



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
CRIME VICTIMS COMPENSATION BOARD
875 CENTRAL AVENUE
ALBANY, NEW YORK 12206
(518) 457-1193

BOARD MEMBERS

RONALD A. ZWEIBEL
Chairman
STEPHEN S. GOTTLIEB
GEORGE L. GROBE, JR.
DIANE McGRATH
ANGELO PETROMELIS
NETTIE MAYERSOHN
Executive Secretary

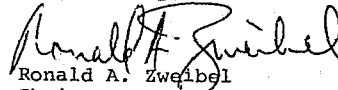
To the HONORABLE HUGH L. CAREY
Governor

and

To the HONORABLE LEGISLATURE OF THE
STATE OF NEW YORK

I have the honor to submit the Twelvth Annual Report of the Crime Victims Compensation Board for the fiscal year 1978-1979 rendered pursuant to the provisions of Article 22, Section 623 of the Executive Law.

Respectfully,


Ronald A. Zweibel
Chairman

Albany, New York
April 1st, 1979

NCJRS

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ACQUISITIONS

PROLOGUE

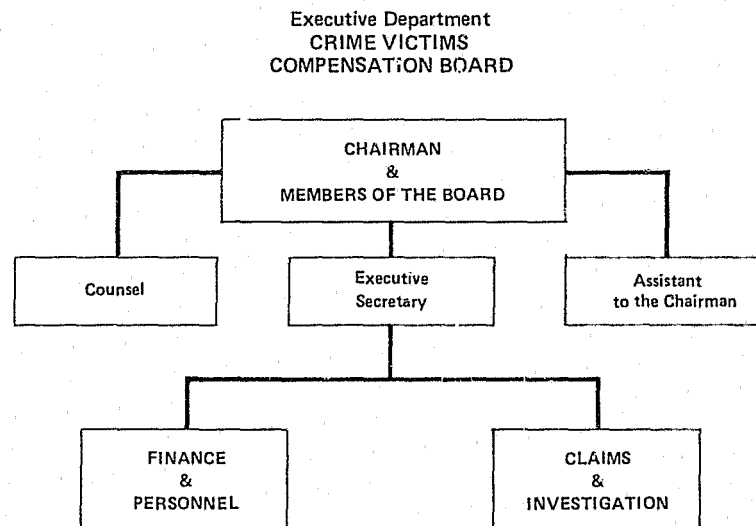
Thousands of people are injured or killed every year in violent crimes in this State. Some are the actual victims of robberies, assaults, rapes and homicides; some are bystanders or Good Samaritans attempting to stop a crime in progress. Not only must these innocent people and their families endure the trauma of the crime, but they often end up paying for all or part of the medical or funeral expenses or suffer loss of earnings as a result of the crime.

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

HISTORY

The Crime Victims Compensation Board (CVCB) was established on August 1, 1966. The acute proliferation of violent crime within the State made the need for victim compensation apparent. The Crime Victims Compensation Board was created under Article 22 of the Executive Law. The Board is part of the State Executive Department, and Board Members are appointed by the Governor with the consent of the Senate for seven-year terms.

Offices are located in New York City (2), Albany (Main Office), Buffalo, Syracuse, and a newly established office in Nassau County. The Board consists of five members, including a Chairman. In addition the Board employs an Executive Secretary, Counsel, Assistant to the Chairman, office staff and seventeen full-time Investigators.



The Crime Victims Compensation Board is not a general agency for victims compensation. The legislation which created the Board specifically limits the scope of Board inquiries to innocent victims of "*Violent Crimes*" who are "*Injured*", "*Disabled*" or "*Killed*" as a result of "*Criminal Acts*". Awards made by the Board are intended to reimburse the claimant for out of pocket unreimbursed medical expenses and earnings, and in the event of death to reimburse the eligible claimant for his out of pocket unreimbursed Funeral expenses and/or loss of support.

Awards are limited to victims and their dependents who suffer serious financial hardship as a result of injury. Criteria for what constitutes serious financial hardship is decided on a case-by-case basis. Upon determining eligibility, the Board is authorized to make awards up to a maximum amount of \$20,000 per claimant for loss of earnings or support and unlimited amounts for medical expenses. Additionally any award made for funeral expenses is limited to \$1,500. Board Members try to be liberal in their discretion so that all possible eligible victims can receive aid. However, the Board is not mandated to make awards which bring victims back to their former standards of living; although the original intent of the Legislature clearly hoped that this could be achieved.

1978-79

A REVIEW OF OUR TWELFTH YEAR OF OPERATION

The overall budget allocations including awards is modest by New York State standards.

C.V.C.B. EXPENDITURES

(Includes Prior-year's Carry-over)

Payment Fiscal Year	Payment to Victims	Administration Non-Personal Service	Personal Service	Total
1966/67	\$ 1,500	\$ 24,512	\$ 8,900	\$ 34,912
1967/68	55,665	39,588	159,905	255,158
1968/69	386,585	39,039	197,644	623,268
1969/70	678,220	44,066	225,058	947,344
1970/71	1,243,174	56,253	278,350	1,577,777
1971/72	1,407,277	44,857	320,215	1,772,349
1972/73	1,848,500	54,196	343,055	2,245,751
1973/74	1,835,000	68,155	459,386	2,362,541
1974/75	2,871,337	66,670	506,852	3,444,859
1975/76	2,979,225	67,251	486,088	3,532,564
1976/77	3,228,667	76,503	518,879	3,824,049
1977/78	4,313,078	124,766	614,551	5,052,395
1978/79	5,357,802	124,845	734,966	6,217,613

The number of decisions increased by 1,554 or 34% over the previous fiscal year.

DECISIONS

April 1, 1978 – March 31, 1979

New York	5128
Albany	284
Buffalo	350
Syracuse	331
TOTAL	6093

AMENDED DECISIONS

Awards	471
No Awards	124
TOTAL	595

DECISIONS

Allowed	1947
Disallowed	4146
TOTAL	6093

As in previous years the failure to supply information or cooperate with the Board was the most frequent reason for no award being granted.

