.
- c. Increase visible uniform presence by deploying Area Task Forces in high hazard locations and by increasing Auxiliary Police patrols in such areas when possible.
- d. Coordinate efforts with Detective Area Commanders.
- e. Direct Precinct Commanders to:
 1. Develop responsive and vertical patrol programs in areas of high senior citizen density, utilizing officers assigned to radio motor patrol cars, scooters and foot patrol.
 2. Ensure Precinct Investigation Unit, uniform and anti-crime personnel are kept informed of senior citizen crime problems and become actively involved in senior citizen prevention and apprehension efforts.

3. Cause appropriate use of "Stop and Frisk" procedures and ensure that each "stop" is properly documented.
4. Fully utilize Crime Prevention and Community Affairs Officers to assist in educational phases of the program and to identify locations where numbers of senior citizens congregate or frequent.
5. Encourage increased citizen participation in the Blockwatcher and Operation Identification Programs.
6. Ensure intensive crime analysis is conducted to detect crime patterns, modus operandi, phone locations, etc. The known or approximate age of crime victims shall be recorded to assist in this analysis.
7. Develop court escort service which assists elderly victims of crime to be escorted to the courts as complainants or witnesses.
8. Direct the community relations offices at the crime prevention offices of each precinct to bring the program to the attention of all schools, charitable, fraternal, and community groups in their respective areas.
9. Solicit volunteers to escort the seniors in the normal pursuits of their lives.
10. Utilize portable photo file in victim interviews.
11. Photograph injured victims to provide visible evidence of the extent of injury for future court presentation.

By December 1976, the program had been implemented in all seven area commands. The number of personnel committed to the program citywide included 1 lieutenant, 8 sergeants, and 70 police officers.

During the first six months of operation, police officials reported that the comprehensive coordinated approach to the problem had resulted in increased activity and interest of many elements of the department. This was reflected in the number of varied activities such as vertical patrols, educational fairs, recruitment of volunteers, coordination of investigation efforts by Detective and Patrol Units, and other department resources that are relevant and helpful to the Senior Citizen Anti-Crime Program.

To coordinate and reinforce the efforts of the Senior Citizens Anti-Crime Units, the city-wide Street Crime Unit was directed to coordinate and give special attention to crimes against the elderly. Two of their squads, comprised of approximately 35 officers each, dedicate most of their efforts to the apprehension of persons bent on robbing elderly persons. The strategy consisted of a disguised single police officer appearing to be an older person deployed in an area in which he is prone to be attacked. Each such disguised officer is closely watched by an inconspicuous back-up team that quickly moves in and makes an arrest the moment a crime is perpetrated.

An analysis of the results of the senior citizen anti-crime program is encouraging. During the first ten months of 1976 in the categories of robbery (street muggings), grand larceny-purse snatch, robbery-pocketbook, residential premises robbery and dwelling robbery crime complaints relating to those 60 years of age or over were up 16% city-wide. During the period from November, 1976 through January, 1977, since the installation of the department-wide Senior Citizens Anti-Crime Program, complaints in these categories were down 25% city-wide. Furthermore, for the period of January through July of 1977, the data reveals that crime against the elderly was reduced by 30.6% over a comparable period in 1976.

During the first four months of 1977, the specialized Senior Citizen Units, operating in each borough, investigated a total of 1,227 cases of serious crimes against persons over 60 years of age which resulted in 243 arrests and 31 wanted cards. During the same period the city-wide Street Crime Unit effected 197 arrests for crimes against the elderly, while the rest of the patrol force, prodded by the special attention of the Police Commissioner, effected almost 1,000 arrests for similar crimes.

Since these units and these efforts had not previously existed or were at least not focused on this specialized purpose, it is impossible to compare these arrest statistics with previous police activity, but there can be no doubt that it represents an enormous increase in the number of persons arrested for crimes against the elderly.

The Police Department took other important steps to prevent the commission of crimes against the elderly. Police commanders throughout the city were explicitly instructed to give special attention to this problem. Areas of the city that were deemed especially hazardous or prone to the commission of crimes against older persons were to be more intensively patrolled. This included using outside tactical units, auxiliary police and other community assistance such as Block Watchers.

A massive educational program was undertaken by the Department's Crime Prevention Unit. Members of this unit and Crime Prevention Officers in each precinct meet with groups and individuals and counsel them on how best to protect themselves. Buildings in which the elderly live or congregate are inspected and recommendations are made to improve their security. With the aid of a grant from Bankers Trust, a movie called "Senior Powers," in which the elderly are given safety tips and other advice, was made. This film has been widely shown in senior citizen centers.

The Crime Prevention personnel have also trained persons employed by the City's Department of Aging and members of the Senior Citizens Anti-Crime Unit so that they in turn could also instruct the elderly on how to minimize their susceptibility to crime. In addition, in July 1977, Operation Order Number 57 was issued. The order informed all area commanders that the New York City Department for the Aging had established referral service in every police precinct in the city to assist elderly victims of crime. According to the order, each precinct commanding officer is responsible for referring a senior citizen requesting assistance to a social service agency.

The Community Affairs Division initiated a young persons escort service. Younger members of each community have been organized to assist the elderly by escorting them about the neighborhood. The project has several virtues. It reduces the older person's susceptibility to being attacked by furnishing a protective service, it reduces the climate of fear by altering their perspective of minority youngsters as being uniformly a threat to their security, and it gets the participating youths involved in an exemplary community activity. Approximately 1,000 youngsters, recruited from schools, civic organizations and private clubs, are participating in this program. It is estimated that they provide direct services to about 5,000 elderly persons.

In addition, as part of the new effort to protect the elderly, the Police Department is developing a computerized central information bank to provide data about elderly citizens crime complaints in all areas of the city, as well as to help identify repeat offenders. As part of this effort to increase the information available for the crime of robbery, the crime analysis section of the Office of Management Analysis will shortly attempt to merge the Departments' computerized complaint and arrest data for 1978. One of the benefits of such a combination would be the ability to examine the relationship between the recorded characteristics of victim and offender. The information is expected to assist the police in pinpointing problem areas and

crime patterns and aiding in the deployment of police personnel. In order to maximize the exchange of statistical information, the Police Commissioner has directed that on a continual basis DCJS will be supplied with all available data on the subject.

2. The New York City Department For The Aging

The New York City Department for the Aging, through the commitment of its own resources and through the receipt of grants to establish special programs, has undertaken a City-wide effort to mobilize the criminal justice and social services systems in a comprehensive attack on the problem of crimes against the elderly.

Since 1973, the Department's Bronx Office, in cooperation with the then Bronx Foundation for Senior Citizens and police officers of the 44th Precinct of the New York City Police Department, conducted a continuing crime education and service program for older residents of the precinct's West Bronx neighborhoods. The Bronx Office for the Aging arranged for police to visit the Office and senior citizen centers on a regular basis to advise and counsel the elderly in ways to avoid being victimized and in what to do if victimized. This program also spurred the publication and distribution of a brochure, entitled "Safety Tips for Senior Citizens," which offers common-sense crime prevention advice, and the purchase and distribution of over 10,000 police whistles to senior citizens throughout the Bronx as part of a borough-wide crime prevention campaign.

Since 1975, the Department has strongly supported and worked closely with the Bronx Senior Citizen Robbery Unit, a specialized force which was established to focus exclusively on indoor robberies against the elderly and on confidence games exploiting older persons in particular. Staff of the Bronx Office assisted officers of the robbery unit in encouraging elderly victims to provide important information to enhance the apprehension and prosecution of offenders.

In 1976, as the problem of crimes against the elderly in New York City intensified, the Department for the Aging developed an ongoing cooperative relationship with different levels of the Police Department in a continuing City-wide effort against crime victimizing the elderly. To date, this relationship has resulted in the following joint efforts:

1. The expansion of specialized Senior Citizen Anti-Crime Units, with increased police personnel, to every borough in the City;
2. The systematic collection by the Police Department of data on selected crimes victimizing older New Yorkers and its dissemination to the Department's Research Division for analysis;
3. The establishment of a Senior Citizen Escort Program in which volunteers, recruited predominantly from high schools, are selected and trained by local police precinct Community Affairs officers and are assigned to escort older persons to and from stores, banks, and senior centers in their neighborhoods; (As of June, 1977, 303 requests for I.D. cards for youth escorts have been received by the police);
4. The development of Older Citizens Committees by local precinct Community Councils, which will review the operations of Senior Citizen Escort Programs and other special police programs to assist the elderly and which will enable older residents to formally impact upon the policies or procedures of their local precinct; (As of June, 1977, 40 precincts have established Older Citizens Committees);
5. The designation in each police precinct of one senior citizen center or other social service agency as a Crime Victim Referral Center to which police officers will refer elderly victims of crime for assistance in overcoming the impacts of victimization. As indicated previously, the Police Department's Chief of Operations has issued Operational Order Number 57 requiring each precinct to refer senior citizens to the designated centers. The Department for the Aging's Borough Offices, which will be responsible for maintaining this crime victims referral network, are organizing and conducting borough-wide sessions in which directors and staff of each referral center and key police personnel of each precinct will establish procedures and working relationships necessary to the functioning of the referral network. During the week of June 20, 1977, the Department for the Aging's Field Operations Unit and the Police Department's Community Affairs Division mobilized over 400 social service and police personnel in a series of borough-wide organizing sessions at which procedures were established for the operation of this referral network; and

6. The establishment of a City-wide Senior Citizen Committee under the aegis of the Police Department on which the Department for the Aging's Director of Field Operations serves. The committee meets regularly with the Police Commissioner and his top command staff to review the operations of each of the above programs and to develop additional innovative strategies.

a) Federally Funded Programs

During the last two years, the New York City Office for the Aging has received two grants to address the problem of crime against the elderly. As noted previously, in March 1976, the Department in association with the New York City Foundation for Senior Citizens, received a grant of \$129,000 from DCJS in order to establish a crime prevention program for the elderly. The project, DCJS No. 1973, Crime Prevention for the Elderly, offers victim assistance, training and public information. In March 1977, the Department in association with the New York City Foundation for Senior Citizens received a grant of \$250,000 from the Administration on Aging of the United States Department of Health, Education and Welfare. In New York City, a parallel grant has been awarded to the Community Development Agency by the Community Services Administration. The Department for the Aging's project, the Senior Citizen Anti-Crime Network (SCAN), has the following components:

1. Victims Assistance. The project will develop a mechanism to immediately identify, contact and assist elderly victims of crime to recover from the impacts of victimization. In its first year of operation, SCAN will focus on elderly victims of crimes of personal violence living in the Bronx, with special emphasis on obtaining financial restitution from the New York State Crime Victims Compensation Board.
2. Neighborhood Organizing. The project will mobilize the resources of two target neighborhoods - Flatbush in Brooklyn and Astoria in Queens - in a comprehensive grass roots strategy to reduce the incidence of crimes against the elderly and alleviate the climate of fear in each neighborhood. The project's staff will organize in each area a Neighborhood Task Force on Crimes Against the Elderly, composed of community representatives, and will develop a range of strategies to combat crimes which are geared to the needs of each neighborhood, and which will strengthen the informal support systems as a resource in crime prevention.

3. Public Information. The project will develop a well-coordinated information-exchange network throughout the City to create an increased awareness by the public of the dimensions of crime against the elderly and of the range of activities being undertaken in neighborhoods throughout the City to attack the problem. SCAN will identify local anti-crime activities that are innovative and apparently successful and will assist other local groups in developing similar activities.

b) Liaison with Criminal Justice Agencies

Contacts between the New York City Department for the Aging and the Division of Criminal Justice Services as well as the New York City Criminal Justice Coordinating Council have been extensive. During the last nine months, the three offices have had the following types of contacts:

1. The three agencies have exchanged information and data concerning the impact of crimes against the elderly on the local, State, and national level, as well as the types of programs being implemented to address the problem;
2. The Department for the Aging has reviewed and commented upon every application for LEAA funding that would directly address crime prevention concerns of the elderly in the New York City area; they have also been contacted by DCJS staff as to the type of elderly programs that would be most effective on the Statewide level;
3. Staff of the Office has participated in numerous meetings with DCJS staff, both locally and in Albany for discussion of program ideas and the interpretation of Departmental Anti-Crime efforts. Similar meetings have been held by Office for the Aging staff with representatives of the NYC CJCC.

3. New York City Criminal Justice Coordinating Council.

Although the Division of Criminal Justice Services is the agency responsible for the Safe Streets Program in New York State, the program is administered at the local level by a series of local planning offices. In New York City the agency responsible

for implementing the program is the New York City Criminal Justice Coordinating Council (CJCC). During the last twelve months, CJCC has become increasingly aware of the rise in the rate of victimization of the elderly. As a result, in their 1977 local Comprehensive Plan, CJCC addressed the problem and designated it as one of its ten priority problems.

In implementing this priority, CJCC will develop and fund projects which provide assistance and services to victims shortly after their victimization. In addition, during the coming year, CJCC is likely to refund two programs which directly serve the needs of the elderly and over ten programs which have one or more components addressing their needs (see Appendix A for specific projects). In addition, approximately six months ago, a CJCC staff member was appointed liaison between the Department for the Aging and CJCC so that the Chairman of CJCC could be better informed of services being provided to the elderly. This staff person is also responsible for collecting data concerning attempts by other governmental and community-based groups to develop programs for the elderly. CJCC staff has assisted community groups to apply for discretionary funding. Over the last two months CJCC has offered over 100 community groups technical assistance in applying for LEAA discretionary Community Anti-Crime funds.

