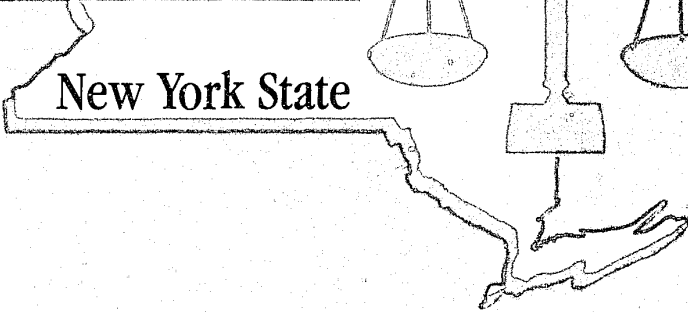


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Crime Victims Board



New York State

1991-92
Annual Report



During the FY 1991-92, Governor Mario M. Cuomo continued to support the efforts and ideals of the NYS Crime Victims Board, in providing services and assistance to crime victims.

150592

**U.S. Department of Justice
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Board

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CHAIRPERSON
BARBARA A. LEAK

BOARD MEMBERS
DIANE McGRATH-McKECHNIE
GENNARO A. FISCHETTI
LORRAINE FELEGY
FRANK MARIN



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
CRIME VICTIMS BOARD
270 BROADWAY, ROOM 200
NEW YORK, NEW YORK 10007-2385
(212) 417-5160

NYCRS

To the HONORABLE MARIO M. CUOMO
GOVERNOR

AND

OCT 18 1994

To the HONORABLE LEGISLATURE OF THE
STATE OF NEW YORK

ACQUISITIONS

I have the honor to submit the twenty-fifth Annual Report of the Crime Victims Board for the fiscal year 1991-92 rendered pursuant to the provisions of Article 22, Section 623 of the Executive Law.

During the fiscal year 1991-92, the Board continued its quest to eliminate the claims intake backlog which developed due to fiscal efficiencies implemented during the prior fiscal year. Through innovative and creative measures, the Board was able to continue the processing of awards, in spite of reduced resources and staff.

I am pleased to report that despite the increased workloads and the decreasing staff, the Board continued to complete a record number of decisions and awards to victims. Additionally, the network of Victim/Witness Assistance Programs has been strengthened and now numbers eighty-three throughout the State.

During this year, the Crime Victims Board commemorated its twenty-fifth year, with the theme "Twenty-Five Years of Service to Victims." In keeping with that theme, the Board spearheaded or actively participated in various activities, both within the state and without, to carry the message of service to victims. Such activities included partnership with various proponents for the new "Son of Sam" law; active cooperation with various coalitions on essential legislative initiatives; a joint project with the Division of Parole providing for Victim Impact Statements during the parole decision-making process; as well as cooperative efforts with the Federal Office for Victims of Crime and the National Association of Crime Victims Compensation Boards.

We again renew our commitment to restoring the respect and integrity for victims within the criminal justice system that is so richly deserved. By working hand-in-hand with our victim advocates and appropriate branches of the criminal justice network, we will continue to build upon the foundation that has been laid for victims' rights, and maintain New York State's leadership role.

Respectfully,

Barbara A. Leak, Chairperson
New York State Crime Victims Board

Albany, New York
November 1992

PROLOGUE

Violent crimes such as murder, rape, robbery and assault perpetrated against our citizens often result in severe injuries and death and may cause crime victims and their family members to suffer financial hardship. With the acute proliferation of violent crime within the State in the 1960's and the apparent financial burden placed on the victims of these crimes, the need for crime victim compensation became apparent.

Created under Article 22 of the Executive Law, the Crime Victims Board (CVB) is a part of the Executive Department and is governed by five Board members. The Executive Law specifically provides that no more than three Board members can belong to the same political party, resulting in a bipartisan Board. Board members are appointed for seven year terms by the Governor with the advice and consent of the Senate.