REASONS FOR NO-AWARD DECISIONS

April 1, 1978 – March 31, 1979

Month	Withdrawn	Member of Family	No Serious Financial Hardship	No Information Supplied	Work. Comp. Pending	No Comp. Loss
April	11	4	8	190	14	65
May	7	4	14	155	14	73
June	11	7	6	129	13	68
July	3	2	18	164	16	53
Aug.	17	7	11	174	16	59
Sept.	10	4	18	233	21	70
Oct.	4	5	16	191	9	66
Nov.	20	9	5	300	20	64
Dec.	23	2	3	172	49	61
Jan.	15	17	7	165	9	58
Feb.	10	5	7	103	5	71
March	16	5	2	164	21	55
Totals:	147	71	115	2140	207	783

REASONS FOR NO AWARD DECISIONS

Month	No Coop. Pl./Bd.	Not inn. Vic.	Hit and Run	Incl. Cimt.	No Phy. Inj.	Miscellaneous
April	5	12	2	5	2	87
May	7	12	2	5	7	106
June	6	9	4	5	6	74
July	3	9	1	1	0	55
Aug.	4	16	3	3	5	113
Sept.	5	12	3	5	3	67
Oct.	2	6	3	3	3	114
Nov.	3	10	1	7	5	129
Dec.	3	3	7	8	1	64
Jan.	4	11	10	18	6	78
Feb.	13	9	4	5	10	80
March	6	9	3	7	4	78
Totals:	61	118	43	72	52	336

**NO-AWARD DECISIONS
BREAKDOWN OF MISCELLANEOUS**

Late police report	10	Over one year	3
Pend Blue Cross/Blue Shield	1	Out of state	3
Provocation	10	Question of innocence	1
Left Town	8	No minimum eligibility	14
Address Unknown }		No crime	25
Pending Auto Insurance }	4	Unable to Locate	35
Pending No-fault }		Pending MVAI	1
No expense	4	Pending Court Action	1
No police report	51	Over two years	20
No evidence of crime	3	Victim Died	1
Claimant died	17	Pending Police Report	1
Pending VA	12	Pending Further Info }	2
Pending Social Security }		Insufficient Info }	
Pending Disability }		Injuries not crime related	3
Duplicate	18	Pending trial	1
Pending Medicaid	51	Pending Police Investigation	1
Accident/fall	23	Pending DA Investigation	2
Death Claim	3		
Pending Legal Suit }	7	Total:	336
Pending Civil Suit }			

Although the Board has been in existence for twelve years, it acknowledges that only in recent years has publicity made most violent crime victims aware of the State program.

Within the last year, the Board has continued to reach out to the estimated 150,000 victims of violent crimes reported in New York State. It is estimated that over 20,000 crime victims yearly have crime related medical bills or lost earnings or support which may be eligible for compensation under the State program.

Mandatory Information to Crime Victims

Police officers throughout New York State are now required to inform all victims of violent crime of the existence of the Board. The Board is working closely with law enforcement agencies to secure full compliance with this law. It is hoped that informing crime victims of their rights will become as common practice with police officers as the reading of the "Miranda Warning" has become for criminal suspects.

Crime Victims Compensation Board applications which contain eligibility requirements and information may be obtained at any police station within the State and at the Crime Victims Compensation Board Offices.

MANDATORY INFORMATION FOR INNOCENT VICTIMS OF CRIME

1. Injured innocent victims of crime or their dependents may recover cost of medical treatment and reimbursement for loss of wages.
2. If death results from a criminal act, the victim's funeral expenses may be paid by the State.

Every Police Station, Precinct House or other appropriate Law Enforcement location in New York State where a crime may be reported has information, brochures and application forms.

Ronald A. Zweibel
Chairman

INFORMACION MANDATORIA PARA VICTIMAS INOCENTE DEL CRIMEN

1. Víctimas inocente que son heridas en un crimen pueden recobrar del estado gastos de tratamientos de médicos y pérdidas de sueldos.
2. Si un acto criminal resulta en la muerte de alguna persona, los gastos funeral pueden ser pagados por el Estado.

Cada Estacion de Policia, Precinto, o Cualquier otra apropiada forzamento de ley situada en el Estado de Nueva York donde un crimen puede ser reportado tiene panfletos de informacion y formularios para aplicar.

Ronald A. Zweibel
Presidente

The Claims Process

For eligibility, a claim must be filled with the Office of the Crime Victims Compensation Board, by the victim, surviving spouse, dependent, legal guardian or attorney. The claim must be filed in person or by mail not later than one year after the occurrence of the crime. This period may be extended to two years if the Board finds that good cause is shown.

Investigators are required to contact claimants within fifteen (15) days of receiving an application for compensation. At this point, the investigator arranges for an appointment with the claimant to discuss the case. The investigator studies the financial status of the claimant, helps the claimant assemble all pertinent documentation, and delivers the case to a designated Board Member who renders a decision and possibly makes an award. Within the New York City office, an Examination Unit serves as a preprocessing unit for the investigation unit. Its functions are to conduct initial interviews, in lieu of the investigation unit, assemble documentation and prepare initial determinations for emergency awards.

Emergency Awards

Provisions have been made for awarding up to \$500.00 under emergency conditions. The award will be increased to \$1,500.00 by July 1979. The Board recognizing the low number of requests for emergency awards has instructed its examination unit, which deals with the

claimant at the time of filing, to inquire as to the need for emergency assistance. One Hundred and sixty-nine (169) such awards were made within this fiscal year representing an 86% increase above the previous fiscal year.

Board Review of Decisions

Claimants dissatisfied with the decision of a Board Member may make application in writing to the Chairman of the Board for an administrative review of the decision. The Chairman designates three Members of the Board, not including the Board Member who made the original decision, to review the decision. An informal hearing is scheduled at which the claimant may present any evidence or argument relevant to the claim. The decision of the Board review panel in affirming or modifying the original decision becomes the final decision of the Board.