4. Governmental Agencies

For the past year, the Bronx District Attorney's Office has implemented a Crime Victims Assistance Unit utilizing private funds. The Unit is operated by three VISTA volunteers and two salaried staff members. Project personnel have provided the following types of services to elderly crime victims: transportation services; escort services; information on individual court requests; assistance in applying for crime victims compensation; and assistance in replacing lost or stolen social security and SSI checks. In addition, the Unit has coordinated its activities with other Bronx senior citizen crime victims assistance units as well as governmental units which work with elderly crime victims.

5. Community-Based Activities

In addition to the foregoing, many community-based organizations either in coordination with the police department or through their own independent efforts attempt to assist the elderly in New York City. Following is a brief discussion of the types of activities which selected community-based groups offered during the past year:

1. Taft High School Escort Service. Since November, 1976, Taft High School, located in the Morrisania section of the Bronx, has conducted an escort service for the elderly. Approximately 100 teenagers who have been carefully screened provide escort services to a local center.
2. New York City Housing Authority Tenant Patrol. This program has about 12,000 volunteer members, many of them low income and some elderly. The tenant patrols complement the Authority's own police force, acting as a deterrent to crime and vandalism and providing an opportunity for concerned tenants to be involved in security. Members provide escort service, patrol outdoors and guard lobbies of high-rise buildings. Patrols have also supervised building beautification and free lunch programs.
3. East Bronx Council on Aging. Since January 1, 1977, this project, located in the Parkchester and Castle Hill sections of the Bronx, has provided aid to elderly crime victims, monitored the criminal justice systems' handling of victim cases, and used its findings to call for improvements in the system. The Council's plan, which has the approval of the Bronx District Attorney and the police department, allows police to notify a project representative of any crime committed against a person 60 or over in the catchment area. Two groups of volunteers then go into action: one contacts the victim to offer aid and advice, and the other contacts the District Attorney's office to begin monitoring of the court process. The Task Force delivers a number of services to the victim including court escorts, transportation, and advice on how to get medical or financial help. In addition, project staff will monitor each criminal case from arrest to final disposition, evaluating the effectiveness of the District Attorney's office and the courts.
4. West Bronx Jewish Community Council. The West Bronx Jewish Community Council is a coordinating agency which works with eight senior citizen centers in the Kingsbridge and Riverdale sections of the Bronx through a federal grant. Project staff offer escort, shopping and light housework services for the semi or non-ambulatory elderly. Over 100 local youngsters are involved in escorting senior citizens to centers, doctors, banking or marketing; and

5. Harlem Teams for Self Help. This project offers services to senior citizens in the central Harlem area of Manhattan. For the past several years, Harlem Teams have conducted a senior citizens program of formalized activities for the community's elderly population. Project staff have provided such services as assisting elderly to and from their homes, running errands, and assisting the elderly to get needed services. In addition, senior citizens have been involved in a tutorial program with neighborhood youths.

B. Initiatives of Metropolitan Area Communities

The Counties of Westchester, Nassau, and Suffolk have initiated numerous programs other than those financed with LEAA funds to address the needs of the elderly.

Following is a discussion of the types of activities which police departments, Offices for the Aging, and not-for-profit community-based agencies have undertaken during the past year. The section is not all inclusive. Many of the communities mentioned as well as some communities which are not mentioned are presently conducting other programs to prevent crime against the elderly or assist elderly crime victims.

1. Westchester County

In Westchester County the majority of crime prevention programs addressing the needs of the elderly are being implemented in the city of Yonkers by the Office for the Aging. As part of the range of volunteer-based services offered to Yonkers' older residents the Office for the Aging conducts three programs which impact upon crime prevention and the elderly. First, in cooperation with the Police Department, and a number of community-based groups, project identification provides security checks of residences and engraves the personal possessions of older residents as a preventive measure against crime. As part of this program, volunteers are also visiting the homes of older residents in order to distribute literature describing services and community resources available to older residents.

Secondly, a postcard alert program is operated in conjunction with the Yonkers Police Department. When patrol officers come in contact with senior citizens who in their opinion could benefit from social services, they fill out the individual's name, address, and telephone number on a pre-addressed postcard. At the end of the shift these cards are given to the desk sergeant who forwards them to the Office for the Aging for their follow-up.

Thirdly, the Office, in partnership with the Yonkers Post Office and many community groups, provides an Early Alert Program for older adults in Yonkers, Hastings, Tuckahoe, Bronxville, and some sections of Eastchester. When the letter carrier in these communities notices that mail hasn't been picked up in accordance with the habits of an early alert registrant, the Post Office notifies the Office for the Aging; the Office for the Aging then contacts the registrant to ascertain his or her well-being.

In addition to the activities of the Office for the Aging, the Yonkers Intergenerational Association of People provides a Senior Citizens hot-line and escort service for residents of Yonkers.

In the remainder of Westchester County there are a few additional programs geared specifically to preventing crime against the elderly. Most of these programs are sponsored by law enforcement agencies, such as local police departments or the Sheriff's Office, and consist of educational presentations to senior citizen groups. Police departments in Mount Vernon, New Rochelle, Greenburgh, and White Plains visit senior citizens centers to discuss crime prevention measures. Additionally, White Plains operates a burglary prevention unit which conducts premise surveys in neighborhoods with high concentrations of elderly citizens and provides advice to elderly residents on preventing burglaries. The Greenburgh Police Department indicated that crimes against the elderly will be the focus of a committee, the Police Community Council, which will meet in early September.

2. Nassau County

The majority of programs which impact upon the problem of crime against the elderly in Nassau County have been initiated by Countywide or local police departments. The Nassau County Police Department, through its Community Relations Unit, disseminates information to the elderly as part of its public education program. This program consists of a series of lectures, given by police officers, concerning how to prevent or reduce the chances that a crime will be committed, and the procedures to follow if a crime is committed. While not specifically designed for the elderly, the program does take into account the special needs of this group.

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As indicated in Section I, in order to obtain more information on the problem of crime against the elderly, the Long Beach Police Department in conjunction with the Nassau County Criminal Justice Coordinating Council collected data on victimization of the elderly. The Long Beach Police Department will utilize the results of the survey in determining how to deploy manpower under a recently awarded State-wide grant. Under the grant, the police department will receive \$198,000 in state funds to add seven police officers, four patrol cars and other equipment to implement a pilot program designed to improve protection of the elderly. The new officers will enable police patrols to be increased in a 10-block area which has a high concentration of elderly citizens. The project will also conduct a public relations campaign to inform the public through various media forums how the elderly can protect themselves and their property.

In the next few months the Nassau County Criminal Justice Coordinating Council will undertake a comprehensive senior citizens victimization study. This study to be financed by a \$100,000 CETA grant will analyze the extent of youth crimes committed against elderly of Nassau County. It will consist of the following: 1) a survey of selected senior citizens; 2) correlation and analysis of data; and 3) recommendations for model programs and measures to curb youth crimes against the elderly.

3. Suffolk County

In May of this year, the Suffolk County Criminal Justice Coordinating Council, Police Department, and Data Processing Unit, devised a method to canvass all central complaint calls concerning the elderly. The system was first used for complaint calls on August 31, 1977, and over one hundred elderly calls have been noted. Three fourths requested assistance for a sick person with the remaining calls concerning suicide attempts, intoxicated persons, investigations-miscellaneous, eloped patients returned, service-miscellaneous and non-criminal deaths. Suffolk intends to continue monitoring the calls in order to allow the participating agencies and departments to design programs that will meet the documented needs of senior citizens throughout the County.

In addition to determining the needs of the elderly through monitoring their calls, the Police Community Services Bureau (DCJS No. 1729A) received \$5,000 from the Suffolk County Office for the Aging. These funds will be used to augment the Community Service Bureau budget in order that the unit may conduct a crime prevention campaign. This public relations campaign will entail specialized brochures and pamphlets produced in large type explaining prevention techniques and actions to take when and if a crime occurs. Film presentations specific to the elderly will also be purchased. Additionally, Community Service Aides will hold discussion meetings at various Senior Citizen Clubs and Nutrition Sites throughout Suffolk.

Islip, a Township in western Suffolk with an elderly population of 30,441 and an active town governmental Senior Citizen Division, has initiated a youth/elderly program entitled "Life Line." The program utilizes youth volunteers to locate seniors who are isolated from their community and involve them in activities.

C. Upstate Communities

Many programs have been developed in upstate communities. The following is a partial list of projects undertaken on the local level with local funds to address the problem of crime against the elderly. It should be remembered that many additional programs are being implemented in upstate communities which are not mentioned in this report.

1. Dutchess County/Poughkeepsie

To impact upon the incidence of crime against the elderly, a number of initiatives to address the criminal justice needs of the elderly in Dutchess County have been undertaken. The Crime Victims Assistance Project located in the City of Poughkeepsie is implemented by St. Francis Hospital. The project responds to the needs of persons who are victims of crime by providing short-term counseling and serves as the victim's advocate in securing social services. In part, the project seeks to activate particular local social service agencies to pay greater attention to crime victims. Since older citizens represent a large number of persons victimized by serious crimes, a priority is given to dealing with senior citizens as actual or potential crime victims.

As part of the service provided by the Community Relations Division of the Poughkeepsie Police Department, crime prevention activities have achieved increasing importance. The activities include Operation ID, security inspections and special educational programs for different classes of victims such as senior citizens. CRB staff also meet with senior citizens' groups to listen to their problems and channel such concerns back to the department's administration.

Recently the Community Relations Division sponsored a crime prevention workshop for area police officers which was conducted under the aegis of the National Retired Teachers Association, and American Association of Retired Persons. Originally established with DCJS funds, the project was institutionalized in October, 1975.

2. Rensselaer County

In Rensselaer County, the Department for the Aging has initiated two projects in response to the problem of crime and the elderly. For the past year, the Office for the Aging in coordination with a number of community-based agencies and the Sheriff's Department has operated Operation Security. This program offers senior citizens of the County information on how to protect themselves and their property from being victimized by crime as well as offering interested seniors a security check of their homes in order to suggest ways of improving security.

Currently, the Office for the Aging in conjunction with the State Office for the Aging, the State Department of Social Services and the State Department of Labor are about to launch a senior citizen crime prevention program. The program will utilize CETA workers who will escort senior citizens to community centers or to go shopping.

3. Onondaga County/Syracuse

In Onondaga County the following programs have one or more components designed to control and reduce in incidence of crime against the elderly.

Senior Citizen Identification Card Program which are sponsored by the Syracuse City Police Department, the Onondaga Sheriff's Department and the Metropolitan Commission on Aging, give identification cards to elderly citizens. This program was started because of a high incidence of forgery and theft of Social Security checks, a problem which had grown so serious that local banks and merchants were becoming reluctant to cash these checks. This card assures that the check can be cashed only by its rightful owner and has the enthusiastic support and cooperation of local merchants and banks.

Coupled with the ID card program is an ongoing educational campaign by the Metropolitan Commission on Aging (MCOA), law enforcement agencies, consumer interest groups, and a number of local banks to point out the advantages of the direct deposit for Social Security payments.

The City of Syracuse Consumer Affairs Office has several older persons working under Title IX to detect and prevent consumer frauds against the elderly. These persons tie together the education and prevention efforts of the Consumer Affairs unit and those of MCOA. The Metropolitan Commission on Aging has been working closely with the Rape Crisis Center of Syracuse, Inc., to deal more effectively with the problems caused by incidents of rape and sexual abuse against the elderly women. This effort has involved public education programs at Senior Citizens' clubs, housing projects, and a Nutrition Center as well as the wide range of supportive services offered to victims of sexual assaults by the Rape Crisis Center. MCOA has also contracted with the Syracuse CETA office to undertake an incidence study on crimes against the elderly. This will attempt to pinpoint problem areas, both geographically and by such variables as type of offense, reaction to crimes by the victims, and police and community response to this problem. MCOA is sponsoring, with the assistance of the City-County Youth Board and Catholic Charities, a Youth-Elderly Program to enlist youth to aid elderly residents.

The Syracuse Housing Authority, which sponsors a number of subsidized low income and elderly housing projects, has a security program providing both security services (e.g., guards, patrols, alarm systems) and tenant education and assistance programs. Tenants are encouraged to assist their neighbors by being security conscious and by reporting unknown or suspicious noises, activities, and persons to the Syracuse Housing Authority security police. This program was initially funded by DCJS and has the support and cooperation of MCOA, the Syracuse Police Department and the Rape Crisis Center.

MCOA sponsors a telephone lifeline program in which volunteers make daily calls to elderly persons unable to leave their homes. If no answer is received on the initial call, a second call is made later. If there is still no answer, the volunteer calls a neighbor and/or police to check on the older person.

Finally, MCOA and the Onondaga Neighborhood Legal Services Cooperation have recently started a legal services project for elderly residents of Onondaga County. This project provides one full-time attorney and a paralegal to assist older citizens in any matter which might require legal services such as the filling of Crime Victims' Compensation Board claims.