Since its establishment on August 1, 1966, the Board has provided substantial financial relief to victims of crime and their families by paying unreimbursed crime-related expenses, including medical and funeral expenses, loss of earnings or support, the cost to repair or replace items of essential personal property, reasonable court transportation expenses, and the cost of residing at or utilizing the services of a domestic violence shelter.

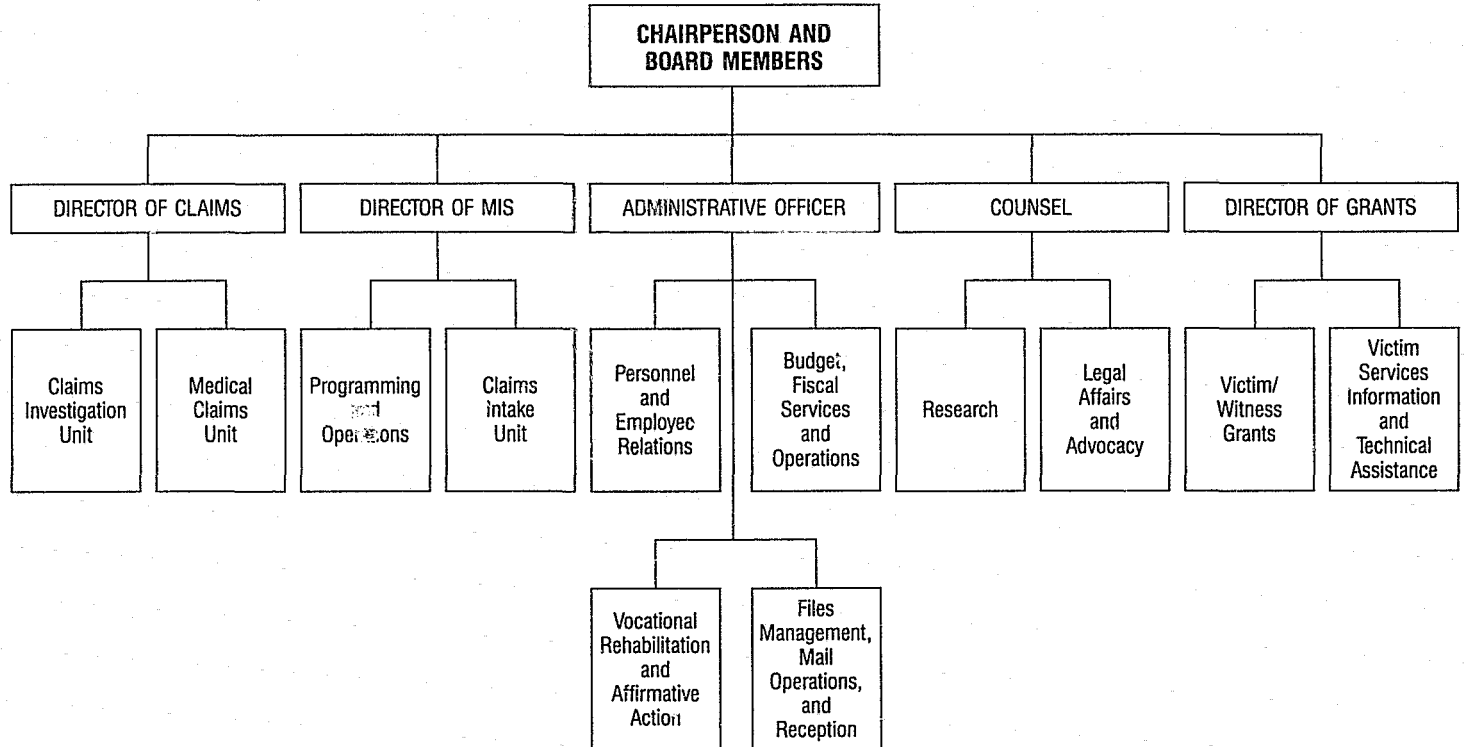
On July 5, 1979, the Board's role was expanded as it was designated by the Legislature to be the advocate for crime victims' rights, needs and interests in New York State. This advocacy role has resulted in the Board's formulation of legislation, subsequently enacted, which not only has protected and extended the rights of crime victims but also expanded the service and assistance available to them.