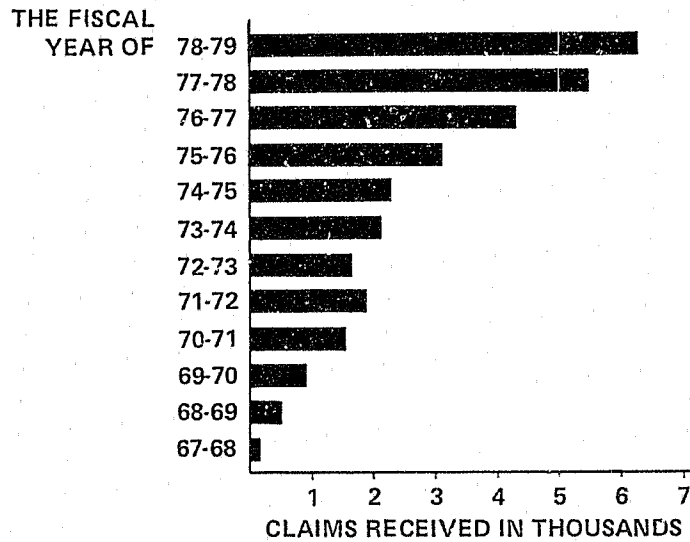
Review by Attorney General, Comptroller, Claimant

After receiving the final decision of the Board, the Attorney General or the Comptroller may within 30 days, if in his judgement the award is illegal or excessive, seek court review of the Board's decision. Also, a claimant aggrieved by a final decision of the Board may commence a proceeding to review the decision pursuant to Article 78 of the Civil Practice Law and Rules.

Claims Analysis

As it has been stated, the Board is limited to servicing innocent victims of violent crime. Violent crimes or crimes against the person (murder, rape, robbery and assault) accounted for less than 14% of the total offenses reported statewide. Under 3% of all crimes or about 15% of violent crimes involve medical treatment and other financial losses to the victim potentially covered by the State crime victim compensation program. While seemingly small in percentage terms, the crime victims eligible for compensation under the state program represent the thousands of victims most critically in need of financial assistance for crime-related injuries and losses. (Most financial losses of crime victims involve property losses not covered under the present program.)

The number of claims received during the 1978-79 fiscal year rose sharply from the previous fiscal year, an increase of 15% over last year. This continues the progression of previous years.



This increase was due in part to the fact that all law enforcement agencies in New York State, where a crime may be reported, have on hand claim forms and information brochures relating to the availability of compensation from this Board to every victim of a violent crime. Inasmuch as there has been and continues to be an increase in public awareness of the Board, we anticipate similar substantial increases in the next fiscal year.

Fiscal Year	Claims Received
1967-68	196
1968-69	519
1969-70	929
1970-71	1594
1971-72	1896
1972-73	1762
1973-74	2065
1974-75	2341
1975-76	3119
1976-77	4250
1977-78	5489
1978-79	6289

INVESTIGATIVE STAFF

Fiscal Year	Supervising Investigator	Senior Investigator	Investigator	Total
1967-68	—	3	2	5
1968-69	—	3	2	5
1969-70	—	3	5	8
1970-71	—	3	8	11
1971-72	1	2	8	11
1972-73	1	2	9	12
1973-74	1	2	9	12
1974-75	1	2	11	14
1975-76	1	2	11	14
1976-77	1	2	11	14
1977-78	1	3	13	17
1978-79	1	3	13	17

YEARLY WORKLOAD SUMMARY

Agency: Crime Victims Compensation Board
Report for Fiscal Year 1978-79

March 31, 1978 Open Claims	2,609
Claims Received April 1, 1978 — March 31, 1979	6,289
	8,898
Less Claims not accepted*	455
	8,443
Total Decisions	6,093
March 31, 1979 Open Claims	2,350

Awards 1947
No Awards 4146

In addition to Original Decisions:

Amended Decisions 595 (471 Awards, 124 No Awards)
Review Decisions 167 (40 Reversed to Awards)

*These claims were not accepted because under the statute they did not meet the Board's requirements.

WORKLOAD SUMMARIES

Fiscal Year	Claims Received	Rejected or Decisions Rendered	Outstanding Claims	Awards
1967-68	196	99	97	43
1968-69	519	422	194	220
1969-70	929	845	278	372*
1970-71	1594	1101	771	512*
1971-72	1896	1482	1185	618*
1972-73	1762	1957	990	824*
1973-74	2065	1887	1168	891
1974-75	2341	2399	1110	1074*
1975-76	3119	2535	1694	1097*
1976-77	4250	3618	2326	1510*
1977-78	5489	5114	2609	1764*
1978-79	6289	6548	2350	2458*

*These figures include Amended and Reviewed Decisions

The statewide distribution of claims made on the Crime Victims Compensation Board continues to show a preponderance of claims made from the New York City area.

STATISTICS

April 1, 1978 – March 31, 1979

BREAKDOWN OF CLAIMS ACCEPTED

Month	New York	Albany	Buffalo	Syracuse
April	315	16	16	23
May	377	25	39	23
June	373	33	39	20
July	433	21	36	23
August	449	24	26	34
September	372	16	22	22
October	433	22	23	25
November	402	26	32	25
December	341	22	29	22
January	448	28	39	29
February	413	27	21	25
March	535	29	36	25
TOTALS:	4891	289	358	296

GEOGRAPHICAL DISTRIBUTION OF VIOLENT CRIMES COMPARED TO CLAIMS FILED

While the number of claims has increased it would appear that there are significant differences in the proportion of violent crime victims filing claims for compensation in various counties of New York State. The Board believes that complete compliance by law enforcement agencies with the mandatory notification law to crime victims will both increase overall participation and generally equalize the participation rates by county. However; as is evident by the chart on page 19 it is an indication that some Law Enforcement agencies have been lax in their responsibilities.

