

MFI

Crime Victims Compensation Board

1979 - 80
ANNUAL REPORT

89328

rk
Hugh L. Carey, Governor

POLICE
NEW YORK

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

New York State Crime
Victims Board

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.



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

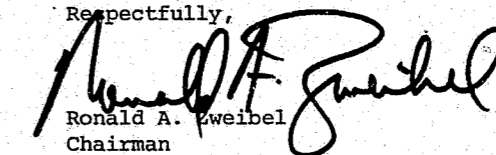
To the HONORABLE HUGH L. CAREY
GOVERNOR

AND

To the HONORABLE LEGISLATURE OF THE
STATE OF NEW YORK

I have the honor to submit the Thirteenth Annual Report of the Crime Victims Compensation Board for the fiscal year 1979-1980 rendered pursuant to the provisions of Article 22, Section 623 of the Executive Law

Respectfully,


Ronald A. Zweibel
Chairman

Albany, New York
April 1, 1980

NCJRS

MAY 6 1983

ACQUISITIONS

PROLOGUE

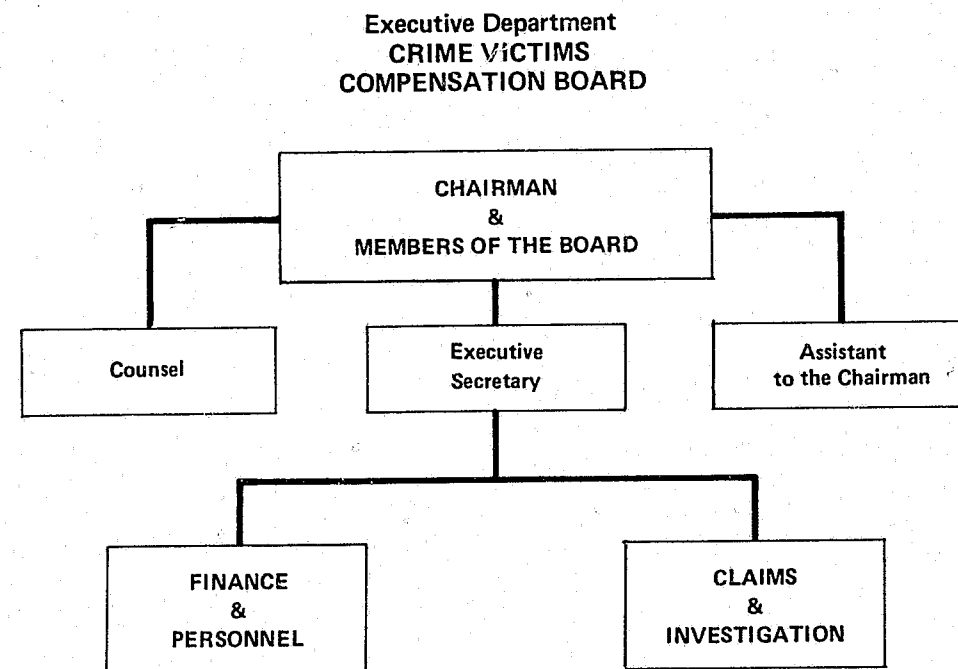
Thousands of people are injured or killed each year as a result of violent crimes. Robberies, assaults, rapes and homicides are the crimes responsible for these injuries and deaths. In many instances they result in the family members of the victim being traumatized and in many cases causing a serious financial hardship. "More consideration must be given to the crime victim." For a long time our criminal justice system, community organizations and hospitals have echoed that sentiment and has captured the attention of the general public including those elected to govern the public's affairs.

An effort to relieve this financial hardship resulted in a legislative mandate of the New York State's innovative Crime Victims Compensation Law empowering us to compensate victims or their dependents for unreimbursed out-of-pocket expenses particularly for loss of earnings or support and medical and funeral expenses. The statute has been amended many times allowing for a more liberal execution of this statute with respect to eligibility requirements and awards.

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, Nassau and a newly established office in Suffolk 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 nineteen 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 or 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.

1979-80

A REVIEW OF OUR THIRTEENTH YEAR OF OPERATION

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

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
1979/80	5,632,305	138,072	821,106	6,591,483

The number of decisions increased by 795 or 13% over the previous fiscal year.

DECISIONS

	1978-79	1979-80
New York	5128	5780
Albany	284	341
Buffalo	350	443
Syracuse	331	324
TOTAL	6093	6888

AMENDED DECISIONS

Awards	471	417
No Awards	124	107
TOTAL	595	524

DECISIONS

Allowed	1947	2159
Disallowed	4146	4729
TOTAL	6093	6888

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

Month	Withdrawn	Member of Family	No Serious Financial Hardship	No Information Supplied	Work. Comp. Pending	No Comp. Loss
April	19	4	5	209	23	76
May	17	5	10	174	23	82
June	19	6	4	149	22	77
July	12	3	11	185	25	69
Aug.	25	6	8	193	25	68
Sept.	18	4	12	252	30	79
Oct.	13	7	11	210	18	76
Nov.	28	8	3	296	29	75
Dec.	31	4	0	194	56	79
Jan.	23	15	4	187	18	69
Feb.	18	6	4	133	14	80
March	24	4	2	185	30	68
Totals:	247	72	74	2367	313	898