Since fiscal year 1981-82, the Board has been provided with additional funding from the New York State Legislature to award grants to local community-based programs across the State for the purpose of establishing victim/witness service delivery systems. Beginning in fiscal year 1986-87, the Board has also received federal Victims of Crime Act (VOCA) funds for this same purpose.

Offices of the Board are located in Albany (Principal Office), Buffalo and New York City.

This annual report reflects in part the result of the State's efforts to address the needs of crime victims in fiscal year 1991-92.

Crime Victims Board Organization Chart



1991-92 Activities

1. **To establish and maintain a principal office and such other offices within the state as it may deem necessary.**

The Crime Victims Board currently maintains its principal office in Albany, at 845 Central Avenue, Room 107, Albany, NY 12206. There are two other offices, one in New York City at 270 Broadway, Room 200, New York, NY 10007, and the other in Buffalo at 65 Court Street, Room 408, Buffalo, NY 14202.

2. **To appoint a secretary, counsel, clerks and such other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.**

During FY 1991-92, the Crime Victims Board employed approximately 79 employees whose duties related to the Board's compensation program, its victim/witness assistance program, and the statutorily mandated advocacy role.

3. **To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of article twenty-two, including rules for the approval of attorneys' fees for representation before the board and/or before the appellate division upon judicial review as provided for in section six hundred twenty-nine of article twenty-two, and rules for the authorization of qualified persons to assist claimants in the preparation of claims for presentation to the board or board members.**

There were no new regulations adopted by the Board in fiscal year 91-92.

4. **To request from the division of state police, from county or municipal police departments and agencies and from any other state or municipal department or agency, or public authority, such assistance and data as will enable the board to carry out its functions and duties.**

In order to verify the stated crime and loss information submitted by crime victims to the Crime Victims Board, more than 50,000 requests for information were made to governmental agencies and authorities during this fiscal year.

5. **To hear and determine all claims for awards filed with the board pursuant to article twenty-two, and to reinvestigate or reopen cases as the board deems necessary.**

During this fiscal year, there was a total of 46,759 claims before the Board, of which 18,498 were carried over from the previous fiscal year. Board original decisions resulted in 8,992 awards, and 13,621 no award decisions. Of the no award decisions 35% were denied for cause, while 65% were closed without prejudice to being reopened due to the claimant's failure to provide necessary information. All claims which are closed without prejudice can be reopened. During the fiscal year 1,620 claimants requested that their cases be reopened and/or re-investigated.

6. **To direct medical examination of victims.**

In order to determine the causal relationship between the injuries claimed by victims and the medical services rendered or to be rendered, approximately 110 claimants were referred to medical, psychological, chiropractic or dental consultants.

7. **To hold hearings, administer oaths or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence.**

Relative to the Board's compensation program, 168 claim decisions were reviewed by the Board as a result of appeals submitted by crime victims or their family members. Oaths and affirmations were administered, subpoenas were issued, and testimony was taken, when deemed necessary.

8. **To take or cause to be taken affidavits or depositions within or without the State.**

The Crime Victims Board took affidavits or depositions when it was deemed necessary.

9. **To establish and maintain a special investigative unit to expedite processing of claims by senior citizens and special emergency situations, and to promote the establishment of a volunteer program of home visitation to elderly and invalid victims of violent crime.**

Because of fiscal and staffing reductions, the Crime Victims Board is unable to maintain a special investigative unit to expedite processing of claims by senior citizens and special emergency situations. However, every effort is made within limited fiscal and staffing resources to expedite these claims.