**GEOGRAPHICAL DISTRIBUTION OF VIOLENT CRIMES
AND CRIME VICTIM CLAIMS**

County	Violent Crimes Reported - 1978	Claims Received 1977-78	Claims Received 1978-79
Albany	842 (City of Albany - 436)	55	66
Allegany	75	1	0
Broome	204	11	8
Cattaraugus	119	7	5
Cayuga	107	3	6
Chautauqua	177	17	11
Chemung	180	7	6
Chenango	79	0	0
Clinton	101	3	0
Columbia	131	4	1
Cortland	70	5	1
Delaware	40	3	1
Dutchess	670 (City of Pough- keepsie - 171)	28	27
Erie	4,720 (City of Buf- falo - 2981)	258	288
Essex	43	0	3
Franklin	106	2	1
Fulton	92	1	3
Genesee	152	10	3
Greene	100	4	2
Hamilton	1	1	0
Herkimer	104	3	1
Jefferson	108	9	7
Lewis	26	0	0
Livingston	69	0	6
Madison	50	4	5
Monroe	2,762 (City of Rochester - 2334)	123	118
Montgomery	47	3	1
Nassau	2,124	126	141
New York	37,581	1,288	1,534
Bronx	21,875	567	643
Kings	42,353	1,156	1,553
Queens	18,479	552	662

County	Violent Crimes Reported — 1978	Claims Received 1977-78	Claims Received 1978-79
Richmond	2,402	72	84
Niagara	640	41	44
Oneida	278	20	31
Onondaga	1,253 (City of Syracuse — 966)	133	128
Ontario	133	3	1
Orange	830 (City of New- Burgh — 260)	44	31
Orleans	112	1	3
Oswego	114	3	3
Otsego	39	1	3
Putnam	168	3	6
Rensselaer	670 (City of Troy — 464)	17	30
Rockland	749	20	23
St. Lawrence	183	3	3
Saratoga	193	11	5
Schenectady	283 (City of Schen- ectady — 202)	34	33
Schoharie	37	0	2
Schuyler	13	0	1
Seneca	54	0	0
Steuben	159	1	3
Suffolk	2,981	84	112
Sullivan	303	22	24
Tioga	100	4	2
Tompkins	56	7	5
Ulster	581	18	16
Warren	94	1	3
Washington	150	1	3
Wayne	249	1	2
Westchester	2,591 (City of Yonkers — 863)	90	126
Wyoming	103	0	1
Yates	69	0	1

**CRIME VICTIMS PARTICIPATION RATE
IN STATE COMPENSATION PROGRAM BY COUNTY
1978-79**

High Participation Rate (Claims over 10% of violent crimes reported)

Madison
Oneida
Onondaga

Medium Participation Rate (Claims 5-10% of violent crimes reported)

Albany	Jefferson	Otsego
Cayuga	Livingston	Schenectady
Chautauqua	Monroe	Sullivan
Erie	Nassau	Tompkins
Essex	Niagara	Westchester

Low Participation Rate (Claims under 5% of violent crimes reported)

Allegany	Franklin	Orange	Seneca
Broome	Fulton	Orleans	Steuben
Cattaraugus	Genesee	Oswego	Suffolk
Chemung	Greene	Putnam	Tioga
Chenango	Hamilton	Rensselaer	Ulster
Clinton	Herkimer	Rockland	Warren
Columbia	Lewis	St. Lawrence	Washington
Cortland	Montgomery	Saratoga	Wayne
Delaware	New York City	Schoharie	Wyoming
Dutchess	Ontario	Schuyler	Yates

N.B. It is estimated that 15% of reported violent crimes involve losses potentially covered by the State crime victims compensation program.

WHO HAS BEEN HELPED?

The Board has rendered financial aid to 2,458 people during the past year and approximately 800 who continue to receive aid from previous years. These victims are from all walks of life and from every age category. The following are some examples of cases that have come before the Board within the past year.

- 1) Claimant was a thirty year old man who was assaulted with a baseball bat by an unknown perpetrator. He sustained head injuries and underwent a cranioplasty. As a result of the crime the claimant was awarded \$4,950 for unreimbursed medical expenses and \$2,006.75 for unreimbursed loss of earnings.
- 2) Claimant was 70 years old when he was assaulted and robbed in the elevator of his apartment house. He was stabbed repeatedly resulting in the removal of his spleen. An award for unreimbursed medical expenses amounted to \$5,427.04.
- 3) Claimant was 55 years old when he was shot during a holdup of his drug store by three unknown assailants who fled. He sustained a gunshot wound and the bullet is still lodged in his head impairing his vision. He was awarded \$3,640.00 for unreimbursed medical expenses and \$2,904.00 for unreimbursed loss of earnings.
- 4) Claimant was 21 years of age when he was shot by an assailant in a case of mistaken identity. The perpetrator believed that he was the victim's brother who allegedly was "messing around" with his daughter. The perpetrator was arrested and charged with first degree assault. The victim sustained a gunshot wound of the chest and was awarded \$2,965.15 for unreimbursed medical expenses and \$1,516.91 for unreimbursed loss of earnings.
- 5) Claimant is the widow of the 40 year old victim who was found on the street with a severe head injury. He expired a few hours later at the hospital. The cause of death was depressed fractures of the skull with contusions and hematoma of the brain. The police investigation revealed that he was struck on the head. The alleged perpetrator was apprehended and has been charged with homicide. A decision was rendered awarding the claimant \$1,067.50 for funeral expenses and \$15,417.50 lump sum for loss of support and in addition \$572.38 a month until the statutory maximum of \$20,000 is reached.

- 6) Claimant 51 years old was severely assaulted and raped at a subway station. The perpetrator was apprehended and charged with rape and assault. The victim sustained a severe head injury causing a subdural hematoma and organic brain syndrome. She has seriously reduced powers of sight, speech and hearing, and requires full time nursing care. She received an award of \$11,986.75 for unreimbursed medical expenses and \$1,028.06 for unreimbursed loss of earnings.
- 7) Claimant is a widow of a 43 year old victim who was shot to death during the course of a robbery. The assailants chased the victim into the lobby of his residence where he was shot and killed. The claimant as the result of her husband's tragic death received \$1500 for unreimbursed funeral expenses which is the maximum allowed by the statute. In addition she is receiving \$930.21 per month for unreimbursed loss of earnings until the statutory maximum of \$20,000 is realized.
- 8) Claimant is the widow of a victim who was stabbed. \$1,453.66 has been awarded for unreimbursed funeral expenses and \$694.17 per month for unreimbursed loss of earnings until the maximum \$15,000.* The original claim was for personal injury; however the victim died three months later as a result of his crime related injuries.
- 9) Claimant is a forty year old man who was shot in the groin during the course of a robbery of his grocery store. The assailant was never apprehended. Claimant as a result of his injuries was awarded \$2,215.80 in unreimbursed medical expenses. In addition, he was disabled because of crime related injuries and unable to operate his grocery store for a twenty-six week period and received unreimbursed loss of earnings computed at the maximum rate of \$250 per week in the amount of \$6500.00.
- 10) Claimant, 63 years of age was mugged by three unknown perpetrators as she walked to her home. As a result of the attack, the claimant suffered a stroke leaving her with a paralysis of the left side. She was awarded \$4272.50 for unreimbursed medical expense and \$336.61 per month for unreimbursed loss of earnings during the period of disability up to the maximum of \$20,000.