REASONS FOR NO AWARD DECISIONS

Month	No Coop. Pl./Bd.	Not Inn. Vic.	Pending Medicaid	Inel. Clmt.	No Phy. Inj.	Miscellaneous
April	7	14	9	4	3	23
May	9	13	9	4	8	24
June	8	12	11	4	7	22
July	5	13	8	2	4	18
Aug.	6	15	10	3	6	26
Sept.	7	14	10	4	4	21
Oct.	4	9	10	3	5	27
Nov.	5	12	8	5	6	29
Dec.	5	8	12	7	5	19
Jan.	6	12	16	11	8	22
Feb.	13	11	11	5	9	23
March	10	11	10	6	6	22
Totals:	85	144	124	58	71	276

REASONS FOR DISALLOWING CLAIMS
(No-Award Decisions)
MISCELLANEOUS

No Crime	31
Hit and Run	33
No Police Report	41
Filed Police Report Late	10
Claimant Died	18
Duplicate	31
Auto (no intent)	29
Injury Not Related	3
Over 2 Years	11
Pending Hearing	2
Pending Trial	8
No Jurisdiction	2
Pending Civil Action	1
Pending Insurance	5
Pending Police Investigation	3
Death Not Crime Related	1
Victim Dropped Charges	1
Pending Disposition	1
Unable to Locate	45
Total	276

Although the Board has been in existence for thirteen 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. All hospitals must display our poster, describing the services we provide for crime victims, in each of their emergency rooms.

Crime Victims Compensation Board applications which contain eligibility requirements and information may be obtained at any police station and hospital 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. Victimas inocente que son heridas en un crimen pueden recobrar del estado gastos de tratamientos de medicos y perdidas 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 forzarmento 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 filed 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 \$1500.00 under emergency conditions. 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. Two hundred and two (202) such awards were made within this fiscal year representing a 16% 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

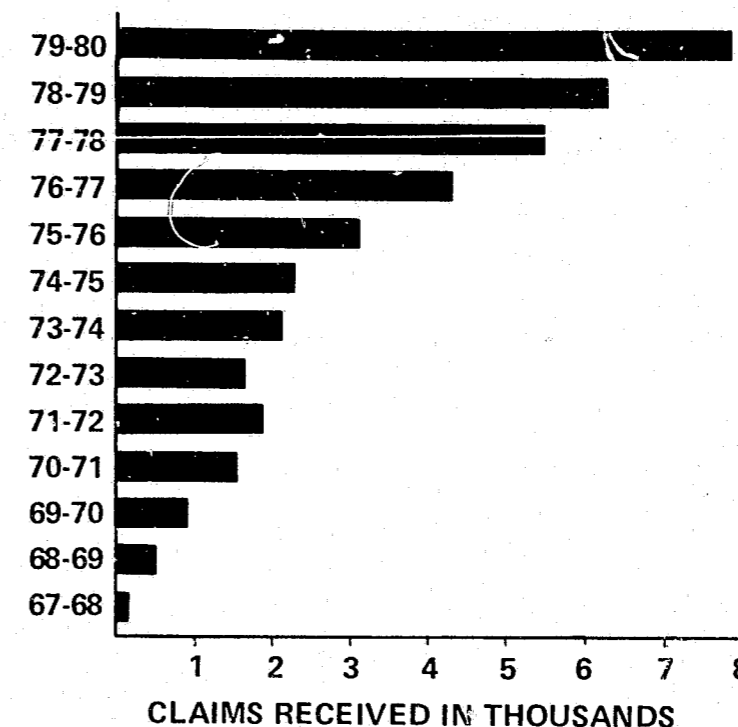
After receiving the final decision of the Board, the Attorney General or the Comptroller may within 30 days, if in his judgement the award is illegal or excessive, seek court review of the Board's decision. Also, a claimant aggrieved by a final decision of the Board may commence a proceeding to review 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 1979-80 fiscal year rose sharply from the previous fiscal year, an increase of 25% over last year. This continues the progression of previous years.

THE FISCAL YEAR OF



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. All hospitals are also required to have these claim forms available and to display our posters in their emergency rooms. 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
1979-80	7885

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
1979-80	1	3	15	19

YEARLY WORKLOAD SUMMARY

March 31, 1979 Open Claims	.2350
Claims Received April 1, 1979—March 31, 1980	.7885
Less Claims not accepted*	.640
Total claims before Board	.9595
Total Decisions	.6888
March 31, 1980 Open Claims	.2707
Awards	2157
No Awards	4731

In addition to Original Decisions:

Amended Decisions	524 (417 Awards, 107 No Awards)
Review Decisions	118 (43 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*
1979-80	7885	7528	2707	2617*

*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

BREAKDOWN OF CLAIMS ACCEPTED

Month	New York	Albany	Buffalo	Syracuse	TOTAL
April	459	28	38	29	554
May	503	23	47	29	602
June	438	23	30	22	513
July	531	18	35	31	615
August	468	41	43	33	585
September	424	31	34	20	509
October	537	30	29	30	626
November	531	31	49	29	640
December	539	26	36	25	626
January	637	23	42	40	742
February	530	33	32	26	621
March	523	23	40	26	612
TOTALS:	6120	330	455	340	7245

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 18 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 - 1979	Claims Received 1978-79	Claims Received 1979-80
Albany	862 (City of Albany - 483)	66	70
Allegany	48	0	1
Broome	178	8	13
Cattaraugus	184	5	10
Cayuga	122	6	3
Chautauqua	282	11	11
Chemung	172	6	15
Chenango	102	0	1
Clinton	134	0	2
Columbia	140	1	4
Cortland	74	1	0
Delaware	50	1	3
Dutchess	758 (City of Poughkeepsie - 272)	27	25
Erie	5,689 (City of Buffalo - 3858)	288	367
Essex	49	3	1
Franklin	94	1	3
Fulton	98	3	5
Genesee	77	3	1
Greene	86	2	5