4. Monroe County/Rochester

The County of Monroe has initiated two programs to prevent crime against the elderly. A neighborhood watch program implemented by the Monroe County Sheriff's Department, in cooperation with the chiefs of several major suburban town departments, services residences of all age groups with a sizeable portion of the program targeted to the needs of the elderly. The program which services mostly seniors in selected suburban areas provides home security inspection and installation of locks or safety devices. When the project installs a crime prevention device, fees are charged according to the ability of the client to pay. In the city of Rochester, a pilot home security program with community development money is operated by the Senior Citizens Action Council.

5. Erie County/Buffalo

The City of Buffalo has a legal counseling for the elderly project which is funded by the Erie County Office for the Aging. The project is designed to deliver free legal services to the indigent elderly of Erie County. In an effort to provide accessible and quality legal services, the project employs persons over the age of 60, and youngsters as paraprofessional legal counselors. Prior to the program operation, the delivery of public legal services to the poor was aimed at the young and middle aged, often more outspoken and mobile than the aged. The elderly as a group have not received their share of legal services, even though currently one in four lives in poverty and the number below poverty level keeps increasing.

Over the past sixteen months, the project has assisted over 4,000 senior citizens and conducted numerous educational seminars, speaking engagements, etc. The project had found that one of the most serious legal problems faced by the senior community concerns consumer fraud and "con games". Since the project began accepting clients in May of 1975, they have represented over 275 individuals with problems related to consumer fraud.

6. Statewide Programs

HANDS UP, A National Volunteer Effort to Halt Crime, is a federally funded program which is implemented by the General Federation of Women's Clubs to reduce crimes against the elderly. The basic goals of the program is to increase national awareness of the citizen's role in crime reduction and to encourage the formation of local action groups charged with developing and acting upon recommended solutions to crime problems.

The 1976-78 program will build upon groundwork laid during the first year (July 23, 1975 - July 23, 1976). It will be guided by general and junior chairmen who are appointed by state federation presidents, and aided by the HANDS UP national office.

Projects presently active in New York State to address crime and the elderly include neighborhood watches, crime prevention films, escort services, rape and assault prevention, operation "ID", and burglary prevention in cooperation with local police departments.

IV. PROPOSED INITIATIVES TO ADDRESS THE PROBLEM

As the incidence of crime perpetrated against the elderly has increased, governmental agencies, community-based groups, citizens and the mass media have become alarmed at the scope of the problem. During the past year, governmental and community groups on both the Statewide and local levels have developed a multiplicity of strategies and initiated numerous programs to either reduce crime against the elderly, or assist elderly victims of crime. Additionally, the mass media has given increasing attention to the plight of the elderly as potential crime victims as well as publishing information on how the elderly can avoid being victimized. During the coming year it is recommended that governmental and private agencies increase their level of financial support to address the problem of crime against the elderly and the mass media continue to encourage the development of programs which impact upon the problem.

A. Funding of LEAA Programs

In federal fiscal year 1978, the Crime Control Planning Board has a new section in the Comprehensive Crime Control Plan which authorizes the expenditure of \$1,244,444 for the funding of programs to either increase community crime prevention or assist crime victims.

1. Community Crime Prevention

For several years the Crime Control Planning Board has expressed the belief that the control and prevention of crime and delinquency requires the active involvement of citizens and organizations on the neighborhood level. Such involvement can help in several ways, including: increasing community consciousness and motivation to act with respect to pressing crime problems; providing law enforcement and criminal justice agencies with more precise problem identification; increasing public knowledge of how residents can protect themselves against victimization; focusing a variety of community resources on the goal of crime prevention; and implementing in concert with various law enforcement agencies, a number of programs designed to reduce situational opportunities for the commission of crime.

The importance of citizen and community organization involvement in preventing crime appears to be more readily recognized now than ever before. Thus, the Board will support programs pursuing the following objectives:

- 1) encouraging the organization of citizens and community organizations in high crime neighborhoods around the issue of crime and delinquency prevention;
- 2) providing such organizations with the information and assistance they need to reduce opportunities for criminal behavior; and assuring proper coordination between the crime prevention efforts of these community organizations and those of the criminal justice agencies serving the community.

The Board encourages these organizations to focus attention especially on preventing the victimization of elderly residents and reducing the incidence of youth crime. Indeed, in this regard, special attention should be given to the problem of alienation between the young and the elderly and the consequent fear of the young experienced by the elderly.

Finally, effective coordination between these community organizations and the criminal justice system, especially the police, is crucial to assuring the effectiveness of these programs. The police possess considerable knowledge about the "do's and don'ts" of crime prevention, which can be useful to all residents of the community.

The following are a list of programs which the Crime Control Planning Board is likely to be considering on the basis of current projections for funding in the area of Community Crime Prevention in 1977-1978. For information about a specific program see Appendix A.

<u>DCJS No.</u>	<u>Title</u>	<u>Anticipated Funding</u>
2454	Albany - Senior Citizen Crime Prev. Program	\$ 12,899
No #	Albany - Citywide Crime Prevention	15,000
No #	Rensselaer - Crime Against the Elderly	17,500
2363	Utica - Community Crime Prevention	25,000
1948B	NYC - CHEVRA III	115,000
1973B	NYC - Crime Prevention for the Elderly	93,600
2252A	Dutchess - Crime Victims Assistance Project	26,501
2310	Troy - Crime Prevention Program	43,183
2368	Middletown - Middletown Crime Prevention Program	26,696

2. Assistance to Victims of Crime

The problems faced by victims of crimes and witnesses to crimes have been a major concern of the Board over the past several years. This concern has been evidenced through the funding of several projects designed specifically for the benefit of crime victims and witnesses. These projects have been designed to prevent the victimization of high risk citizens, to provide much-needed attention to the human problems faced by those victimized and to encourage and facilitate the participation of crime victims in the felony case processing system.

The following are a list of programs which the Board is likely to be considering on the basis of current projections for funding in the area of assistance to victims in 1977-1978.

<u>DCJS No.</u>	<u>Title</u>	<u>Anticipated Funding</u>
No #	Oswego - Victim Witness	\$ 25,000
2155	Onondaga - Victim-Witness Assistance Center	206,789
1691B	NYC - Victim-Witness Assistance Project	990,101
2388	Oneida - Victim-Witness Assistance Unit	34,331
1930B	Rochester - Victim-Witness Assistance Project	115,097

In addition to funding projects which deal directly with community crime prevention to protect the elderly or victim assistance project, the Crime Control Planning Board will continue its long-standing commitment to the funding of police and juvenile projects which have at least one component which impact upon the problem of aiding the elderly. It is expected that the Board will fund a minimum of 15 projects which in some capacity address the needs of senior citizens.

B. Other Initiatives

The Crime Control Planning Board can only have a limited impact on the problem of preventing crime against the elderly or aiding elderly crime victims. Major impetus for addressing the problem can only be realized if governmental and community-based groups

on the State and local level support the program with other sources of funds. The following is a list of suggested initiatives arranged by function that could be developed throughout New York State in both large and small communities. These initiatives are arranged under such functional headings as: (1) Community Crime Prevention; (2) Police-Related; (3) Juvenile-Related; (4) Architectural-Related; (5) Statewide; (6) Prosecutorial; and (7) Legislative.

1. Community-Based Crime Prevention

Community Crime prevention is based upon the reality that older people are neighborhood-oriented and many have informal support systems in their neighborhoods. A study by the New York City Department of the Aging found that most elderly satisfied their needs within their neighborhoods, in most cases being able to walk between services and their homes. In addition, sixty percent of the elderly aged 60 and over knew at least one neighbor well and reported a high level of interaction for mutual assistance and socialization.

The purpose of community-based crime prevention is to protect elderly residents from crime by building upon this significant and viable informal social support system. However, it is also recognized that in strengthening residential neighborhood activities, different neighborhoods have different needs and any crime prevention program that is to be successful must be tailored to these needs.

A comprehensive citizen participation-community crime prevention program is suggested whose goals are to meet the following needs: (a) to improve the level of surveillance in the area, whether the area defined is the neighborhood, residential compound, or building; (b) to reduce criminal opportunities in the area; and (c) to create a sense of confidence and responsibility among senior citizens and other community members in reducing the local "crime in the streets" problem.

Implementing a citizen participation-community crime prevention program will require a structured series of meetings involving community members, representatives of public and private agencies serving the area (particularly the police) and other civic groups and community-based voluntary agencies. This set of meetings will move from identification of the specific crime prevention needs of the area in focus through selection and/or development of strategies and tactics to deal with the problems, to the recruitment of volunteers to execute the strategies and tactics selected, and finally to establishing the ongoing community organization to administer the program.

Once the different neighborhood crime problems have been identified by the community, the group will systematically analyze them to develop strategies for implementation. The following is a list of the types of activities that communities could implement to prevent crimes against the elderly.

a. Block Watchers/Safe Corridors - Areas which are likely to be frequented by the elderly should be observed by block watchers who immediately report suspicious activities to the police. In addition, during specified hours the police might create heavily patrolled safe corridors to enable the elderly citizens to venture out in safety and security.

b. Escort/Transportation - Community groups can establish special escort services or even transportation services to assist the elderly who want to leave their homes to go shopping, to church, to engage in recreational activities or conduct business.

c. Lobby Patrols/Watch Patrols - Community groups should enlist senior citizens to participate in Lobby Patrols/Watch Patrols in apartment buildings. A desk can be placed at the entrance way of each building where citizen teams could be stationed (outside on lamplight poles and/or the entrance to the building, signs indicating the presence of the patrol should be displayed). Unless a visitor is personally known by an individual on the watch, each person entering the building is briefly stopped and asked his destination and purpose for visiting (similar to a doorman).

A telephone should be accessible to report to police suspicious visitors or the commission of a crime. It might be possible that State funds could purchase an alarm/burglar system which would have a link-up with the local precinct for emergencies.

d. Educational Phase - Community leaders should conduct safety education and crime prevention programs. Seniors should be advised on how to protect their valuables and themselves while on the street. In addition, safety mechanisms to protect homes and persons could be demonstrated or distributed.

e. Telephone Assurance - Volunteers should be encouraged to call isolated, ill or handicapped seniors. If their needs are simple, volunteers will be sent to them. If something of a more serious nature is required, the volunteer will contact the appropriate social service agency.

f. Check Cashing/Savings Account - Community organizers could educate seniors on how to conduct their banking business to avoid being victimized by muggers or confidence men. Community organizers should work with banks to establish a system whereby social security checks, pension checks or dividends are deposited directly to the person's account, thereby avoiding the possibility of seniors carrying checks or large sums of money on the street.

g. Early Alert Programs - Community groups should develop a program with the local postal department in which the mail carrier notifies a social service agency if mail accumulates in the letter box of a senior citizen. Such a program should be coordinated with the local area Office of the Aging.

2. Police-Related

Throughout the State many police departments are undertaking varied crime prevention strategies to reduce the incidence of serious crime against the elderly. Usually, these strategies involve the redeployment of police personnel, educational programs and the distribution of crime prevention literature. Unfortunately, relatively few police departments implement multiple strategies designed to protect the elderly from becoming victims of crime. An integrated approach should be undertaken by the police in order to implement the Governor's directive of preventing crime against the elderly. Although the types of crime prevention techniques listed below are most appropriate to police departments in large metropolitan communities, smaller police departments, in one form or another, can implement most of these strategies.

a. Extent of the Problem - Each police department in the State should determine the types and amounts of crimes committed against the elderly as well as an identification of the geographic areas which are experiencing the highest incidence of crime against this population. Each department should also determine with the assistance of other governmental and social service agencies where the elderly are likely to live and congregate.

b. Community Resources - Police departments should attempt to identify and coordinate activities with social service and community action groups who regularly deal with the elderly. In addition, a member of every police department should be designated as official liaison to community-based senior citizen centers as well as the local Office of the Aging.

c. Senior Citizen Anti-Crime Units - As appropriate, police departments should establish senior citizen anti-crime units to give greater emphasis to the prevention of crime against the elderly. Police personnel assigned to these units should perform the following crime prevention activities: increase visible uniform presence through deployment in high incidence locations; develop responsive, vertical patrol programs in areas of high senior citizen density; utilize the tactical support of officers assigned to radio motor patrol cars, scooters, and foot patrol; and encourage increased citizen participation in block watcher and operation identification programs as well as utilizing police decoys.

d. Auxiliary Police - As appropriate, auxiliary police personnel under the supervision of the local police department can be deployed to patrol bus stops and walk routes during those hours that the elderly are most likely to be outside their homes. Auxiliary police should also be assigned to those places in which the elderly are most likely to congregate or shop. In addition, some police departments might consider enlisting the services of automobile operators who have CB radios to participate in a community-based crime prevention program. This program coordinated by the police would encourage CB radio operators to report apparent incidents of crime to the police.

e. Operation Identification - Police departments should encourage the elderly to affix identification numbers to their personal property and register them with the department. The engraving and identification tools would be made available by local police departments.

f. Escort Services - In conjunction with community-based groups which assist the elderly, departments should establish escort services for senior citizens. As part of the program, police officers might transport the elderly to court and other criminal justice facilities. Such programs should always be coordinated with the local Office of the Aging.

g. Telephone Communication - Police departments should establish direct dialing programs for senior citizens. Police officers, in contact with community-based groups, would telephone senior citizens on a regular basis to insure for their needs and safety.

h. Educational Programs - Police departments should present crime prevention educational programs at senior citizen centers or other locations where the elderly gather. The lectures should indicate how the elderly can protect themselves at home, on the street, as well as how to avoid being victimized by confidence games.

i. Volunteers - Police departments should encourage the use of elderly volunteers to implement some of the above strategies as well as to serve as a liaison between a department and the elderly population at large. In addition, police departments should coordinate the activities of community groups who will operate community-based crime prevention programs.

j. Police Training - Police departments should develop in-service training programs for all new recruits as well as the rank and file members of their departments concerning how to prevent the elderly from being victimized. Departments should also encourage select members to take courses in gerontology in order to better communicate with the elderly.

k. Task Force and Policy Committees - Every police department should consider establishing advisory councils composed of various criminal justice personnel, other governmental personnel, community groups and interested citizens to offer advice on how to reduce the amount of crime against the elderly.