10. To advise and assist the governor in developing policies designed to recognize the legitimate rights, needs and interests of crime victims.

In FY 91-92, as in previous years, the Crime Victims Board has submitted a list of legislative proposals to the Governor for his review and for the subsequent development of his legislative program. In addition, the Governor's Sub-Cabinet on Criminal Justice provides the Crime Victims Board with a forum in which to present public policy initiatives relating to crime victims.

11. To coordinate state programs and activities relating to crime victims.

During this fiscal year the Crime Victims Board participated in the following programs and activities relating to crime victim issues:

- a) Participated in the Governor's Sub-Cabinet on Criminal Justice;
- b) Continued to provide coordination of Witness Relocation and Assistance Program (WRAP) with the Division of Criminal Justice Services;
- c) Provided information upon request to governmental agencies and organizations and interested individuals on crime victim issues;
- d) Participated in Governor's Law Enforcement Forum;
- e) Implemented, in conjunction with the New York State Division of Parole, a pilot project in several counties which provides for written notification to victims of the right to submit a written statement, and in certain instances an oral statement to the Parole Board. Victims who participate are given at least 60 days notice prior to an inmate's parole interview of the right to present a statement.
- f) Regularly met with crime victims coalitions across the State.

12. To cooperate with and assist political subdivisions of the state and not-for-profit organizations in the development of local programs for crime victims.

Information and referral services have been requested by and provided to the police and county sheriff's departments, county executives, and district attorney's offices. As in past years, much of the assistance provided related to the development of local victim/witness assistance programs and the implementation of the Fair Treatment Standards set forth in Article 23 of the Executive Law and Title 9 of the New York Code of Rules and Regulations, Subtitle U.

In an effort to reach out to the victims of violent crime particularly, the Crime Victims Board continued to provide assistance to the New York City Police Department and its city-wide notification program which provides information on the existence and availability of crime victim compensation.

- 13. To study the operation of laws and procedures affecting crime victims and recommend to the governor proposals to improve the administration and effectiveness of such laws.**

During this fiscal year the Crime Victims Board tracked more than 250 legislative bills potentially affecting crime victims. The Board also kept abreast of rules and regulations potentially affecting crime victims proposed by other state agencies, most notably the Division of Parole, the Division of Probation and Correctional Alternatives, the Division of Criminal Justice Services, the Department of Health, and the Department of Social Services.

- 14. To establish an advisory council to assist in formulation of policies on the problems of crime victims.**

Since March 1985, when the Crime Victims Board reactivated its Advisory Council, experts in the field of victim assistance and law enforcement, as well as members of the legislature, victim advocates and educators, have continued to provide to the Board their knowledge and expertise relating to crime victim policy and service delivery through the Advisory Council.

- 15. To advocate the rights and interests of crime victims of the state before federal, state and local administrative, regulatory, legislative, judicial and criminal justice agencies.**

Advocacy and information was provided as needed to Federal, State and local agencies, and appropriate information on available crime victim services and assistance was provided to crime victims.

Board members testified at hearings conducted by the Assembly Governmental Operations Committee on the delivery of services to crime victims in New York State.

- 16. To promote and conduct studies, research, analysis and investigations of matters affecting the interests of crime victims.**

Due to the limitations of program research staff resources, the Board's research and related activities have been limited. Nonetheless, the Crime Victims Board was able to conduct several ad-hoc programmatic and fiscal analyses related to the Board's compensation program as requested by the legislature and Executive Department policy-makers.

17. To sponsor conferences relating to the problems of crime victims.

Due to continuing fiscal restrictions imposed during the fiscal year, the Annual Conference was cancelled for the second consecutive year. It is anticipated that this important annual conference will resume in the near future. On March 5, 1992 the Board hosted a State-wide information session in Albany to provide training to service providers on compensation and claims assistance programs.