County	Violent Crimes Reported - 1979	Claims Received 1978-79	Claims Received 1979-80
Hamilton	9	0	0
Herkimer	119	1	4
Jefferson	138	7	4
Lewis	15	0	0
Livingston	70	6	1
Madison	77	5	2
Monroe	3,238 (City of Rochester - 2846)	118	142
Montgomery	65	1	12
Nassau	2,321	141	169
New York	42,712	1,534	2,093
Bronx	22,082	643	732
Kings	43,562	1,553	1,818
Queens	21,614	662	867
Richmond	2,414	84	104
Niagara	716	44	55
Oneida	379	31	35
Onondaga	1,608 (City of Syracuse - 1225)	128	129
Ontario	87	1	4
Orange	969 (City of Newburgh - 353)	31	36
Orleans	159	3	5
Oswego	111	3	3
Otsego	26	3	1
Putnam	116	6	6
Rensselaer	510 (City of Troy - 306)	30	22
Rockland	703	23	22
St. Lawrence	209	3	6
Saratoga	256	5	10
Schenectady	267 (City of Schenectady - 161)	33	22
Schoharie	31	2	3
Schuyler	7	1	1
Seneca	94	0	1
Steuben	118	3	4
Suffolk	3,477	112	176
Sullivan	259	24	21

County	Violent Crimes Reported - 1979	Claims Received 1978-79	Claims Received 1979-80
Tioga	110	2	4
Tompkins	76	5	3
Ulster	420	16	28
Warren	96	3	6
Washington	194	3	3
Wayne	214	2	3
Westchester	2,548 (City of Yonkers - 931)	126	145
Wyoming	138	1	2
Yates	70	1	1

**CRIME VICTIMS PARTICIPATION RATE
IN STATE COMPENSATION PROGRAM BY COUNTY
1979-80**

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

Montgomery Schuyler

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

Albany	Fulton	Onondaga	Suffolk
Broome	Greene	Ontario	Sullivan
Chemung	Nassau	Putnam	Ulster
Delaware	Niagara	Schenectady	Warren
Erie	Oneida	Schoharie	Westchester

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

Allegany	Essex	Monroe	Saratoga
Cattaragus	Franklin	New York City	Seneca
Cayuga	Genesee	Orange	Steuben
Chautauqua	Hamilton	Orleans	Tioga
Chenango	Herkimer	Oswego	Tompkins
Clinton	Jefferson	Otsego	Washington
Columbia	Lewis	Rensselaer	Wayne
Cortland	Livingston	Rockland	Wyoming
Dutchess	Madison	St. Lawrence	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?

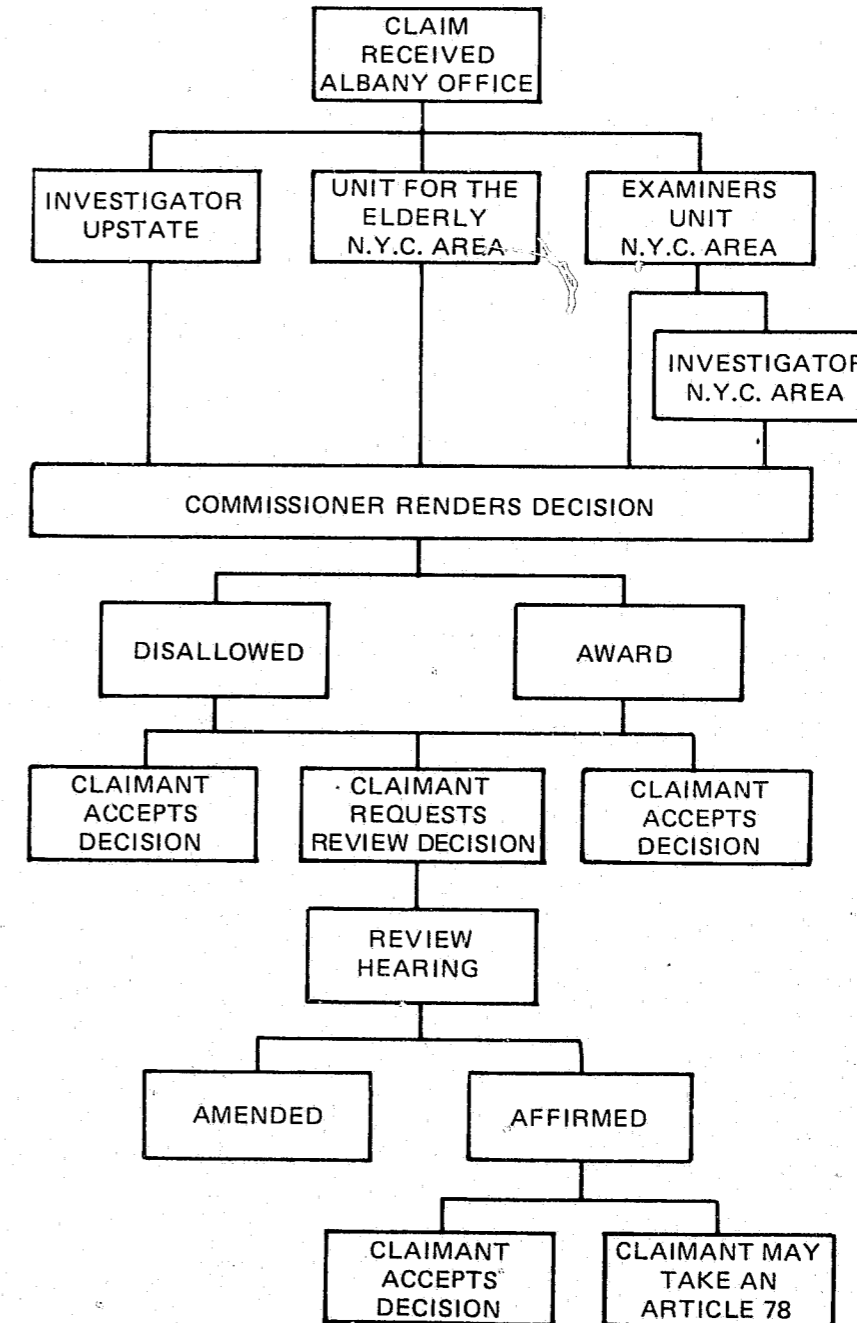
The Board has rendered financial aid to 2,458 people during the past year and approximately 800 who continue to receive aid from previous years. These victims are from all walks of life and from every age category. Since its inception the Board has compensated 14,000 victims, and dependents of victims who died as a result of a crime, for \$32,128,754.00 of unreimbursed out of pocket expenses that was provided for under our statute. The following are some examples of cases that have come before the Board within the past year.