*Maximum allowable amount for loss of earnings or support increased from \$15,000 to \$20,000 for crimes occurring on or after January 1, 1977.

- 11) Claimant is the widow of the victim 20 years of age, who was stabbed to death. She was awarded \$1225.00 for unreimbursed funeral expenses and \$3,265.63 lump sum for unreimbursed loss of support. Additionally, the claimant is receiving \$321.41 for loss of support up to the maximum of \$20,000.
- 12) Claimant filed a claim on behalf of her son who was a minor at the time of the crime. The victim was shot three times in his shoulder, arm, and back as the result of a holdup. Due to the severe injuries sustained, the victim is now a paraplegic. The claimant was awarded a lump sum of \$5,135.94 for unreimbursed loss of earnings and \$82.23 per month up to the maximum of \$15,000.*

*Maximum allowable amount for loss of earnings or support increased from \$15,000 to \$20,000 for claims occurring on or after January 1, 1977.

CLAIMS ACCEPTED

Personal Injury

April	314	October	429
May	403	November	428
June	400	December	358
July	460	January	462
August	454	February	433
September	367	March	555
TOTAL		5063	

Death

April	56	October	74
May	61	November	57
June	65	December	56
July	53	January	82
August	79	February	53
September	65	March	70
TOTAL		771	

CLAIMS ACCEPTED

TYPES OF CRIME

Total Assaults	4,657
Stabbed	828
Shot	702
Other Assaults	3,126
Murder	768
Rape & Sexual Abuse	247
Auto	37
Miscellaneous	126
 TOTAL	 5,834

AGE & SEX

Month	Male	Female	0-18	19-31	32-60	60+	Unknown
April	264	106	33	123	138	55	21
May	314	150	42	128	182	83	29
June	327	138	45	154	175	71	20
July	361	152	51	174	184	84	20
August	392	141	69	177	192	68	27
September	313	119	39	152	174	52	15
October	353	150	66	178	156	81	22
November	323	162	62	156	169	78	20
December	306	108	48	149	137	62	18
January	368	176	60	145	230	84	25
February	303	183	45	170	172	79	20
March	417	208	40	210	261	89	25
 TOTALS:	 4041	 1793	 600	 1916	 2170	 886	 262

DECISIONS RENDERED

AGE AND SEX

Month	Total	Male	Female	0-18	19-30	31-59	60+	Unknown
April	515	358	157	52	184	177	79	23
May	506	337	169	47	158	194	97	10
June	429	289	140	48	147	155	66	13
July	450	310	140	46	132	175	81	16
August	581	406	175	52	198	218	97	16
September	551	387	164	38	164	212	109	28
October	554	388	166	42	195	201	89	27
November	682	477	205	44	245	272	93	28
December	469	343	126	43	175	160	70	21
January	505	348	157	47	178	182	72	26
February	370	269	101	28	113	151	60	18
March	481	317	164	32	158	179	83	29
TOTALS	6093	4229	1864	519	2047	2276	996	255

TYPE OF AWARDS

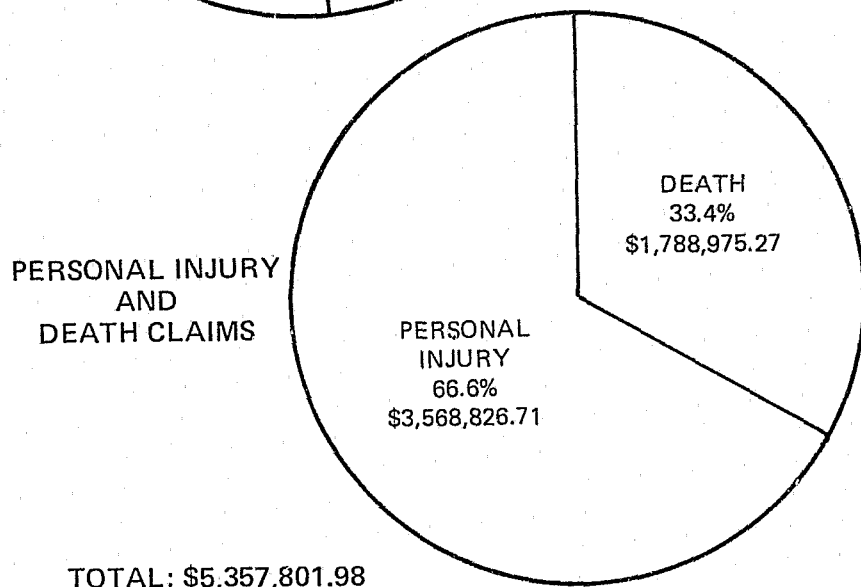
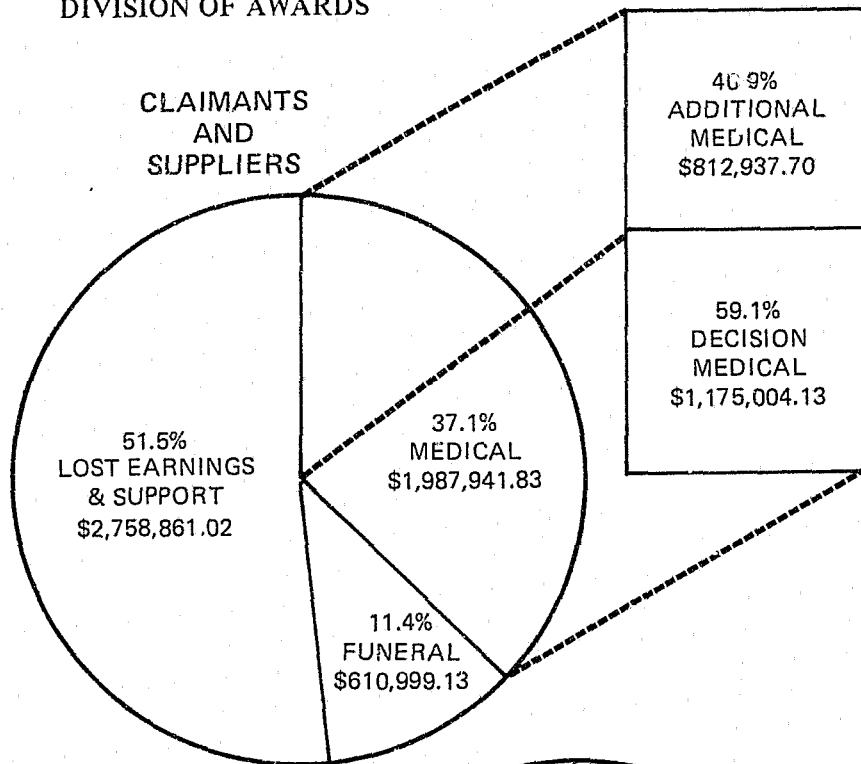
Awards are paid in lump sums or over protracted periods for unreimbursed medical expenses and loss of earnings or support. Awards for loss of income are limited to \$250 per week, with a total maximum of \$20,000. There is no maximum on awards for medical expenses, reasonably incurred.