3. Juvenile-Related

Probably the most publicized types of crime committed against the elderly are those perpetrated by juveniles. The media alleges that because of the elderly's vulnerability, many young delinquents prefer to attack them. This has increased the fear that many elderly have towards juveniles.

Authorities on the problems of the elderly have pointed out a further explanation of the link between senior citizens and juvenile crime. Many of the young people in urban areas are growing up in broken homes, where the nuclear family has been destroyed. As a result, these youths have never had any personal one-to-one contact with an older person. They are therefore ignorant of the needs of the elderly and have no understanding of the problems they face.

Listed below are suggestions for dealing with the issue of juvenile crime against the elderly. The objectives of these projects would be to bridge the generation gap between the elderly and juveniles; and reduce the fear the elderly have of young people. Hopefully, this change in attitude by juveniles would act as a preventative to crime.

a. Escort Services - Since many senior citizens are attacked on their way to or from shopping, the bank, etc., youth could act as escorts for them, thus decreasing their vulnerability. The young people could be recruited through the schools, community centers and probation and Court offices, provided that a comprehensive screening system is used.

School sponsored escort services can be operated in any one of the following ways: with volunteers; with the youths receiving small stipends; with students receiving school credits; or with funds being made available for extracurricular activities to schools providing students as escorts.

b. Tutorial Programs - Senior citizens could serve as tutors for those students who need assistance with their studies. This would be especially appropriate in urban areas where numerous juveniles need remedial help. Senior citizens could also assist interested juveniles with craft skills. As a result of the fiscal crisis in New York State, many schools have been forced to reduce programs that students enjoy most such as shop, woodworking, sewing, cooking, etc. Many of the elderly have these skills and could teach them to the youths in recreation centers, community centers and even senior citizen centers.

c. Health Services - A program could be devised whereby youths would receive training as health paraprofessionals. These youths could then provide services to home-bound senior citizens, or provide assistance in ambulatory clinics and nursing homes. This type of program would be set up between schools or community centers and local hospitals, clinics or senior citizen centers.

d. Beautification Services - This program is more applicable to suburban or rural areas than to large cities. Seniors could be used to teach youth horticultural skills, and the two (or more) could then provide services to local parks, botanical gardens or general community beautification programs. A director/coordinator could act as liaison between the schools or community centers, the senior citizen centers and the local environmental agency.

e. "Meals on Wheels" Program - Young volunteers could be recruited for helping in the local "meals on wheels" program which provides meals to the homebound elderly. Another idea would be for the youths to do food shopping for the elderly; this activity could be used as an instruction tool for the juveniles, teaching them about nutrition and price comparison.

f. "Adopt a Grandparent" Approach - By using the Big Brother concept as a model, a program could be set up whereby senior citizens would become "adopted" grandparents to youths.

This would be a one-to-one program, with the senior accompanying the youth on trips to sporting events, etc. If money were made available for transportation, a fairly wide range of activities could be shared. A coordinator would try and match up the interests of the youth with those of the senior citizen.

4. Architectural-Related

To date, only limited research has been undertaken concerning how to prevent crime against the elderly through architectural/environmental design. It does appear, however, that the physical construction of residential environments can elicit attitudes and behavior among the residents which contribute towards their security.

When a building is being erected, crime inhibiting qualities can be constructed relatively inexpensively. Unfortunately, the problem of restructuring existing buildings to inhibit crime is much more difficult and expensive. Without undertaking costly renovation, the available options are limited. Regardless of financial consideration, the following security measures could be undertaken in apartment houses and private homes to reduce the incidence of crime.

a. Building Entrance - Entrance to a building should be restricted to one point and equipped with a buzzer-reply intercom system under 24 hour a day supervision.

b. Apartment Entrance - Each apartment door must be solid, hung on equally solid frames, and provided with good quality locks, a wide angle peephole viewer and a chain.

c. Fire Exits - Doors providing access between a corridor within the building and an enclosed, fire-resistant exitway should be fitted with a latch and a door closing device capable of closing and latching the door no matter how far ajar it may be left.

d. Elevators - Mirrors should be required in all elevators and elevator lobbies.

e. Windows and Skylights - Screens or equal material and locking devices for windows and skylights should be provided to give reasonable resistance to attempts at forcible entry.

f. Lighting - Lighting should be increased in lobbies, elevators, hallways and other public areas giving special attention to blind corners.

g. Security Inspection - Every senior citizen should be able to have his home or apartment inspected to insure that proper safeguards are being taken to reduce his or her chances of being victimized. These inspections should be done either by the police department or a community group coordinating their activities with the police department. If repairs are required, senior citizens should be able to apply for governmental funds to pay for the cost of the repairs. In order to avoid delays, the program should be available to any individual over the age of sixty who owns his own home or rents an apartment.

h. Guard Service - Security service provided by a hired guard has been proven successful in many areas of the State. The service, however, for 8 hours a day ranges from \$1200 to \$1800 per month.

i. Design Standards - Minimum standards should be developed for the design, construction and quality of materials for all new construction, additions, alterations and repairs. Minimum standards as well as minimum security codes should be made a part of the New York Building Code.

j. Home Security Devices - A cost effective home security device might be used by senior citizens in high crime areas. Currently, the least expensive of the wireless devices fall into

two types. The least expensive is known as the CB react system. Using this system, senior citizens would have in their possession small hand-held CB transmitters which would transmit only on a single channel. The second and slightly more costly wireless system involves a digital hand-held transmitter with a 10 digit encoder.

5. Statewide

DCJS and the State Office for the Aging should initiate as well as coordinate activities Statewide to prevent crime against the elderly. Both agencies can serve as a focal point to develop the following types of activities:

a. Extent of the Problem - Both agencies through their local planning offices as well as their contacts with other criminal justice agencies should gather statistics to document the extent of the crime problem against the elderly. Through the collection of data and its proper analysis, governmental and community-based groups can be in a better position to know precisely where to develop crime prevention programs. DCJS should encourage police departments throughout the State to gather information on the age of the crime victim concerning those crimes that the elderly are most likely to be victimized by. These statistics can then be used by DCJS in its State Plan for the distribution of federal funds.

The State Office for the Aging should encourage their local offices to address the problem of crime against the elderly in their local plans.

b. Program Development - DCJS should vigorously urge localities to commit a significant portion of their federal funds to address this problem. Project staff in reviewing applications for funding should, whenever possible, shape the applications to include components which help to prevent crime against the elderly or assist elderly crime victims. Police and juvenile justice programs are usually adaptable to include one or more component to protect the elderly.

Finally, the Bureau of Municipal Police through the implementation of the senior citizen crime and delinquency prevention program should vigorously implement the objectives of the program. Project staff should seek to act as a catalyst for developing local crime prevention programs with municipal law enforcement agencies, senior citizen organizations, juvenile aid bureaus, and others throughout the State. Project staff should also increase the training sessions for law enforcement personnel on crime prevention techniques, as

well as improve the efficiency and totality of crime reporting Statewide. In addition, project personnel should carefully assess those program components which prove particularly effective for future replication on an expanded scale.

The Office for the Aging should encourage their local offices as well as community-based groups to work within local police agencies to develop crime prevention programs. They should serve as a resource of information on the types of federal, local and private funds which are available for this purpose.

c. Technical Assistance - Staff of DCJS should be accessible to any governmental or community-based group interested in developing crime prevention programs. In this capacity DCJS should be able to provide assistance for the shaping of applications that could be funded with government or private funds.

Staff of the Office for the Aging should actively encourage and possibly undertake educational programs which would instruct senior citizens on how to avoid being victimized by crime.

Additionally, other State agencies such as the Department of Education, Division for Youth, and the State Banking Department should design programs or shape existing programs to assist the elderly. The following are the types of programs some of which were noted in the Governor's program that should be encouraged by State agencies.

d. Education and Awareness - The Department of Education's Adult Education Program is an ideal focal point for senior citizen education and awareness training. DCJS staff would train adult education instructors so that they could transmit to senior citizens effective ways to reduce the likelihood of criminal victimization.

e. Banking Services - Through the efforts of the State Banking Department and the New York Bankers Association a statewide publicity campaign would be directed through the media to encourage senior citizens to make greater use of bank services including the safe deposit boxes, direct deposit of retirement and governmental checks, as well as checking accounts. In addition, banks could be encouraged to inform senior citizens when they withdraw large sums of money of the possibility of being victimized in a confidence game.

f. Direct Deposit of Checks - Through the efforts of the State Department of Social Services and HEW social security checks and other subsistence checks should at the individual's choice,

be sent directly to banks rather than residences. While this agency encourages this type of activity, more effort is needed, as the majority of people who receive these checks still do not make use of this service.

g. Emergency Assistance for Adults - The Department of Social Services should renew their efforts to publicize the extent of services which are available to the poor. It is felt by some criminal justice experts that many low income elderly are ignorant of the program's existence and, therefore, do not make use of the program when they are victimized by crime. Accordingly, the State Department of Social Services should undertake a broad public information campaign to assure that every low income elderly who is victimized by crime receives needed services.

6. Prosecutorial

Most prosecutorial efforts are concerned with the adjudication and punishment of offenders, and therefore are not preventive in nature. It is well recognized, however, that the sure, certain and swift punishment of offenders acts as a deterrent to future criminal activity and is, therefore, preventive in nature. The conduct of prosecutions, including the policies and procedures established by the various district attorneys offices, has some bearing upon the extent to which punishment is sure, certain and/or swift. Thus, prosecuting offices can establish specialized units to deal solely and exclusively with crimes against the elderly. Such a unit could insure that strong cases with a high probability of conviction will be presented insuring sure and swift punishment. In addition, existing supplemental units such as the Major Offense Bureaus, could be modified to include crimes against the elderly as "major offenses".

Pre-arraignment of cases involving elderly victims to limit their number of court appearances can be undertaken. Indeed, in New York City many crimes against the elderly cases are already covered by the pre-arraignment arrangements. The various victim-witness projects can also undertake studies to determine whether elderly victims drop out of the criminal justice system more frequently than other victims and if so, determine the reason.

7. Legislative

The Governor should consider legislative changes which not only address crime prevention, but also deal with elderly victim assistance.

a. National Legislation - The Governor should call for the passage of a National Crime Victims Compensation Bill to supplement the State program.

b. Lock Replacement and Repair - Title 8, section 300-309 of the Social Services Law, "Emergency Assistance for Aged, Blind and Disabled Persons" provides emergency assistance to "eligible aged... persons who... have needs that cannot be met by the regular monthly benefits under the federal supplemental security income and additional state payment programs." Approximately 10% of those over 65 in New York City are eligible for this emergency assistance.

Both the Social Services Law and the Rules and Regulations of the State of New York refer to "repair of shelter" as an emergency need; in addition, the Rules state that "the cost of repair or replacement of essential... personal safety... equipment shall be met." However, the Department of Social Services does not consider the repair or replacement of locks to be covered under this law. Rather, they consider the repair of locks to be the landlord's problem; in most instances, the landlord is not as concerned with the immediacy of the situation as is the elderly victim of a burglary.

Governor Carey should therefore request that the State Attorney General review the law, for a possible reinterpretation. If the Attorney General finds that replacement or repair of locks is in fact covered under the statute, then the Department of Social Services could be directed by the Governor to provide emergency assistance to those eligible victims with this need. If the Attorney General does not make such an interpretation, the Governor should request that the Legislature amend the wording of the Emergency Assistance Act, so that repair and replacement of locks is specifically mentioned.

8. Final Considerations

Unfortunately, there are no simple solutions to address the problem of crime against the elderly. During the past year, the mass media has reported an ever-increasing amount of crime against this group. Given the likelihood that the percentage of the elderly in the population will continue to increase and the likelihood that the elderly will continue to be seen as an "easy target" virtually guarantees that crime against the elderly will be a problem for the foreseeable future.

This section has described numerous initiatives that governmental, community-based groups and citizens could implement in order to prevent crime against the elderly. Almost all of these initiatives will require significant investment of manpower and resources to successfully impact on the problem. Among the categories of initiatives most expensive to implement would be those described in the architectural related section. Probably the least expensive way of impacting upon the problem would be through those initiatives and activities sponsored by community-based neighborhood groups. It is also likely that police departments could implement many of the described activities through a reordering of priorities and at a minimal increase in cost.

Local governments and community-based groups should be encouraged to sponsor demonstration projects utilizing the most appropriate strategies for their localities. The State Government should encourage the development of such programs through the use of state and federal funds.