- 1) The claimant is the widow of a 63 year old man who was shot four times and later died at the hospital. The dependents received \$1500.00 for burial expenses, the maximum allowed by the statute and \$16,038.56 for loss of support. In addition, they receive a protracted monthly award of \$711.83 which they will continue to receive up to the statutory maximum of \$20,000.00
- 2) Claimant is the widower of a 38 year old woman who was found strangled to death in her home. Her husband and two children received \$1500.00 for unreimbursed funeral expenses, the maximum allowed by the statute and \$10,419.95 for loss of earnings. In addition, they are receiving a protracted monthly award of \$950.06 which they will continue to receive up to the statutory maximum of \$20,000.00
- 3) Claimant is the widow of a 65 year old man who was found at the foot of the stairs of a subway lying in a pool of blood, with six stab wounds in the chest, back and neck. The victim's dependents were awarded \$1500.00 for unreimbursed funeral expenses, the maximum allowed by the statute and \$8,479.31 for loss of support. In addition, they receive a protracted monthly award of \$455.28 which they will continue to receive up to the statutory maximum of \$20,000.00
- 4) Claimant is the widow of a 38 year old man who was shot to death during a holdup. The victim's dependents received \$1500.00 for burial expenses, the maximum allowed by the statute and \$8,805.68 for loss of support. In addition, they receive a protracted monthly award of \$285.83 which they will continue to receive up to the statutory maximum of \$20,000.00.

- 5) Claimant is a 30 year old woman who was assaulted and knocked to the ground by six male perpetrators. She was kicked in the side resulting in a ruptured spleen. She received \$10,685.00 for unreimbursed medical expenses.
- 6) Claimant is a 90 year old man. During the course of a robbery in his home, he was beaten, sustaining lacerations of the scalp, fractured right arm, contusions of the head and right shoulder, and a cerebral concussion. He received \$9,839.70 for unreimbursed medical expenses.
- 7) Claimant is the widow of a 58 year old man who was shot and killed at his place of employment. The victim's wife and child received \$1500.00 for burial expenses, the maximum allowed by the statute and \$1,690.54 for loss of support. In addition, they receive a protracted monthly award of \$113.23 which will continue up to the statutory maximum of \$20,000.00
- 8) Claimant is a 25 year old woman who was mugged and raped. She was awarded \$3,180.00 in unreimbursed medical and psychiatric expenses, as well as \$1,617.80 in lost earnings. The claimant has recovered and is presently accepted as a medical student.
- 9) Claimant is a 37 year old man who was shot. As a result of his injuries, he has lost his job and economic pressure has caused the breakup of his home. He is presently disabled as the result of his crime related injuries. He has been awarded \$2,439.30 for unreimbursed medical expenses and after receiving \$11,000.00 in lost earnings he continues to receive \$699.25 up to the statutory maximum of \$20,000.00.
- 10) Claimant is the widow of a 60 year old man who was shot in the head. She received \$1,320.00 for unreimbursed funeral expenses and \$4,976.01 for loss of support and is continuing to receive a protracted monthly award of \$217.63 up to the statutory maximum of \$20,000.00
- 11) Claimant is a 22 year old man who was assaulted. He sustained a stab wound of the back penetrating his right kidney. The injury resulted in unreimbursed medical expenses amounting to \$12,323.05.

- 12) Claimant is the widower of a 51 year old woman who was stabbed at her place of employment. She remained in the hospital two months before she died as a result of her injuries. Her dependents received \$1,076.98 for unreimbursed funeral expenses and \$12,404.95 for unreimbursed loss of support. In addition, they are receiving a protracted monthly award of \$706.68 up to the statutory maximum of \$20,000.00

WHAT HAPPENS WHEN YOU FILE A CLAIM



CLAIMS ACCEPTED

Personal Injury

	1978-79	1979-80
April	314	495
May	403	527
June	400	446
July	460	553
August	454	501
September	367	451
October	429	536
November	428	565
December	358	562
January	462	650
February	433	537
March	555	532
TOTAL	5063	6355

Death

	1978-79	1979-80
April	56	59
May	61	75
June	65	67
July	53	62
August	79	84
September	65	58
October	74	90
November	57	75
December	56	64
January	82	92
February	53	84
March	70	80
TOTAL	771	890