Protracted awards are allocated in monthly payments to a crime victim when the Board determines that a continual loss of income or support has occurred as the result of injury or death.

BREAKDOWN OF EXPENDITURES 1978 - 79

Month	Decision Payments	Protracted Payments	Additional Medical	Emergency Awards	Monthly Total	Cumulative Total
April	\$ 64,421.07	\$ 80,173.53	\$ 64,769.87	\$ 3,750.00	\$ 213,114.47	\$ 213,114.47
May	227,836.97	84,689.17	39,865.64	3,000.00	355,391.78	568,506.25
June	322,939.14	90,549.67	41,347.91	7,488.90	462,325.62	1,030,831.87
July	78,460.20	83,485.03	34,874.10	3,588.04	200,407.37	1,231,239.24
August	502,838.67	89,096.45	113,586.96	6,200.00	711,722.08	1,942,961.32
September	280,552.10	87,235.25	81,468.14	3,000.00	452,255.49	2,395,216.81
October	376,251.78	86,453.05	90,337.51	9,165.00	562,207.34	2,957,424.15
November	205,242.01	83,881.86	45,833.87	5,855.00	340,812.74	3,298,236.89
December	363,808.65	84,093.84	54,453.11	9,100.00	511,455.60	3,809,692.49
January	429,640.51	107,539.13	87,866.63	2,350.00	628,071.60	4,437,764.09
February	185,636.59	67,935.33	54,574.01	8,725.00	316,870.93	4,754,635.02
March	399,128.21	94,028.80	103,959.95	6,050.00	603,166.96	5,357,801.98
TOTALS	\$3,436,755.90	\$1,039,161.11	\$812,937.70	\$68,271.94	\$5,357,801.98	

DIVISION OF AWARDS



TOTAL: \$5,357,801.98

PUBLIC INFORMATION AND OUTREACH ACTIVITIES

Notwithstanding the increase in claims submitted to the Board, we note that not all who appear to be eligible victims of crimes committed in New York State are filing claims.

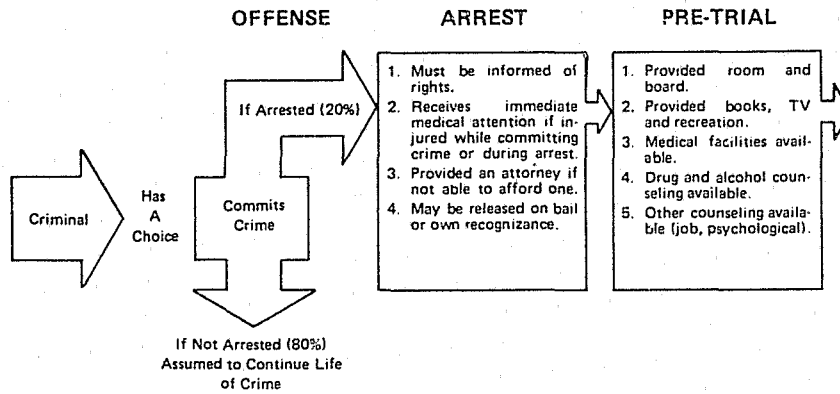
For that reason, we will continue reaching out to the estimated 150,000 victims of violent crimes annually reported in our State.

The discharging of our responsibilities to advise the citizenry concerning the benefits available under the statute is considered to be extremely important and ongoing duty of this Board.

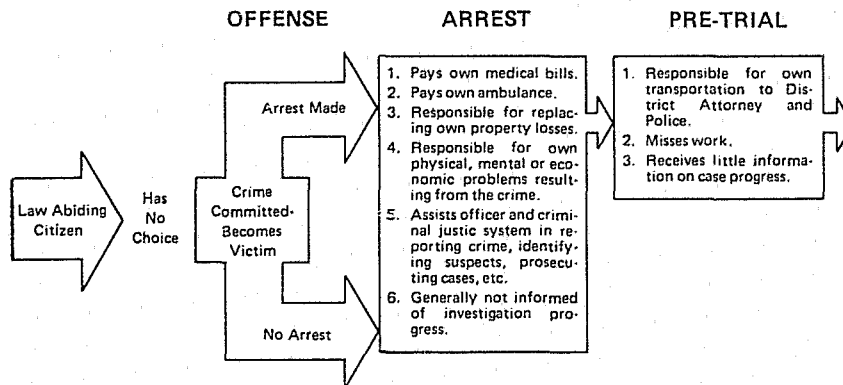
The Board has received a great deal of voluntary support from the private sector and autonomous agencies in amplifying our outreach programs.