The Division of Criminal Justice Services and the State Office for the Aging should be in the forefront of agencies coordinating activities to address the problem. Both agencies should be gathering statistics on the extent of the problem, encouraging localities and community-based groups to fund prevention programs and serving as technical resources to agencies interested in the problem.

Appendix - A

PROJECTS FUNDED BY THE
CRIME CONTROL PLANNING BOARD
TO ASSIST THE ELDERLY

For the past year and a half, the Crime Control Planning Board has funded nearly 40 programs which either entirely or through one or more components are designed to impact upon the incidence of crime against the elderly or assist elderly crime victims. The following is a description by geographical area of those programs.

A. New York City

Two projects focusing directly on the safety needs of elderly persons in New York City are currently operating. These projects are DCJS No. 1948B, Crown Heights Crime Prevention Program and DCJS No. 1973A, Bronx Foundation for Senior Citizens Crime Prevention Program.

The Crown Heights Crime Prevention project, operated by the Chevra Services for Senior Citizens, Inc., has been operating for over 15 months on a budget of approximately \$150,000 annually. Project services, which are made available to all elderly Crown Heights residents, include: a telephone hot line, advocacy with local governmental services, educational materials and presentations on crime prevention and deterrence measures, and car and foot escort services.

The program operates six days a week from a storefront facility. The escort service component of the program operates from 7 A.M. to 11 P.M. on weekdays with limited service on weekends; upon request, staff drivers escort elderly senior citizens to senior citizen centers, medical facilities and governmental agencies within the community. The emergency telephone and information service component of the program is operated six days a week from 7 A.M. to 11 P.M.

The Bronx Foundation project is currently in the middle of its second year of funding (\$129,450). The project, with the assistance of the City's Department for the Aging, provides information and training to professional staff of various public and private agencies in the area of preventive and advocacy services for the elderly. A pilot neighborhood crime prevention program for the Fordham section of the Bronx offers victim assistance and crime

prevention. The elderly victims are counseled, given information on compensation and, if necessary, referred to community organizations for temporary financial aid or shelter. In addition, staff members speak at senior citizen centers and distribute literature on how to avoid being victimized and how to improve security.

A Citywide component provides crime prevention information and victim advocacy skills training to the professional and para-professional staff of social service and community agencies who regularly serve the elderly population. The training is designed to enhance services to elderly victims of crime and to prevent future victimization amongst this age group.

In addition to these two projects currently operating on DCJS funds, an additional project, DCJS No. 1393, the Bronx Crime Victims Consultation Project (\$308,546) now institutionalized at Albert Einstein College of Medicine, assists elderly crime victims with medical, counseling and advocacy services.

A million-dollar grant which provides assistance to victims of crime and witnesses of crime is administered by DCJS in Brooklyn. The DCJS No. 1591B, Vera Victim/Witness Assistance Project III, although not geared specifically for the elderly does provide counseling, transportation and lock and door repair services to a great many older people in the Borough.

A number of studies have shown that the elderly seem to be particularly prone to a wide variety of frauds which are designed to take advantage of the special concern of the elderly for income security and health maintenance. Kings County DCJS No. 1653B, Kings District Attorney Consumer Frauds Bureau (\$178,731) addresses this problem by investigating and prosecuting business related and other crimes against consumers, many of whom are elderly. Types of fraud cases which are prosecuted include charity, rent, automobile repair, auto sale, house improvement and medical. Another program which services the elderly of Kings County is DCJS No. 2130A, Major Offense Bureau/Street Crime Prosecution (\$399,631). The program which is implemented by the District Attorney's Office supplies elderly victims with transportation for courtroom appearance. For those victims who have been hospitalized as a result of a street crime, there are special riding teams whose job it is to go to the hospital to get a statement or to conduct bedside line-ups.

In addition to the above, DCJS has supported a number of juvenile projects which have at least one component which offers service to the elderly. A community service component of DCJS No. 2089A, Goddard Riverside Youth Project (\$253,592) utilizes selected youths

to work with elderly community residents. These youths escort individual senior citizens to such locations as senior citizen or shopping centers. Additionally, some program participants are involved with the NYC Department for the Aging in encouraging neighborhood senior citizens to participate in senior citizen sponsored activities. Youths participating in DCJS No. 1994A, P.A.L. Youth Enrichment Services (\$342,858) are placed at Sociedad Senior Citizens Center to provide support services, and are paid a stipend for their work. Youthful participants also visit ambulatory or confined senior citizens in their homes and assist them with such tasks as shopping. In addition, some youths enrolled in DCJS No. 1904C, Community Mediation Training Program (\$189,071) provide escort and support services to senior citizens in cooperation with the North Central Bronx Hospital.

Numerous other City projects indirectly provide services to the elderly. Prominent among these are the community dispute center; the arson investigation training program; burglary prevention program and anti-street crime program. Also, the specialized Senior Citizen Crime Units established approximately one year ago by Commissioner Codd are utilizing investigative and offense and offender analysis procedures originally developed in past anti-crime programs, as well as adopting decoy techniques used in the earlier efforts.

B. Westchester County

The City of Yonkers has sought to address the safety needs of Yonkers' high incidence area senior citizens by giving priority attention to their needs in both the DCJS No. 1476C, P.D. Civilianization Unit III (\$224,614) and DCJS No. 2263, Burglary and Robbery Prevention Unit (\$89,057) programs. The P.D. Civilianization Unit (CPU) provides a number of services to the elderly. The Community Service Worker assigned to this unit provides referral services including assistance in filing for state victim assistance insurance claims. The CPU also offers a Senior Citizen Escort Service. This component utilizing the services of a part-time driver is an intervention scheme designed jointly by the CPU and the City's Office for the Aging to prevent robberies that occur when elderly citizens go shopping, cash social security checks or visit nutrition sites. Analysis indicates that this service has contributed to a dramatic reduction of senior citizen victimizations. Based on the success of this program the City of Yonkers is institutionalizing this service within the Police Department at the end of federal funding.

The Burglary and Robbery Prevention Program includes the placement of electronic alarms in residential and commercial sites within high crime areas. A public information program will soon be conducted. Although not geared exclusively to serving the elderly, it is likely that the elderly will make up a considerable portion of the target population. In addition, DCJS No. 1536B, the Nepperham Ex-offender Program (\$157,447) which services Yonkers ex-offenders provides a transportation program for the elderly and handicapped through joint efforts with other community agencies.

The City of Mount Vernon through the Police Department implemented DCJS No. 1718C, Police Community Relations Project (\$60,913) which operates out of a storefront in the Southern section of the City. The program has been conducting a self-defense program for senior citizens and also includes a burglary prevention component wherein residents of high crime areas are instructed on how to secure their homes.

C. Onondaga County

The Syracuse Police Department at a cost of \$27,297 has funded DCJS No., 1971, Syracuse Crime Prevention which pays special attention to the needs of the elderly. This program is heavily involved with community education with members of the project making presentations to community organizations and neighborhood residents, including displays of safety equipment such as locks and alarm systems, films and slides on methods of self-protection, and distribution of printed material on crime prevention. Engraving equipment which can be used to mark property for identification is available to residents for twenty-four hours. In cooperation with recently institutionalized DCJS No. 2160A, Project Safe (\$49,826) staff of the Crime Prevention Program inspects the homes of poverty-level people and Project Safe pays to have the necessary changes made to improve security. Program services are made available to senior citizens primarily and to those individuals who have no alternative remedy available to them to repair their home security system. In addition, a major effort to inform citizens of safeguards to be taken to secure their premises has also been undertaken.

Other DCJS programs involved in services to the elderly include DCJS No. 2155, the Onondaga Victim Witness Assistance Project (\$206,000) and the institutionalized DCJS No. 1741A, Syracuse Housing Authority Security Unit (\$139,996) which patrols senior citizen housing projects and provides an escort service. Finally, through the locally sponsored Senior Recognition Project, the Police Department maintains index files on the addresses, medical histories and next of kin of elderly people living alone.

D. City of Albany

In the City of Albany, DCJS Nos. 598 and 1083, the South End and Arbor Hill Police Units which were funded (\$326,000 and \$288,000 respectively) by DCJS and which have now been institutionalized strongly focus on the problem of crime against the elderly. The police officers involved in those projects were volunteers who received special training in dealing with older persons. The police now speak on crime prevention at senior citizen centers, listen to the problems of senior citizens and, when necessary, make referrals to social service agencies.

The DCJS No. 2239, Albany Housing Authority Security Program (\$104,040) a training program set up for housing authority security personnel, is also involved in preventing crime against the elderly. Discussions were set up with elderly residents on ways to prevent crime and extra patrols were concentrated in elderly areas. In addition, the DCJS No. 2454, Senior Citizen Crime Prevention Program (\$12,899) implemented by the Albany Police Department, in conjunction with senior citizen clubs and centers secures the services of off-duty police personnel to develop a senior citizen crime prevention program. The program offers educational sessions to discuss citizen safety as well as residential security checks and operation ID for interested senior citizens. The program also has a component which utilizes the services of senior citizen volunteers who work with the police in conducting individual security checks and operation ID.

E. Mid-Hudson Region

The DCJS No. 1660C, Newburgh Neighborhood Police Unit (\$209,000) is currently institutionalized with local funds. The project utilizing the services of approximately 20 police officers runs special programs aimed at the senior citizen population, including educational programs to inform senior citizens on how to recognize and avoid being victimized by con games.

Although the main emphasis of the DCJS No. 2361, Beacon Police Department - Juvenile/Community Relations Division (\$39,096) involves juveniles, the unit has conducted certain activities which relate to senior citizens. Division staff has conducted numerous educational meetings with senior citizens advising them as to how they can reduce the opportunity of their being victimized by crime. The Division has also operated a senior citizen contact program in which a staff of seven community volunteers make regular telephone calls to older persons who are confined to their homes. At this time, the program has a membership of 83 senior citizens.

The DCJS No. 2368, Middletown Crime Prevention Unit (\$26,696) represents an effort by Middletown to develop and stimulate a crime prevention capability in their police department. The unit conducts project I.D., performs business and home security checks, coordinates neighborhood block watch programs, sponsors educational meetings and assists crime victims in making applications to the State Crime Victim Compensation Board. The unit's work in Operation I.D. and in conducting home security checks often takes them to the residences of older citizens enabling them to assist citizens to better secure their homes and apartments against burglaries. Recently, the unit has run a series of education programs for senior citizens, informing them how to recognize and avoid being victimized by con games.

The DCJS No. 2262, Dutchess County Crime Victim Assistance Project (\$26,500) seeks to link victims of serious crimes with the various local and State agencies which provide assistance. Because older citizens represent a large number of persons victimized by serious crimes and because they are often less able to meet the financial hardships of crime than others, a priority has been given to dealing with older citizens who are crime victims.

In Poughkeepsie the DCJS No. 870, Poughkeepsie Community Service Officer Patrol Program (\$53,372) utilizes civilian community service officers to provide patrol services to the City's housing projects, many of which are designed exclusively for elderly residents.

F. Nassau County

For the last thirty-six months the Nassau County District Attorney has operated the DCJS No. 1384, Commercial Frauds Bureau at a cost of approximately \$100,000. This Bureau investigates commercial and consumer frauds including Medicaid and welfare frauds. The Bureau serves the individual consumers of Nassau County who are most seriously affected by economic crimes, usually the elderly or low income residents.

Under the category of confidence games, and swindles, there are currently under investigation several franchise frauds, and work-at-home schemes. The typical victim of these frauds are middle-aged or retired couples who invest their life savings - usually \$5,000 to \$10,000 - and borrow a like amount to invest in a "sure thing".

G. City of Buffalo

During the past three years, the City of Buffalo has funded two programs which have at least one component which attempts to reduce the incidence of crime against the elderly. The Buffalo Police Department under DCJS No. 2167, Buffalo Police-Community Services (\$168,381) operates a police community service unit. The unit is responsible for: (1) enhancing police-community relations and establishing a viable program of citizen-police relationships; (2) acting as the genesis for the creation of police-community based programs dealing with crime reduction; (3) acting as the coordinator for those activities which have their origin within the community but impact upon the police department's ability to reduce crime; (4) developing mass communication projects to instruct the community in methods for the reduction of crime victimization; and (5) the operating of a property identification program to assist citizens in marking personal property items which are prior to theft. Since over 10% of Buffalo's population is over 60 years of age, they make up a sizeable proportion of individuals serviced by the program.

The Buffalo Municipal Housing Authority DCJS No. 1507A, Buffalo Municipal Housing Authority (\$613,469) retain peace officers to provide for security at the Buffalo Municipal Housing Authority's projects. These projects contain a high proportion of senior citizens who are potential victims of crime. During the past year, the project has retained the Buffalo Police Department to recruit, examine, train, deploy and supervise a security division of 50 men. A 10-man contingent of the Buffalo P.D. Tactical Unit continues to be responsible for these tasks.

H. City of Niagara Falls

The City of Niagara Falls has established a program DCJS No. 2504, Niagara Falls Crime Prevention (\$43,660) to educate citizens including senior citizens in methods of protecting themselves against such crimes as robbery, burglary, assault and larceny. The program makes two police department speakers available for presentation to community groups especially senior citizen organizations. Project personnel have distributed crime prevention literature, operated an I.D. component and conducted preventive security surveys.