CLAIMS ACCEPTED

TYPES OF CRIME

	1978-79	1979-80
Stabbed	828	842
Shot	702	873
Misc. Assaults	3,252	4,235
Murder	768	890
Rape & Sexual Abuse	247	339
Auto	37	66
TOTAL	5,834	7,245

AGE & SEX

Month	Totals	Male	Female	0-18	19-31	32-60	60+	Un-known
April	554	377	177	30	199	226	74	25
May	602	407	195	38	209	238	92	25
June	513	342	171	30	191	202	69	21
July	615	441	174	42	248	224	80	21
August	585	404	181	46	211	215	89	24
September	509	369	140	42	196	191	62	18
October	626	446	180	40	259	203	92	32
November	640	463	177	65	219	234	80	42
December	626	419	207	59	193	244	102	28
January	742	520	222	49	247	321	94	31
February	621	427	194	38	198	252	108	25
March	612	401	211	34	241	224	89	24
TOTALS: 7245	5016	2229	513	2611	2774	1031	316	

DECISIONS RENDERED

AGE AND SEX

Month	Total	Male	Female	0-18	19-30	31-59	60+	Un-known
April	563	384	179	53	218	194	72	26
May	634	430	204	42	212	277	85	18
June	627	413	214	45	229	248	77	28
July	502	344	158	52	168	194	71	17
August	499	316	183	31	180	173	91	24
September	517	342	175	39	189	192	73	24
October	577	402	175	45	209	205	79	39
November	550	390	160	32	219	191	73	35
December	487	347	140	51	161	190	69	16
January	675	472	203	47	223	248	111	46
February	602	413	189	59	192	237	82	32
March	655	431	224	56	234	225	101	39
TOTALS:	6888	4684	2204	552	2434	2574	984	344

TYPE OF AWARDS

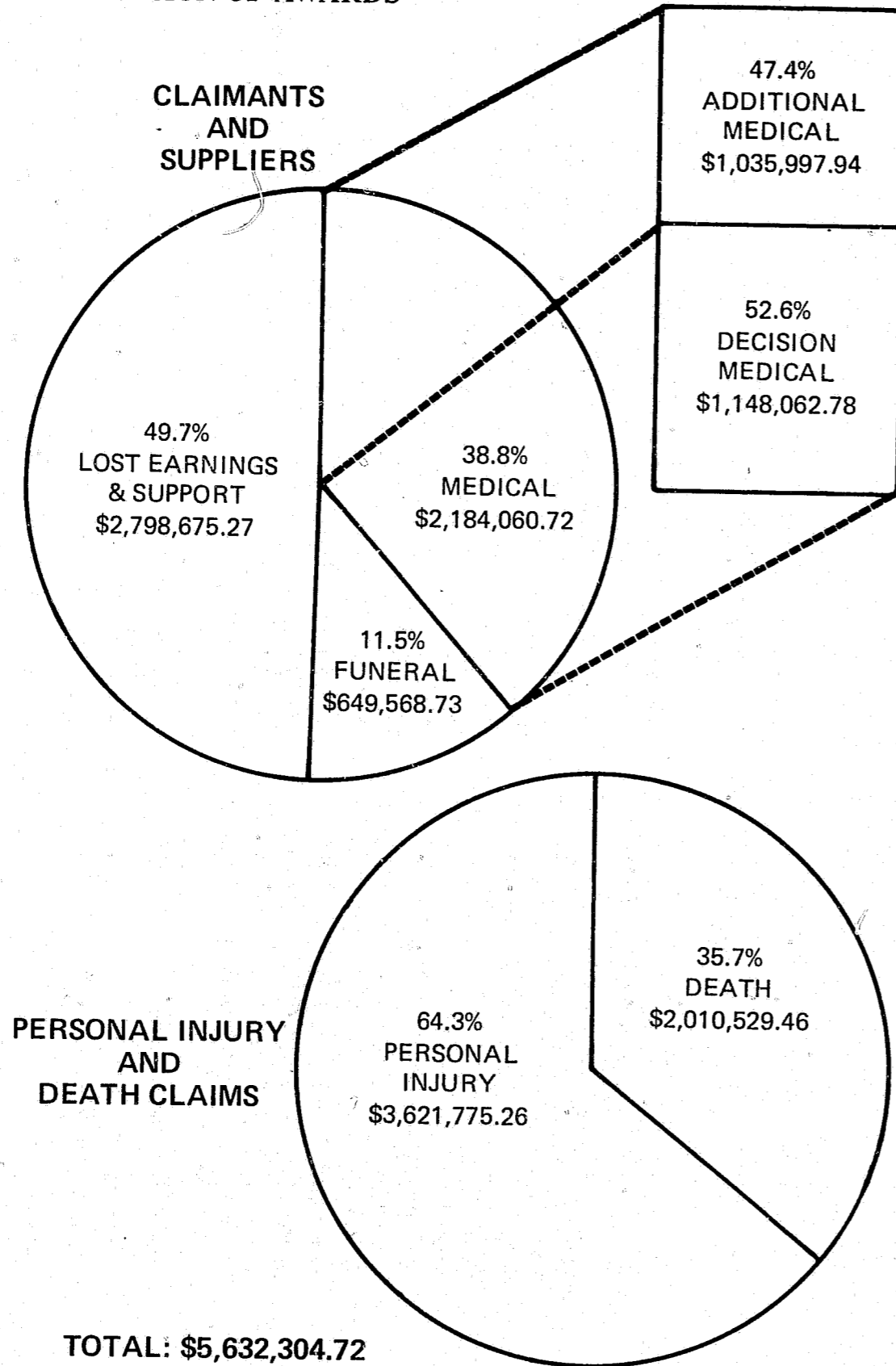
Awards are paid in lump sums or over protracted periods for unreimbursed medical expenses and loss of earnings or support. Awards for loss of income are limited to \$250 per week, with a total maximum of \$20,000. There is no maximum on awards for medical expenses, reasonably incurred.