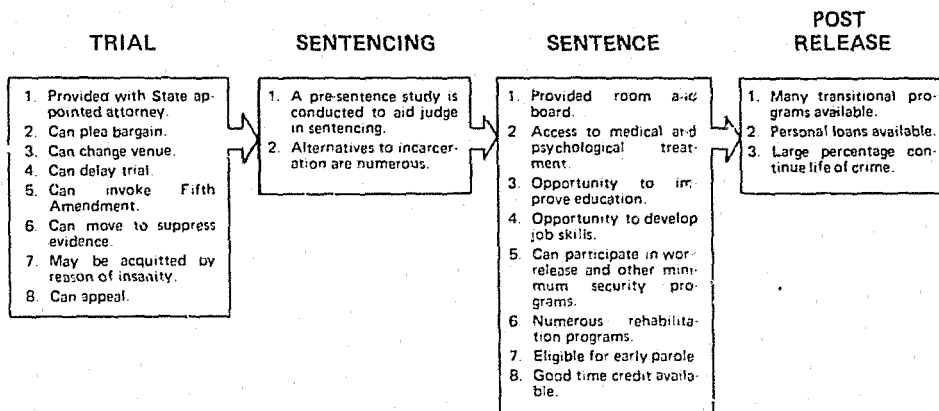
During the 1978-1979 fiscal year the Board has continued and intensified its efforts to make the public aware of the CVCB program. The following are several of the activities undertaken by the Board and Staff:

1. Supplied copies of our brochure which has a simplified self-address claim form attached, plus posters to all New York State and Municipal Law Enforcement Agencies and hospitals and when requested, to Social Service Agencies, District Attorneys, Hospital Associations, Libraries, State and Federal Agencies, Catholic Charities and all Senior Citizens Clubs and organizations in the State.
2. Provided for the installation of posters in the New York City subway cars and in buses in the upstate areas, describing the services of the CVCB.
3. Issued press releases which were reported by the newspaper, radio and television media.
4. Public service time was utilized for spot announcements on radio and television throughout the State.

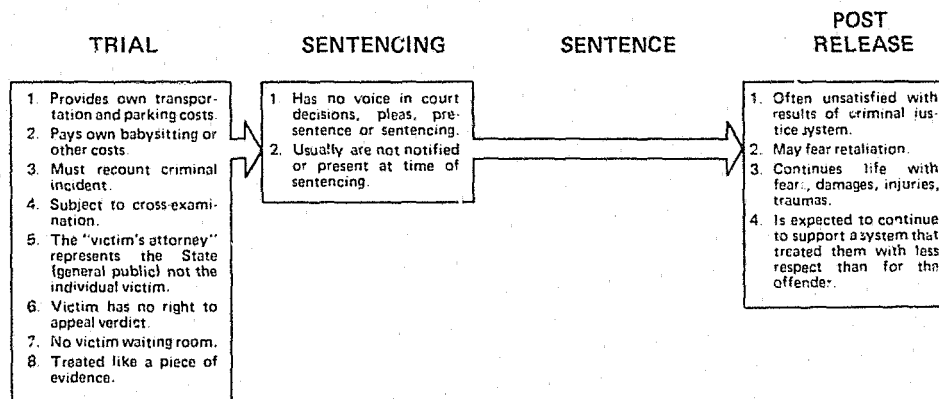


THE CRIMINAL INJUSTICE



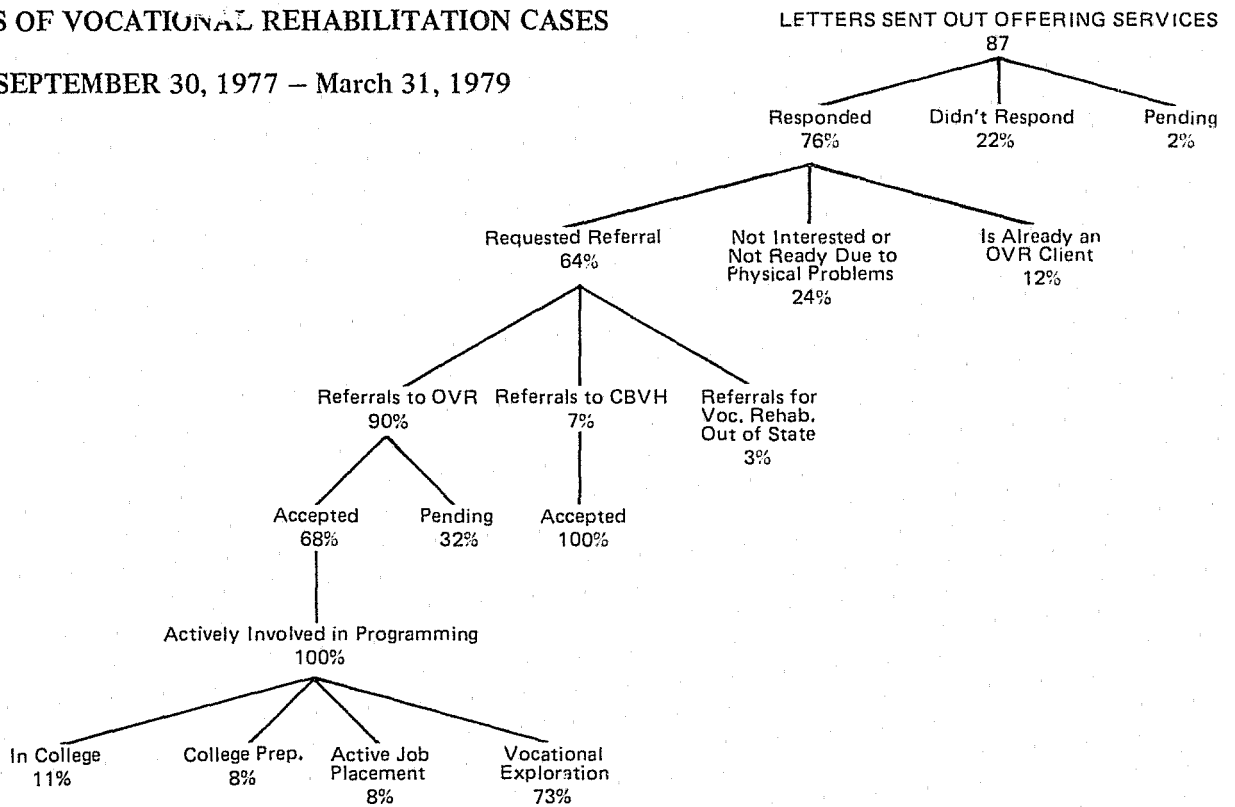


SYSTEM



STATUS OF VOCATIONAL REHABILITATION CASES

SEPTEMBER 30, 1977 – March 31, 1979



NEW DIRECTIONS

Unit for the Elderly

Effective April 1, 1979, the Board will commence operation of a Unit for the Elderly. This Unit will be comprised of two investigators and a typist. The purpose of the Unit would be to handle all claims filed by victims sixty and older and to follow up on these cases including contact with the victims or relatives, hospitals, doctors, employment, etc. This Unit will render special assistance to the elderly as may be required by assisting an elderly claimant in the preparation of required documentation for processing the claim.