I. City of Rochester

The City of Rochester is currently operating two programs with LEAA funds which address the problem of crime against the elderly. The DCJS No. 1930B, Victim/Witness Assistance Project (\$115,097) implemented by the police department provides information and direct services to Crime Victims or Witnesses,

many of whom are senior citizens. Project personnel receive and disseminate the following types of information to Victim and/or Witness: up-to-date court scheduling; police investigation and court case status; and evidential/stolen property status. The project also provides clients with a variety of other services. These include arranging meetings between Victim/Witness clients and criminal justice personnel in an effort to facilitate criminal investigation and prosecution; short-term supportive counseling services to clients who have difficulty coping with the trauma of victimization; referrals by clients who need long term supportive services to public and private social service agencies; and assistance in filing claims for victim compensation and public assistance as well as transportation to and from police headquarters and the courts.

As noted previously, the City of Rochester was selected by the Governor as a pilot project city to design a program to deter crime and delinquency directed against the elderly. A major emphasis of the DCJS No. 2516, Crime and Delinquency Deterrence and Senior Citizen Prosecution Program (\$483,521) within the City of Rochester will be the development and dissemination of a home security system to the elderly. This home security device, a CB React System, will provide some senior citizens with a small hand held CB transmitter able to transmit calls for help both to existing CB base stations as well as to additional base stations manned by law enforcement offices and youth volunteers. It is anticipated that the CBs, costing approximately \$80 each, will be provided initially to 100 homes within the City of Rochester. The cost of the CBs, base stations and other equipment could be borne by a state purposes allocation.

Rochester anticipates that the publicity surrounding the existence of such a system should act as deterrent to crimes against the elderly at least within their own homes. In addition, it is hoped that the feeling of security on the part of the elderly and the parallel reduction of fear should improve the atmosphere within which senior citizens live in the target area.

J. Suffolk County

For the past two years the County of Suffolk has funded the DCJS No. 2069A, Victim Information Bureau. Personnel of this \$200,205 project assist victims of sex crimes and domestic disputes as well as impact upon the manner in which criminal justice and medical/social service agencies serve these victims. Although the program is not designed specifically for senior citizens, this population makes up a significant proportion of the clients served. Currently, the project offers a telephone hotline which is operated 24 hours a day, seven days a week for

Suffolk County residents who have been the victim of a sex crime or involved in a domestic dispute. In addition, a counseling center, open Monday through Friday during daytime hours with limited evening and weekend hours, offers individual and group counseling to hotline callers and walk-in clients who were victims of sex crimes or domestic disputes.

The Suffolk Police Department has implemented DCJS No. 2221, the Operational Identification Project (\$50,375) which is designed to identify high incidence burglary areas and prepare crime analysis reports pertaining to burglary occurrence. The program also presents burglary prevention information to mass audiences through demonstrations at public places and at gatherings of local organizations including senior citizen organizations.

K. Other Programs in the State

Several other localities have received DCJS funds to set up crime prevention and victim assistance programs that serve the elderly as priority members of the general population. These areas include: Schenectady County, Troy City and Chautaugua County.

L. Statewide Programs

Two programs funded by the Board are operating Statewide to address the problem of crime against the elderly. One of the programs DCJS No. 2516, Crime and Delinquency Deterrence and Senior Citizen Protection Program (\$483,521) has been discussed previously. The second program is DCJS No. 1890B, Special Task Force Prosecution II (\$611,250). This project which is implemented by the Special State Prosecutor for Health and Social Services has for the past two years conducted in-depth investigations into complicated third-party conspiracies involving nursing home operations.

As a result of the various state and federal inquiries which found substantial evidence of criminal conduct in the nursing home industry, the Office of the Special State Prosecutor was established pursuant to Gubernatorial executive order to investigate and prosecute all such activity throughout the State.

Three major areas of investigation have been identified by the Special Prosecutor: straight reimbursement fraud; third-party frauds and conspiracies; and patient abuse. This program has addressed and will continue to address the second of these three areas, as one element of the Special Prosecutor's statewide efforts at investigation and prosecution of these practices.

Many complex accounting and legal mechanisms have been employed to conceal criminal conduct in the nursing home industry. These mechanisms, which rely heavily on sophisticated accounting techniques, serve to conceal a variety of illegal practices such as fraudulent reimbursement through Medicaid claims and "kickback" arrangements with third parties such as vendors, financiers, accountants, and physicians, and concealment of overlapping ownership interest among nursing homes, their suppliers, vendors and subcontractors.

The task force consisting of teams of attorneys, auditors and investigators, provides the Special Prosecutor with the capability to concentrate the resources necessary to unravel the complex, interlocking structures which serve to conceal the illegal practices which have been identified in the nursing home industry.

STATE OF NEW YORK

S. 5290 A

A 7701-A

1977-1978 Regular Sessions

SENATE-ASSEMBLY

March 29, 1977

IN SENATE - Introduced by Sens. MARCHI, BLOOM, FLYNN - read twice and ordered printed, and when printed to be committed to the Committee on Finance - committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY - Introduced by M. of A. LIPSCHUTZ, AMATUCCI, BUTLER, BOYLAND - Multi-Sponsored by - M. of A. BARBARO, BIANCHI, BREWER, BURROWS, CINCOTTA, COCHRANE, CONNELLY, CONNOR, CULHANE, D'ANDREA, DEARIE, DOTTORO, DeSALVIO, DIGGS, ENGEL, FARRELL, FERRIS, FIELD, FLACK, FLANAGAN, FORTUNE, GOLDSTEIN, GOFFRIED, GRABER, GRANNIS, GREENBERG, HANNON, HARBENBERG, HEALEY, HERBST, HINCHEY, HOCHBRUECKNER, HOYT, KEANE, LANDES, LASHER, LEE, LEHNER, LENTOL, LEVY, MARCHISELLI, McCABE, McINERNEY, M. H. MILLER, MIRTO, MOLINARI, MONTANO, M. J. MURPHY, NADLER, NINE, ORAZIO, PASSANNANTE, PESCE, PROUD, ROYACH, ROSS, SCHMIDT, SCHIMMINGER, SERRANO, SILVER, SLAVISKY, STEIN, STEINGUT, VELELLA, VIRGILIO, WALSH, WERTZ, WILSON - read once and referred to the Committee on Agriculture - reported and referred to the Committee on Ways and Means - committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to protecting the safety, security, and property of elderly persons from criminal acts

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The executive law is hereby amended by adding thereto a new
- 2 section, to be section eight hundred forty six, to read as follows:
- 3 § 846. Programs for the aging. 1. The division of criminal justice services and
- 4 the state crime control planning board, as established pursuant to this article, shall
- 5 take all necessary and appropriate measures to develop, plan, provide and
- 6 implement programs for the protection of persons aged sixty and over, hereafter

EXPLANATION - Matter in italics is new; matter in brackets [] is old law to be omitted

APPENDIX B (continued)

§ 5290-A A 7.01 A

1 known in this section as elderly person, from conditions and criminal acts which
2 threaten their safety, security, and property, within the resources available to such
3 agencies for such purpose. To further effectuate the purposes of this article, such
4 division and board shall include the protection of elderly persons as a priority in the
5 annual comprehensive crime control plan, formulated pursuant to the Federal
6 Omnibus Crime Control and Safe Streets Act of nineteen hundred sixty eight as
7 amended. The division and the board shall consult with the state office for the aging
8 and appropriate local area agencies on aging to ensure that programs for the
9 protection of the elderly are given full and thorough consideration.

10 2. The crime control planning board shall submit an annual report to the
11 governor, the legislature, and the director of the state office for the aging, on or before
12 the thirtieth day of September. Such report shall describe the extent to which
13 programs and services for the protection of elderly persons were developed and
14 implemented during the twelve month period prior to submission. Such report shall
15 also describe the extent and manner in which the director of the state office for the
16 aging and directors of local area agencies on aging were involved in the design and
17 implementation of such programs and services. Such report shall also contain
18 recommendations, including the associated cost, for new programs and appropriate
19 changes to statutes, rules or regulations designed to improve the protection of elderly
20 persons.

21 § 2. This act shall take effect immediately and shall remain in full force and
22 effect for a period of three years.

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STATE OF NEW YORK

S. 5292-A
Cal. No. 644

A. 7703-A
Cal. No. 557

1977-1978 Regular Sessions

SENATE-ASSEMBLY

March 29, 1977

IN SENATE--Introduced by Sen. FLYNN read twice and ordered printed, and when printed to be committed to the Committee on Finance reported favorably from said committee and committed to the Committee on Rules with amendments, ordered to third reading and to be reprinted as amended, retaining its place in the order of third reading

IN ASSEMBLY-- Introduced by M. of A. LIPSCHUTZ Multi Sponsored by M. of A. FORTUNE read once and referred to the Committee on Aging reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the executive law, in relation to the composition of crime control planning board

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section eight hundred forty-three of the executive law, as added by
- 2 chapter three hundred ninety-nine of the laws of nineteen hundred seventy-two,
- 3 and as renumbered by chapter six hundred three of the laws of nineteen hundred
- 4 seventy-three, is hereby amended to read as follows:
- 5 § 843. Crime control planning board. There is hereby created within the
- 6 division a crime control planning board. The board shall consist of twenty-nine
- 7 members broadly representative of state and local, crime and juvenile
- 8 delinquency prevention and control agencies, units of general local government,
- 9 and community or citizen interests. The members of the board shall be
- 10 appointed by the governor with the advice and consent of the senate, and shall
- 11 serve at the pleasure of the governor, who shall also designate one of them as
- 12 chairman. *The director of the state office for the aging shall serve as a voting member.*
- 13 The director of the division of the budget shall serve as a non-voting member.
- 14 § 2 This act shall take effect immediately and shall remain in full force and
- 15 effect for a period of three years.

Appendix D - Laws of New York State
Chapter 144 - Section 846
of the Executive Law

Crimes and Offenses—Crime Control Planning Board

CHAPTER 182

An Act to amend the executive law in relation to the composition of
crime control planning board.

Approved May 24, 1977, effective as provided in section 2.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Section 1. Section eight hundred forty three of the executive law,
as added by chapter three hundred ninety nine of the laws of nineteen
hundred seventy two, and as renumbered by chapter six hundred three

of the laws of nineteen hundred seventy-three, is hereby amended to
read as follows:

§ 843. Crime control planning board

There is hereby created within the division a crime control planning
board. The board shall consist of twenty-nine members broadly repre-
sentative of state and local crime and juvenile delinquency prevention
and control agencies, units of general local government, and community
or citizen interests. The members of the board shall be appointed by
the governor with the advice and consent of the senate, and shall serve
at the pleasure of the governor, who shall also designate one of them
as chairman. The director of the state office for the aging shall serve
as a voting member. The director of the division of the budget shall
serve as a non voting member.

§ 2. This act shall take effect immediately and shall remain in full
force and effect for a period of three years.

STATE OF NEW YORK

S. 6949

A. 9042

1977-1978 Regular Sessions

SENATE-ASSEMBLY

July 13, 1977

IN SENATE-- Introduced by Sens. MARINO, AUER, BABBUSH, BRUNO, CAEMMERER, CALANDRA, CONKLIN, DONOVAN, FARBER, FARLEY, FLYNN, GAZZARA, GORDON, GRIFFIN, HALPERIN, JOHNSON, KNORR, LaVALLE, LEVY, LEWIS, LOMBARDI, MARCIII, MASON, McFARLAND, PADAVAN, PATERSON, PRESENT, ROLISON, RUIZ, SCHERMERHORN, B. C. SMITH, W. T. SMITH, STAFFORD, TAURIELLO, TRUNZO, VOLKER, WARDER, WINIKOW-- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

IN ASSEMBLY-- Introduced by COMMITTEE ON RULES-- (at request of M. of A. Lasher, Walsh, Schimminger, Virgilio)-- read once and referred to the Committee on Ways and Means

AN ACT to amend the family court act, in relation to the placement of certain felony offenders

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivisions one and two of section seven hundred fifty three-a of
- 2 the family court act, subdivision one as amended by chapter two hundred four of
- 3 the laws of nineteen hundred seventy-seven, subdivision two as added by chapter
- 4 eight hundred seventy-eight of the laws of nineteen hundred seventy six, are
- 5 hereby amended to read, respectively, as follows:
- 6 1. Where the respondent is found to have committed a designated felony act,
- 7 the order of disposition shall be made within twenty days of the conclusion of the
- 8 dispositional hearing and shall include a finding, based on a preponderance of the
- 9 evidence, as to whether, for the purposes of this article, the respondent does or
- 10 does not require a restrictive placement under this section, in connection with
- 11 which the court shall make specific written findings of fact as to each of the
- 12 elements set forth in paragraphs (a) through [(d)] (e) in subdivision two of this
- 13 section as related to the particular respondent. If the court finds that a
- 14 restrictive placement under this section is not required, the order of disposition
- 15 shall be as provided in section seven hundred fifty-three, not including
- 16 [subdivision] paragraph (d) of subdivision one. If the court finds that a restrictive

1 placement is required, it shall continue the proceeding and enter an order of
 2 disposition for a restrictive placement. Every order under this section shall be a
 3 dispositional order, shall be made after a dispositional hearing and shall state the
 4 ground for the order.