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 1979-80

	Decision Payments	Protracted Payments	Additional Medical	Emergency Awards	Monthly Total	Cumulative Total
April	\$ 197,861.74	\$ 89,533.90	\$ 56,915.97	\$ 2,350.00	\$ 346,661.61	\$ 346,661.61
May	261,504.25	89,291.89	82,153.46	3,929.10	436,878.70	783,540.31
June	374,438.08	98,166.14	107,530.28	2,650.00	582,784.50	1,366,324.81
July	374,300.92	98,884.52	113,552.13	5,000.00	591,737.57	1,958,062.38
August	339,588.81	97,359.79	112,209.35	3,650.00	552,807.95	2,510,870.33
September	54,295.72	93,247.85	50,345.32	6,700.00	204,588.89	2,715,459.22
October	249,772.76	93,930.01	118,939.38	10,986.10	473,628.25	3,189,087.47
November	201,621.82	91,928.15	57,089.34	12,000.00	362,639.31	3,551,726.78
December	123,970.37	90,804.22	116,264.07	12,395.00	340,433.66	3,892,160.44
January	566,980.22	94,216.49	70,971.63	17,300.00	752,468.34	4,644,628.78
February	316,919.99	90,792.85	54,661.23	5,700.00	468,074.07	5,112,702.85
March	321,206.43	92,751.31	95,365.78	10,278.35	519,601.87	5,632,304.72
TOTALS	\$3,382,461.11	\$1,120,907.12	\$1,035,997.94	\$92,938.55	\$5,632,304.72	

DIVISION OF AWARDS



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.

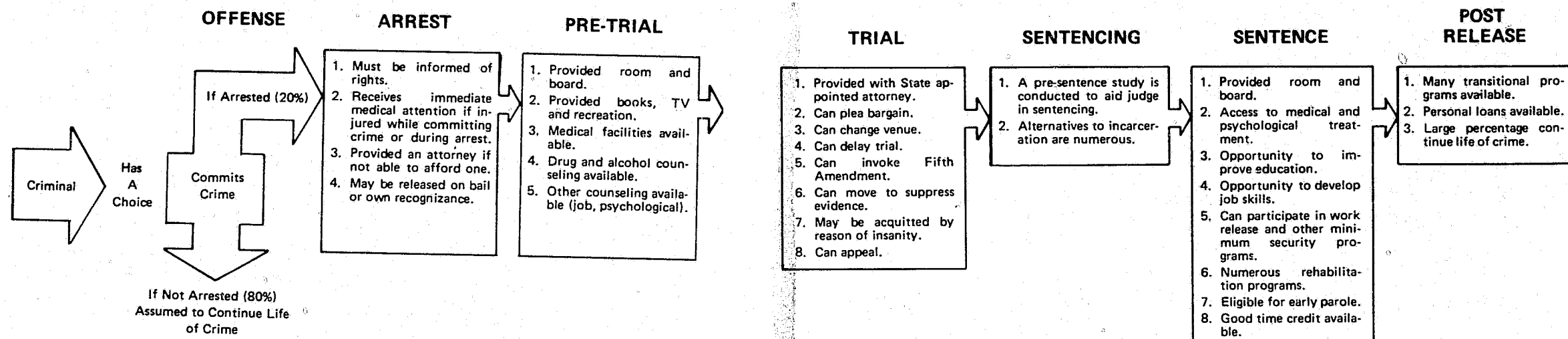
For that reason, we will continue reaching out to the estimated 150,000 victims of violent crimes annually reported in our State.

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.

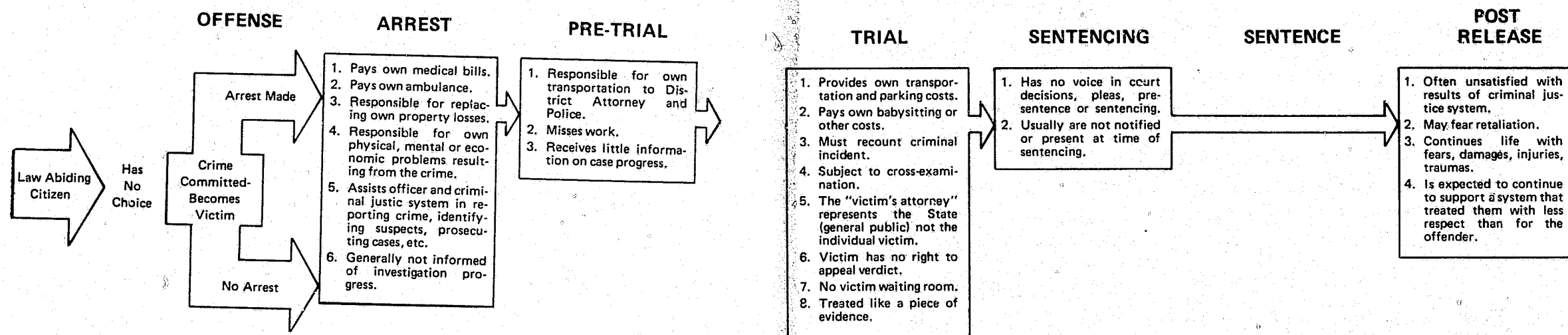
The Board has received a great deal of voluntary support from the private sector and autonomous agencies in amplifying our outreach programs.