Computerization

The Board is in the development stage of computerizing its records. The intent is to automate a significant portion of our processing activities thereby enabling the Board to utilize its resources more efficiently and to obtain more comprehensive and timely information.

The functions of the system will be to set up, log, acknowledge, assign and track all new claims; to identify all open claims, what stage they are in, how old they are and to whom they are assigned; and to maintain a complete record on each claim (claimant, victim data, investigator recommendation, Board Member decisions, appeal reviews and financial record).

In addition to producing monthly workload summaries and tracking reports, we will have the capability of producing miscellaneous ad hoc reports.

DISPOSITION OF MONIES RECEIVED AS A RESULT OF A CRIME

In August, 1977, a unique law was enacted (S632-a, Executive Law) to prevent criminals from profiting from the commercial exploitation of their crimes at the expense of their victims.

Since August, 1977, CVCB has been responsible for administering a restitution program under Section 632a of the Executive Law. The so-called "Son-of-Sam" Law seeks restitution for victims from those criminals who earn or are owed money from re-enactment of their crime, by way of a movie, book, magazine article, tape recording, phonograph record, radio or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions or emotions regarding such crime.

As of March 31, 1979, one escrow account was established. The only monies paid out of that \$45,416.00 account have been for legal defense purposes rather than for victims.

During the past year, the Board took the following actions to implement this new statute:

1. Over 900 notices explaining the law were sent to those whose business activities might involve paying or contracting for accounts of crimes.
2. The Board has investigated published accounts of crimes to which the statute may apply. Eighteen such investigations were undertaken during the 1978-79 period.
3. The Board has established a monitoring program to identify published accounts of crimes to which the law applies.
4. The Board has periodically published legal notices advertising the escrow account established in 1977, for the benefit of the victims of a Brooklyn bank robber, whose crime was used as the basis of a popular motion picture, "Dog Day Afternoon".

The Legislature in 1978, with the support and cooperation of the Board, enacted amendments which included provisions that eliminated the possibility that a perpetrator of a crime found incompetent to stand trial or "innocent by reason of insanity" would escape the provisions of the statute. The Amendments also require persons contracting with persons accused or convicted of a crime in New York State to turn over copies of the contract to the Board for its determination.

The Board claimed monies in two S632-a cases in 1978-79 involving the commercial exploitation of two celebrated crimes. The Board sought funds payable to the conservator of David Berkowitz (a/k/a "Son of Sam Killer") under a publishing contract with a major publishing firm and author, variously estimated to be worth \$250,000-10 million. The Board also claimed funds payable to Jerome Rosenberg (a/k/a/ "Jerry the Jew") under a motion picture contract. The Board's determination and the applicability of the statute are being challenged in the courts by the persons convicted of the crimes depicted. It is expected that the constitutionality and application of this new law will be thoroughly tested in litigation involving the Board, crime victims, and criminal perpetrators in several cases now pending over the next year.

LEGISLATIVE PROPOSALS 1979-80

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

The following amendments to the law are favored by the Members of the Crime Victims Compensation Board:

1. Family restriction repeal
2. Elimination or modification of means test
3. Victim rights for return of property held by local police, with sale of unclaimed property proceeds to go to the State to help defray the cost of crime victims compensation.
4. Minimum mandatory monetary penalties on persons convicted of crimes with proceeds to defray cost of crime victims compensation.
5. Empowering CVCB to compromise or pursue subrogation claims.
6. One-half of all monies earned by convicted prisoners to be used to defray the costs of crime victims compensation.
7. Changing the name of the Board to Crime Victims Board to more accurately describe its functions.
8. Increasing loss of earnings limit on awards from \$20,000 to \$50,000.
9. Authorizing payment of burial expenses to any person who pays for such expenses.
10. Good Samaritan legislation eliminating means test and providing more generous compensation benefits for good Samaritans.
11. Compensation for victim witness loss of earnings and travel expenses with limitations.
12. Compensation for loss or destruction of "essential" property.
13. Mandating restitution to victims of violent crime by criminal perpetrators in all appropriate cases.

CONCLUSION

When legislation was introduced in 1966, Legislators were responding sympathetically to a widespread problem. There is no question that violent crime is one of the most traumatic experiences that a person can suffer. This Board was established to help victims pass through a difficult period with some sense of dignity. The Crime Victims Compensation Board is an independent source of public aid, specifically designated to relieve a particularly hard hit segment of society.

EXECUTIVE STAFF

Nettie Mayersohn
Paul Hudson
John R. DiLavore

Patricia C. Pouloupoulos
John Patanian

Executive Secretary
Counsel
Administrative Assistant
to the Chairman
Administrative Officer
Supervising Investigator

MAIN OFFICE

875 Central Avenue
Albany, New York 12206
(518) 457-1193

BUFFALO

77 West Eagle Street
Buffalo, New York 14202
(716) 842-5810

SYRACUSE

Victim/Witness Assistance Center
Onondaga County Civic Center
421 Montgomery Street
Syracuse, New York 13202
(315) 425-2506

NEW YORK CITY

270 Broadway
New York, New York 10007
(212) 488-5080

NASSAU COUNTY

c/o District Attorney's Office
Nassau County
262 Old Country Road
Mineola, New York 11501
(516) 535-2996

HARLEM

261 West 126th Street
New York, New York 10027
(212) 663-9267

Members of the Board



Ronald A. Zweibel, *Chairman*



George L. Grobe, Jr.



Diane McGrath



Angelo Petromelis



Stephen S. Gottlieb

Law Enforcement Assistance Administration
National Criminal Justice Ref. Service
University States Department of Justice
Washington, D.C. 20531