5 2. In determining whether a restrictive placement is required, the court shall
 6 consider:

- 7 (a) the needs and best interests of the respondent;
 8 (b) the record and background of the respondent, including but not limited to
 9 the information disclosed in the probation investigation and diagnostic
 10 assessment;
 11 (c) the nature and circumstances of the offense, including whether any injury
 12 involved was inflicted by the respondent or another participant; [and]
 13 (d) the need for protection of the community, and
 14 (e) the age and physical condition of the victim.

15 § 2. Section seven hundred fifty-three-a of such act is hereby amended by
 16 adding thereto a new subdivision, to be subdivision two-a, to read as follows:

17 *2 a. Notwithstanding the provisions of subdivision two of this section, the court*
 18 *shall order a restrictive placement in any case when the respondent is found to have*
 19 *committed a designated felony act in which the respondent inflicted serious physical*
 20 *injury, as that term is defined in subdivision ten of section 10.00 of the penal law,*
 21 *upon another person who is sixty two years of age or more.*

22 § 3. The opening clause and paragraph (a) of subdivision three of section
 23 seven hundred fifty-three-a of such act, as added by chapter eight hundred
 24 seventy-eight of the laws of nineteen hundred seventy-six, are hereby amended
 25 to read, respectively, as follows:

26 When the order is for a restrictive placement in the case of a youth found to
 27 have committed a designated class A felony act,

28 (a) the order shall provide:
 29 (i) The respondent shall be placed with the division for youth for an initial
 30 period of five years.

31 (ii) [During the first twelve months of the placement, the respondent shall be
 32 confined in a secure facility] *The respondent shall initially be confined in a secure*
 33 *facility for a period set by the order, to be not less than twelve nor more than eighteen*
 34 *months.*

35 (iii) [During the second period of twelve months of placement, the respondent
 36 shall be placed in a residential facility] *After the period set under clause (ii) of this*
 37 *paragraph, the respondent shall be placed in a residential facility for a period of*
 38 *twelve months.*

39 (iv) The respondent may not be released from a secure facility or transferred
 40 to a non-secure facility during the period provided in clause (ii) of this
 41 paragraph, nor may the respondent be released from a residential facility during
 42 the period provided in clause (iii) of this paragraph.

43 § 4. This act shall take effect on the first day of September next succeeding
 44 the date on which it shall have become a law.
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STATE OF NEW YORK

1-C

Cal. No. 234

1977-1978 Regular Session

IN ASSEMBLY

(Prefiled)

January 5, 1977

Introduced by M. of A. STEINGUT, FINK, FORTUNE, HIRSCHUTZ, DEARIE, GRIFFITH Multi-Sponsored by M. of A. ABRAMSON, AMATUCCI, BARBARO, BERSANI, BIANCHI, BOYLAND, BREWER, BUSH, BUTLER, CINCOFFA, CONNELLY, CONNERS, DeSALVIO, CULHANE, D'AMATO, D'ANDREA, DELIBOVI, DeTORO, DIGGS, DWYER, ENGLE, FERRIS, FIFLD, FLACK, FLANAGAN, FREMMING, FRIEDMAN, GOLDSHIN, GRABER, GRECO, GREENBERG, GULOTTA, HANNA, HARENBERG, HAWLEY, HEALY, HIFVESI, HINCHEY, HOCHBRUECKER, HOYT, HURLEY, KEANI, KOPPIH, KREMER, LAFAYETTE, LANDES, LASHER, LENTOL, LEVY, LOPRESTO, MARSHALL, McCABE, McGEE, McGRATH, McINERNEY, M.H. MILLER, MIRTO, MONTANO, G.A. MURPHY, M.J. MURPHY, NAGLE, NICIOLSI, PASSANNANTE, PESCE, POSNER, PROUD, REILLY, ROBACH, ROSS, A.W. RYAN, SCHIMMINGER, SERRANO, SILVER, SILVERMAN, STAVISKY, STEIN, THUIS, VIRGILIO, WALSH, WEPRIK, WERTZ, WILSON, YIVOLI, ZAGAMI, ZIMMER read once and referred to the Committee on Aging reported and referred to Committee on Codes committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading passed by Assembly and delivered to the Senate recalled from Senate, vote reconsidered, bill amended, ordered reprinted and restored to third reading

AN ACT to amend the penal law, the criminal procedure law and the family court act, in relation to mandatory imprisonment and plea restrictions for offenses victimizing the elderly and physically disabled

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. It is hereby found and declared that elderly and physically
- 2 disabled people are increasingly being singled out as victims of crime. It is also

EXPLANATION—Matter in italics is new; matter in brackets [] is old law to be omitted.

A. 1-c

1 found that the physical harm and emotional trauma suffered by elderly and
2 physically disabled crime victims has a devastating effect on the lives of the
3 victims.

4 The elderly or physically disabled victim has a decreased physical capability
5 to resist an attacker and thus becomes an inviting target of crime. Moreover, the
6 after effects of crime on the elderly and the physically handicapped affect them
7 more deeply than any statistics would indicate. The emotional trauma and
8 possible serious physical damage resulting from a face to face crime may cause a
9 permanent downgrading in the elderly or physically disabled victim's lifestyle.
10 Such victims often impose "house-arrest" on them selves, afraid to shop, to visit
11 friends, to go to the doctor, to live, unless behind locked doors. Even those
12 elderly or physically disabled who are not direct victims of crime suffer
13 indirectly, because they, having learned of the terrible tragedy suffered by other
14 elderly and physically disabled and fearful for their own individual safety,
15 barricade themselves within their homes. The older or physically disabled crime
16 victim is thus twice victimized—by the crime and by its aftermath.

17 Criminologists, sociologists, psychologists, and the police all recognize and
18 acknowledge these facts, but the law does not. It has been ineffective in
19 deterring crimes against the elderly and the physically handicapped,
20 particularly those involving violence or the threat of violence. For these reasons,
21 offenses committed against the elderly or the physically disabled must be
22 treated as unique, and legislation must be enacted to provide a meaningful
23 deterrent for those offenders who now victimize the elderly and the physically
24 handicapped.

25 § 2. Section 10.00 of the penal law is hereby amended by adding thereto
26 three new subdivisions, to be subdivisions eighteen, nineteen and twenty, to
27 read, respectively, as follows:

28 18. "Elderly person" means a human being sixty-two years old or more

29 19. "Victim", as that term is used in article two hundred seventy-five, means, in a
30 case of:

31 (a) assault, the person injured or intended to be injured;

32 (b) manslaughter or murder, the person killed or intended to be killed or injured;

33 (c) rape or sodomy, the person with whom the defendant has the sexual intercourse
34 or deviate sexual intercourse;

35 (d) kidnapping, the person abducted;

36 (e) burglary or robbery, the person injured, or against whom a dangerous
37 instrument is or is threatened to be used, or to whom the weapon is displayed;

38 (f) arson, the person present in the building at the time; or

39 (g) larceny, the person in whom fear is instilled

40 20. "Physically disabled person" means a human being (a) having an
41 impairment requiring the use of leg braces, crutches or artificial support, or

42 (b) having an impairment requiring confinement to a wheelchair, or

43 (c) having an impairment caused by amputation of a limb, or

44 (d) having total or partial impairment of sight necessitating the use of a guide dog
45 or other guiding device.

46 § 3. Such law is hereby amended by adding thereto a new article, to be article
47 two hundred seventy-five, to read as follows:

48 ARTICLE 275

49 OFFENSES AGAINST THE ELDERLY OR PHYSICALLY DISABLED

50 Section 275.05 Victimized the elderly or the physically disabled in the third degree.

51 275.10 Victimized the elderly or the physically disabled in the second
52 degree.

53 275.15 Victimized the elderly or the physically disabled in the first degree.

54 § 275.05 Victimized the elderly or the physically disabled in the third degree.

A. 1-c

1 A person is guilty of victimizing the elderly or the physically disabled in the
2 degree when he

3 (1) Commits any of the following felonies:

4 Attempt to commit victimizing the elderly or the physically disabled in the second
5 degree as defined in section 275.10, or assault in the second degree as defined in
6 section 120.05; and

7 (2) The victim of such crime is an elderly person or a physically disabled person

8 Victimizing the elderly or the physically disabled in the third degree is a class D
9 felony.

10 § 275.10 Victimizing the elderly or the physically disabled in the second degree

11 A person is guilty of victimizing the elderly or the physically disabled in the second
12 degree when he:

13 (1) Commits any of the following felonies:

14 Attempt to commit victimizing the elderly or the physically disabled in the first
15 degree as defined in section 275.15, assault in the first degree as defined in section
16 120.10, burglary in the second degree as defined in paragraph (b), (c), or (d) of
17 subdivision one of section 140.25, grand larceny in the first degree as defined in
18 clause (a) of section 155.40, or robbery in the second degree as defined in subdivision
19 two of section 160.10; and

20 (2) The victim of such crime is an elderly person or a physically disabled person.

21 Victimizing the elderly or the physically disabled in the second degree is a class C
22 felony.

23 § 275.15 Victimizing the elderly or the physically disabled in the first degree.

24 A person is guilty of victimizing the elderly or the physically disabled in the first
25 degree when he:

26 (1) Commits any of the following felonies:

27 Attempt to commit a class A-1 felony other than an offense defined in article two
28 hundred twenty, manslaughter in the first degree as defined in section 125.20, rape
29 in the first degree as defined in section 130.35, sodomy in the first degree as defined
30 in section 130.50, kidnapping in the second degree as defined in section 135.20,
31 burglary in the first degree as defined in subdivision two, three or four of section
32 140.30, or robbery in the first degree as defined in subdivision one, three or four of
33 section 160.15; and

34 (2) The victim of such crime is an elderly person or a physically disabled person.

35 Victimizing the elderly or the physically disabled in the first degree is a class B
36 felony.

37 § 4. Section 60.05 of such law, as added by chapter two hundred seventy-
38 seven of the laws of nineteen hundred seventy-three, subdivision one thereof as
39 amended by chapter three hundred sixty-seven of the laws of nineteen hundred
40 seventy-four, subdivision three thereof as amended by chapter four hundred
41 twenty-four of the laws of nineteen hundred seventy-six, subdivision four
42 thereof as amended by chapter twenty-two of the laws of nineteen hundred
43 seventy-seven, is hereby amended to read as follows:

44 § 60.05 Authorized dispositions; class A, B, certain C and D felonies and
45 multiple felony offenders.

46 1. Class A felony. Every person convicted of a class A felony must be
47 sentenced to imprisonment in accordance with section 70.00, unless such person
48 is convicted of either murder in the first degree and is sentenced to death in
49 accordance with section 60.06 or of a class A-III felony and is sentenced to
50 probation in accordance with section 65.00.

51 2. Class B felony. Except as provided in [subdivision] subdivisions five and
52 six, every person convicted of a class B felony must be sentenced to
53 imprisonment in accordance with section 70.00.

54 3. Certain class C felonies. Except as provided in [subdivision] subdivisions
55

Appendix F - Bill Number A.1-c (cont'd)

A. 1.C

1 five and six, every person convicted of the class C felonies of attempt to commit
2 a class B felony, assault[,] in the first degree as defined in section 120.10,
3 burglary in the second degree as defined in section 119.25, robbery in the second
4 degree as defined in section 160.10, criminal misuse [as] in the first degree as
5 defined in section 190.42, rewarding official misconduct in the first degree as
6 defined in section 200.22, receiving reward for official misconduct in the first
7 degree as defined in section 200.27, criminal possession of a controlled substance
8 in the fifth degree as defined in subdivision one, two, three, four, five, six, seven,
9 eight or nine of section 220.09, or criminal sale of a controlled substance in the
10 fifth degree as defined in paragraph (a) or (b) of subdivision one of section
11 220.34, or criminal possession of a [dangerous] weapon in the second degree as
12 defined in section 265.03, must be sentenced to imprisonment in accordance
13 with section 70.00.

14 4. Certain class D felonies. Except as provided in [subdivision] subdivisions
15 five and six, every person convicted of the class D felonies of attempt to commit
16 assault in the first degree as defined in section 120.10, or assault in the second
17 degree as defined in section 120.05, must be sentenced in accordance with
18 section 70.00 or 85.00.

19 5. Multiple felony offender. When the court imposes sentence upon a second
20 felony offender, as defined in section 70.06, the court must impose a sentence of
21 imprisonment in accordance with section 70.06, unless it imposes a sentence of
22 imprisonment in accordance with section 70.10.

23 6. Article two hundred seventy-five offenses. When the court imposes sentence
24 upon a person convicted of an offense enumerated in article two hundred seventy-five,
25 it must impose a sentence of imprisonment in accordance with section 70.80, unless
26 it imposes a sentence of imprisonment in accordance with section 70.06 or 70.10.

27 7. Fines. Where the court imposes a sentence of imprisonment in accordance
28 with this section, the court also may impose a fine authorized by article eighty
29 and in such case the sentence shall be both imprisonment and a fine.

30 § 5. Such law is hereby amended by adding thereto a new section, to be
31 section 70.08, to read as follows:

32 § 70.08 Sentence of imprisonment for certain offenses against the elderly or the
33 physically disabled.