During the 1979-1980 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.

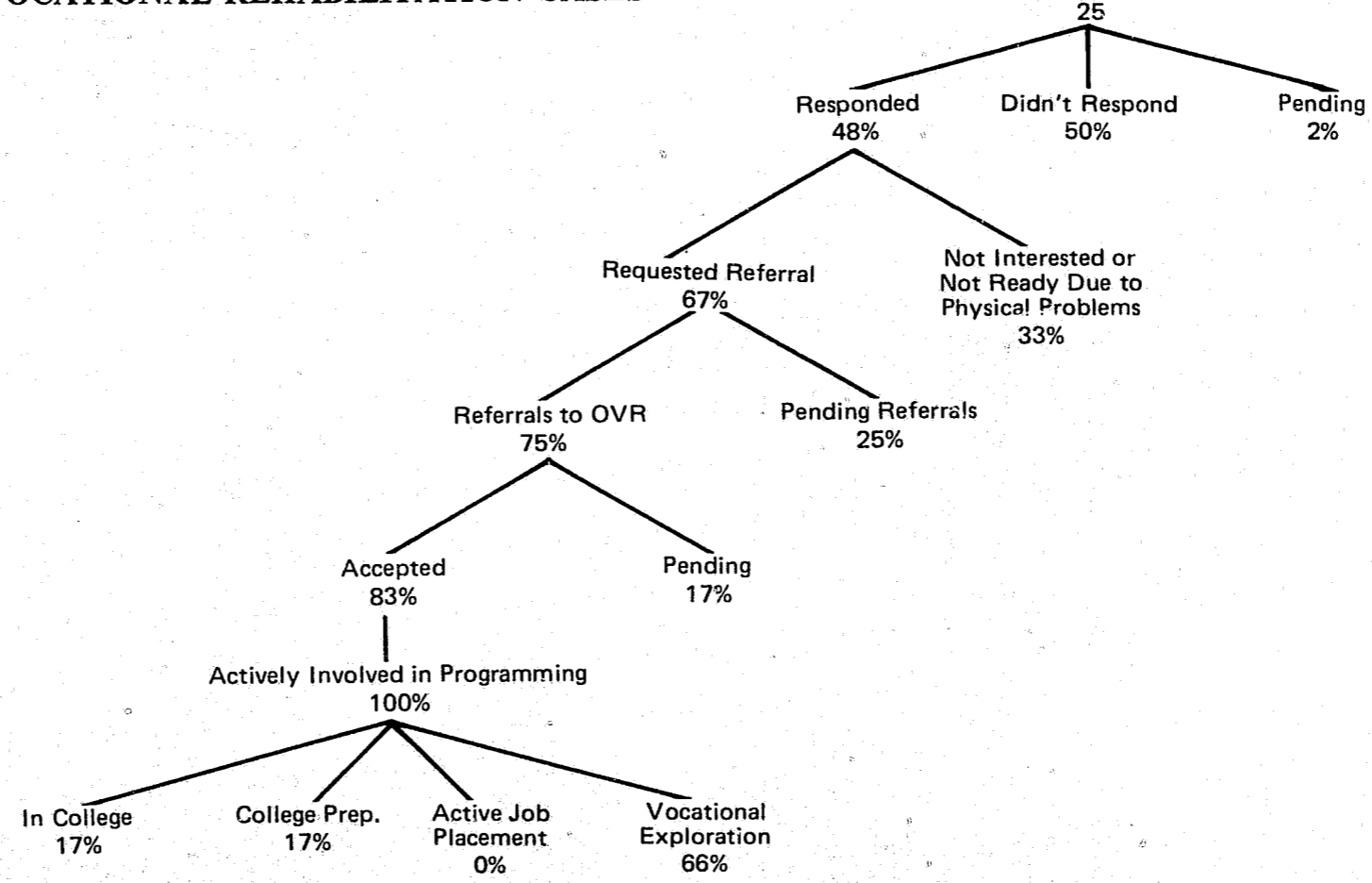


THE CRIMINAL INJUSTICE SYSTEM



STATUS OF VOCATIONAL REHABILITATION CASES

LETTERS SENT OUT OFFERING SERVICES



NEW LEGISLATION – CRIME VICTIMS ADVOCACY

Under innovative legislation signed by Governor Carey (Chapter 415, Laws of 1979, effective October 1st, 1979), the Board's statutory mandate was extended to "actively speak for the rights and interests of crime victims" in the Criminal Justice System. This legislation added ten new powers and duties to the Board's existing statute. The Board was charged with coordinating and planning programs serving victims of crime on a statewide basis, advocating the rights and interests of crime victims before other units of government, conducting research on the problems affecting crime victims, and advising the Governor and the Legislature on laws and procedures affecting crime victims in New York State.

During Fiscal Year 1979-80, the Board established three new units to begin implementation of this new legislative mandate: A Senior Citizens Unit, a Victims Services and Planning Unit, and a Victims Advocacy Unit. All three units were funded primarily by federal grants totalling \$200,000 for Fiscal Year 1979-80.

Senior Citizens Unit

This unit which is comprised of two investigators and a typist was responsible for handling all claims filed by victims or their dependents who are 60 years or older and to follow up on these cases including contact with victims or relatives, hospitals, doctors, employers, etc. The unit rendered special assistance to the elderly, as was required, by assisting them in the preparation of required documentation for processing the claim. The unit has significantly reduced the amount of claims that were disallowed for lack of documentation and has demonstrated that the elderly requires this special assistance.