34 1. Except as provided in subdivision four every person, other than a person
35 sentenced, as a second or persistent felony offender, who is convicted of an offense
36 against the elderly or the physically disabled defined in article two hundred seventy-
37 five, must be sentenced to an indeterminate sentence of imprisonment in accordance
38 with the provisions of subdivisions two and three of this section.

39 2. The maximum term of such indeterminate sentence must be fixed as follows:

40 (a) For the class B felony of victimizing the elderly or the physically disabled in
41 the first degree, the term must be at least nine years and must not exceed twenty-five
42 years;

43 (b) For the class C felony of victimizing the elderly or the physically disabled in
44 the second degree, the term must be at least six years and must not exceed fifteen
45 years;

46 (c) For the class D felony of victimizing the elderly or the physically disabled in
47 the third degree, the term must be at least four years and must not exceed seven years.

48 3. The minimum period of imprisonment for such indeterminate sentence must be
49 fixed by the court and must be specified in the sentence as follows:

50 (a) For the class B felony of victimizing the elderly or the physically disabled in
51 the first degree, the minimum period of imprisonment shall not be less than three
52 years nor more than one-third the maximum term imposed by the court.

53 (b) For the class C felony of victimizing the elderly or the physically disabled in
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Appendix F - Bill Number A.1-c (cont'd)

A.1-c

1 *the second degree, the minimum period of imprisonment shall be not less*
2 *years nor more than one-third the maximum term imposed by the court.*

3 *(c) For the class D felony of victimizing the elderly or the physically disabled*
4 *the third degree, the minimum period of imprisonment shall be not less than*
5 *maximum term imposed by the court.*

6 4. *Alternative definite sentence for class D felony offense against the elderly or the*
7 *physically disabled. When a person, other than a multiple felony offender,*
8 *sentenced for the class D felony of victimizing the elderly or the physically disabled in*
9 *the third degree, and the court, having regard to the nature and circumstances of the*
10 *crime and to the history and character of the defendant, is of the opinion that it would*
11 *be unduly harsh to impose an indeterminate sentence, the court may impose a*
12 *definite sentence of imprisonment and fix a term of one year.*

13 § 6. Paragraph (c) of subdivision five of section 220.10 of the criminal
14 procedure law, as added by chapter four hundred eighty of the laws of nineteen
15 hundred seventy-six, is hereby amended to read as follows:

16 (c) Where the indictment charges any class A felony, other than those
17 defined in article two hundred twenty of the penal law, or any class B felony
18 *the class C felony of victimizing the elderly or the physically disabled in the second*
19 *degree as defined in section 275.10 of the penal law,* then any plea of guilty entered
20 pursuant to subdivision three or four must be or must include at least a plea of
21 guilty of a felony.

22 § 7. Subparagraph (iv) of paragraph (b) of subdivision three of section
23 220.30 of such law, as added by chapter four hundred eighty of the laws of
24 nineteen hundred seventy-six, is hereby amended to read as follows:

25 (iv) A plea of guilty, whether to the entire indictment or to part of the
26 indictment for any crime other than a felony, may not be accepted on the
27 condition that it constitutes a complete disposition of one or more other
28 indictments against the defendant wherein is charged a class A felony, other
29 than those defined in article two hundred twenty of the penal law, or a class B
30 felony, *or the class C felony of victimizing the elderly or the physically disabled in the*
31 *second degree as defined in section 275.10 of the penal law.*

32 § 8. Subdivision two of section 720.10 of such law, as amended by chapter
33 eight hundred thirty-two of the laws of nineteen hundred seventy-five, is hereby
34 amended to read as follows:

35 2. "Eligible youth" means a youth who is eligible to be found a youthful
36 offender. Every youth is so eligible unless he (a) is indicted for a class A-I or
37 class A-II felony, or (b) has previously been convicted and sentenced for a
38 felony, *or (c) has been convicted of the class B felony of victimizing the elderly or the*
39 *physically disabled in the first degree as defined in section 275.15 of the penal law.*

40 § 9. Subdivision (h) of section seven hundred twelve of the family court act,
41 as added by chapter eight hundred seventy-eight of the laws of nineteen
42 hundred seventy-six, is hereby amended to read as follows:

43 (h) "Designated felony act". An act committed by a person fourteen or
44 fifteen years of age which, if done by an adult, would be a crime (i) defined in
45 [sections] section 125.27 (murder in the first degree); 125.25 (murder in the
46 second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the
47 first degree) of the penal law; (ii) defined in [sections] section 120.10 (assault in
48 the first degree); 125.20 (manslaughter in the first degree); 130.35 (rape in the
49 first degree); 130.50 (sodomy in the first degree); 135.20 (kidnapping in the second
50 degree), but only where the abduction involved the use or threat of use of deadly
51 physical force; 150.15 (arson in the second degree); [or] 160.15 (robbery in the
52 first degree) 275.10 (victimizing the elderly or the physically disabled in the second
53 degree); or 275.15 (victimizing the elderly or the physically disabled in the first
54 degree).

55

Appendix F - Bill Number A.1-c (cont'd)

A. 1-C

1 *degree*) of the penal law; or (iii) defined in the penal law as an attempt to commit
2 murder in the first or second degree or kidnapping in the first degree
3 § 10. This act shall take effect on the first day of September next succeeding
4 the date on which it shall have become a law.
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STATE OF NEW YORK
EXECUTIVE CHAMBER
EUGEN L. CAREY, GOVERNOR

Appendix G - Governor's Veto Message
of Bill Number A-1 - c

James S. Vlasto, Press Secretary
518-474-8418
212-977-2716

FOR RELEASE:
IMMEDIATE, TUESDAY
AUGUST 16, 1977

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

August 11, 1977

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 1-C, entitled:

"AN ACT to amend the penal law, the criminal procedure law and the family court act, in relation to mandatory imprisonment and plea restrictions for offenses #59 -victimized the elderly and physically disabled"

N O T A P P R O V E D

The bill would amend the Penal Law to add three new offenses, entitled victimizing the elderly or physically disabled in the first, second and third degree. These new offenses consist basically of existing crimes (e.g., robbery, burglary, assault) with the added element that the victim was either 62 years of age or over, or was "physically disabled", as that term is defined in the bill.

The bill contains special sentencing provisions for the newly created crimes, including the imposition of mandatory minimum periods and maximum terms of imprisonment, and places some limitation on plea bargaining in such cases. The bill would also exclude from youthful offender treatment any youth convicted of victimizing the elderly or physically disabled in the first degree, and would expand the definition of "designated felony act" under §712 of the Family Court Act to include victimizing the elderly or physically disabled in the first and second degree.

While I share the deep concern of those in the Legislature who supported the bill with respect to crimes against the elderly and physically disabled, I am constrained to withhold my approval because its provisions are inconsistent with the well ordered structure of the criminal laws of this State, and because it would not be effective in achieving its stated goals.

The bill, which has been disapproved by the great majority of those directly involved in our criminal justice system, would create substantive criminal offenses based upon a single characteristic of the victim. Our Penal Law presently defines crimes according to the nature of the criminal conduct involved, and allows the court to consider particular characteristics of the victim, along with other relevant factors, in setting an appropriate sentence. The wisdom and usefulness of creating separate categories of crimes, based upon one characteristic of the victim is open to serious question.

(more)

Certainly, the age and physical condition of the victim are important factors to be considered by the court in setting the sentence. However, it is easy to name other classes of victims entitled to similar consideration, including children, pregnant women, the parents of young children, and persons with illnesses which would not be covered under the definition of "physically disabled" contained in the bill. The selection of one class of victim as the basis for the creation of a separate category of crimes, therefore, is necessarily arbitrary.

Furthermore, it should be noted that the bill would not provide significantly greater penalties for those who commit crimes against the elderly than would be imposed under existing law. The State's second felony offender law already provides harsher penalties than those provided by the bill. The effect of the bill, therefore, would be limited to first felony offenders. Even with respect to such offenders, most of the crimes covered by the bill already carry a mandatory prison sentence with a minimum term of at least one year. While the bill would require the imposition of higher minimum sentences, under existing law the court may impose such higher sentences in appropriate cases. Despite the plea bargaining limitations in the bill, a defendant would still be permitted to plead to a lesser felony which does not carry a mandatory prison sentence. Similarly, §712 of the Family Court Act already includes within the definition of "designated felony act" most of the crimes which would be added to that definition by the bill.

Assuming that the approach of the bill were acceptable, therefore, the relatively limited increase in penalties provided by the bill could not reasonably be expected to have a significantly greater deterrent effect than the existing law.

In my judgment the best way to deter crime and insure the safety of all of our citizens is to provide the leadership and resources which the criminal justice system needs to insure the swift and effective prosecution of all violent offenders. An example of this approach is the special State project which has been established with federal funds for the specific purpose of disposing of criminal cases backlogged in three counties of New York City. Since this program began in June of 1976, the backlog of cases in these counties awaiting trial for more than a year has been reduced by 85%. Furthermore, the conviction rate has been 90%, and 75% of the guilty pleas have been to the highest count of the indictment or one degree lower. It is this type of effective response by our criminal justice system which, if multiplied throughout the State, will deter crime with respect to the elderly and all of our citizens.

I do, however, recognize that the problem of crime against the elderly requires special attention and for that reason I announced in my Annual Message to the Legislature that the first priority in the use of federal LEAA funds under this administration would be for programs to protect the elderly

(more)

and to aid elderly victims of crime. Later in the year I sent a Special Message to the Legislature on Crime Prevention and the Elderly which outlined a State program to prevent crime and reduce the fear of crime among our senior citizens. This program included the creation of an Office of Crime and Delinquency Prevention within the Division of Criminal Justice Services to improve the capacity of local communities to prevent crimes against the elderly and the development of special projects, such as escort services for senior citizens, and the pilot project in the City of Rochester where 10,000 senior citizens will be provided with small Citizen Band radios for direct communication with the police and to help break through the isolation of elderly persons which often results from the fear of crime.

I also note my approval of Senate Bill 6949, which includes a mandate for the placement in a youth facility of a juvenile found to have committed a serious violent act against an elderly person.

While I fully appreciate the Legislature's effort to address this most serious and difficult problem, the bill before me contains basic defects and would not be effective. I am constrained, therefore, to withhold my approval.

Disapproval of the bill is recommended by the State Division of Criminal Justice Services, the State Division for Youth, the New York State District Attorneys Association, the Special Prosecutor for Nursing Homes, Health and Social Services, the Special Prosecutor for Corruption in the Criminal Justice System of New York City, the Committee on Family Court and Family Law of the Bar Association of the City of New York, the Legal Aid Society, the New York Civil Liberties Union, the New York State Coalition for Criminal Justice, the Citizens Committee for Children of New York, the Federation of Protestant Welfare Agencies and the Community Service Society of New York.

The Office of Court Administration takes no official position on the bill, but states that the Advisory Committee on Criminal Law and Procedure and the Family Court Advisory and Rules Committee of the Judicial Conference are opposed to the concept of defining crimes by singling out special categories of victims.

The bill is disapproved.

(Signed) HUGH L. CAREY

STATE OF NEW YORK

Cal. No. 946

6272-A

1977-1978 Regular Sessions

IN ASSEMBLY

March 1, 1977

Introduced by M. of A. E. C. SULLIVAN - Multi-Sponsored by M. of A. McGee---read once and referred to the Committee on Local Governments reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the county law, in relation to the duty of a district attorney to investigate certain deaths caused by hypothermia

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section seven hundred of the county law is hereby amended by
- 2 adding thereto a new subdivision, to be subdivision eleven, to read as follows:
- 3 11 (a) It shall be the duty of every district attorney to conduct an investigation of
- 4 every human death occurring within the county for which he has been elected or
- 5 appointed where the primary or contributing cause of such death is hypothermia and
- 6 where such death has occurred within the residence of the deceased
- 7 (b) For purposes of this subdivision, "hypothermia" shall mean a reduction in
- 8 normal body temperature caused by contact with a cold environment within a
- 9 building where heat is normally provided
- 10 § 2. This act shall take effect immediately.

EXPLANATION - Matter in italics is new; matter in brackets [] is old law to be omitted

LBI07 30-757A

James S. Vlasto, Press Secretary
518-474-8418
212-977-2716

FOR RELEASE:
IMMEDIATE, WEDNESDAY
AUGUST 10, 1977

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY, NEW YORK 12224

August 5, 1977

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 6272-A, entitled:

#33 "AN ACT to amend the county law, in relation to the duty of a district attorney to investigate certain deaths caused by hypothermia"

N O T A P P R O V E D

The bill would amend §700 of the County Law to make it the duty of every district attorney to conduct an investigation of every human death occurring within his county where the primary or contributing cause is hypothermia (loss of heat) and where the death occurred within the residence of the deceased.

The bill is a reaction to deaths caused by exposure to the cold during recent harsh winters. Despite my sympathy with the concern which underlies the bill, the bill is ill-advised.

No justification has been provided for singling out one type of homicide for special treatment over other types of homicide, and over all other types of crimes. Furthermore, §700 of the County Law already places a district attorney under a duty to investigate all crimes occurring within his county. The bill, therefore, is unnecessary and its enactment would serve no useful purpose.

Disapproval of the bill is recommended by the Division of Criminal Justice Services, the District Attorneys Association of the State of New York, the Special Prosecutor for New York City and the District Attorney of New York County.

The bill is disapproved.

END