Victim Services Unit

This unit is comprised of three criminal justice professionals, and a clerical assistant. The unit has initially been charged with developing a State Plan for Victim Services based on a statewide Needs Assessment Survey and will coordinate the Board's program coordination and public outreach efforts.

Advocacy Unit

The Advocacy Unit is staffed by one attorney and one research analyst. The unit under the supervision of the Board's Counsel will assist the Board in developing initiatives and proposals to advocate rights of crime victims generally whose interests have often been neglected in the policies and practices of the Criminal Justice System. This unit will also assist the Board in examining existing procedures and laws which negatively impact on crime victims and the effectiveness of the criminal justice system. Initially, the unit will assist the Board in developing a Crime Victims Bill of Rights, a program to assist crime victim claimants in pursuing civil recoveries, and proposals to encourage increased use of victim restitution from criminal offenders.

DISPOSITION OF MONIES RECEIVED AS A RESULT OF A CRIME

In August 1977, a unique law was enacted (§632-a, Executive Law) to prevent criminals from profiting from the commercial exploitation of their crimes at the expense of their victims.

Since 1977, CVCB has been responsible for administering §-632-a of the Executive Law under which monies which would otherwise be paid to the perpetrator of a crime for the publication rights to his crime are placed in a special victim escrow account administered by the Board. The victims of the crime may then obtain civil judgments and recover from the escrow account. The law specifically requires turnover to the Board of funds 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.

During the past year, the Board sought to place in escrow some \$130,000 payable to David Berkowitz (a/k/a "Son of Sam") by a publisher, an author and a motion picture producer as advances for the commercial rights to the story of his crimes. The Board's right to have these funds placed in escrow under Executive Law §632-a has been contested by the Conservator of David Berkowitz, who claims these funds should be paid instead to the Conservatorship and who also has challenged the constitutionality of the statute. A Supreme Court (Kings County) decision, currently being appealed by the Board, upheld the constitutionality of the statute but ruled in favor of payment of the funds in question to the Conservator. Fourteen civil suits have been filed against David Berkowitz by victims or their survivors seeking damages in excess of \$17 million.

In another case, the Board issued a Determination and Order requiring a movie producer to turn over to the Board monies payable to Salvador Agron under a movie contract resulting in the production of a movie based on his life which contained a re-enactment of his crime. Mr. Agron was convicted of murder in 1960 for the slaying of two New York City youths, known as the Cape Man Murders.

While New York was the first state to enact this legislation, the Board notes that as of 1980 thirteen other states have since enacted similar statutes to protect the interests of victims where perpetrators of infamous crimes stand to receive monetary payments for the commercial exploitation of their crime stories.

LEGISLATIVE PROPOSALS 1980-81

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. A young man with a family who has been disabled by a stray bullet is compensated for medical expenses and loss of earnings; a grieving widow with children to raise is compensated for unreimbursed funeral expenses and receives monthly payments for loss of support; and a senior citizen who is mugged receives compensation for unlimited medical expenses. These are only a few of the thousands of victims who have been helped as a result of this legislation. The Crime Victims Compensation Board is an independent source of public aid, specifically designated to relieve a particularly hard hit segment of society and it is an ongoing task of this Board to continue to improve the services we provide.

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

NEW YORK CITY

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

HARLEM

163 West 125th Street
New York, New York 10027
(212) 678-2356

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

NASSAU COUNTY

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

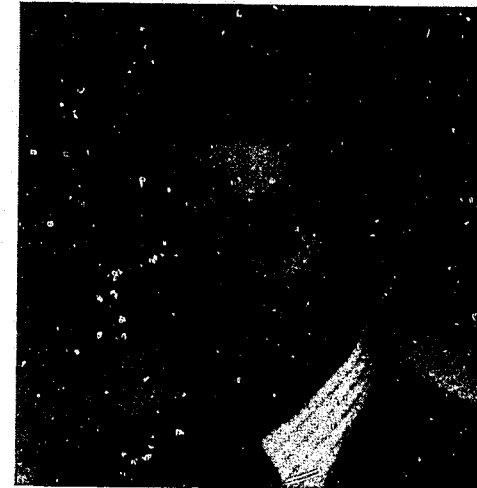
SUFFOLK COUNTY

c/o District Attorney's Office
H. Lee Dennison Bldg.
Hauppauge, New York 11787
(516) 360-5246

Members of the Board



George L. Grobe, Jr.



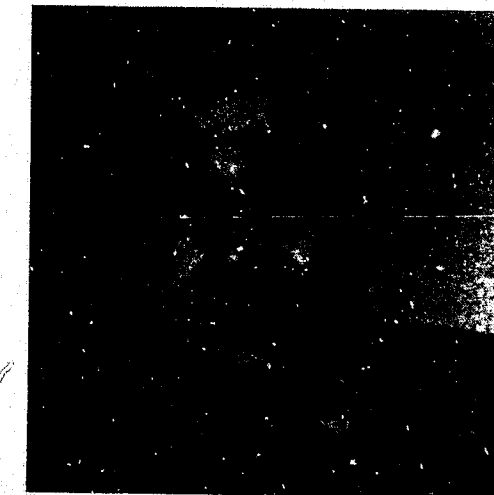
Ronald A. Zweibel, *Chairman*



Diane McGrath



Angelo Petromelis



Stephen S. Gottlieb

END