18. To serve as a clearinghouse for information relating to crime victims' problems and programs.

The Crime Victims Board continues to maintain a multi-disciplinary clearinghouse of studies, books, reports, journals, and other printed materials relating to crime victims. These materials address the rights, needs and interests of crime victims as they pertain to victim compensation, victim assistance and the status of victims in the criminal justice system.

In fiscal year 1988-89, customized software was created for an automated library retrieval system known as the Clearing House Resource Information System (CHRIS) to better assist the Crime Victims Board in fulfilling its mandate as a clearinghouse for victim information.

19. To accept, with the approval of the governor, as agent of the state, any grant including federal grants, or any gifts for the purpose of this article. Any monies so received may be expended by the Board to effectuate any purpose of article twenty-two, subject to the applicable provisions of the state finance law.

During this fiscal year, the Crime Victims Board received \$3.1 million in federal funds for victim compensation and \$4.2 million in federal funds for victims assistance. The Board also received \$1,555 from the Correction on Canvas Art Show (information on the art show can be found on page 26 of this report).

20. To render each year to the Governor and the Legislature, on or before December first of each year, a written report on the Board's activities including, but not limited to, specific information on each of the subdivisions of section 623, and the manner in which the rights, needs and interests of crime victims are being addressed by the state's criminal justice system. Such report shall also include, but not be limited to:

- a) Information transmitted by the State Division of Probation and Correctional Alternatives under subdivision five of section 390.30 of the Criminal Procedure Law and subdivision eight of section

351.1 of the Family Court Act which the Board shall compile, review and make recommendations on how to promote the use of restitution and encourage its enforcement.

- b) Information relating to the implementation of and compliance with article twenty-three of the Executive Law by the criminal justice agencies and the "crime victim-related agencies" of the State.

The State Division of Probation and Correctional Alternatives (DPCA) transmitted to the Board data detailing the number of family court victim impact statements and criminal court victim impact statements requested, received and sent to court through the DPCA for 1991-92.

The Crime Victims Board provided training on victims issues to students of the State Police Academy. The responsibilities of a police officer under Article 23 of the Executive Law, the Fair Treatment Standards, were highlighted during the training. Training sessions on the prosecutors role under Article 23 of the Executive Law, the Fair Treatment Standards, were conducted for Albany Law School students interning with area District Attorney's Offices.

In addition, the Board interceded on behalf of individual victims who contacted the Board with complaints about their treatment by the criminal justice system, by reminding pertinent parties of their obligations under Article 23. This involved calls and letters to police agencies, district attorney offices, and local court justices.

21. To make grants to local crime victim service programs and carry out related duties under section 631-a of article 22.

During this fiscal year, approximately \$6.775 million in state and federal funds were made available for grants-in-aid to crime victim service programs. These funds enabled the Board to continue its assistance for crime victim service delivery to 83 programs. In addition to the audit and monitor functions, the Victim Witness Assistance Unit provides continuing technical assistance and support to programs. (See "Victim Assistance Section" for further information.)

22. To delegate to specified employees of the Board the power to disallow claims under circumstances where regulations of the Board provide for disallowance without prejudice to reopening of claims.

Rules and regulations implementing this subdivision were adopted during FY '86-87. These rules allow supervising and senior investigative staff to close specific types of claims without prejudice to their reopening.

1991-92 — TWENTY-FIVE YEARS OF OPERATION

EXPENDITURES (Includes Prior-years' Carryover)

FISCAL YEAR	Administration			Local Assistance			GRAND TOTAL OF ALL EXPENDITURES
	PERSONAL SERVICE*	NON-PERSONAL SERVICE	TOTAL ADMINISTRATION	PAYMENTS TO VICTIMS	VICTIM AND WITNESS ASSISTANCE	TOTAL LOCAL ASSISTANCE	
1966-67	8,900	24,512	33,412				33,412
1967-68	159,905	39,588	199,493	55,665		55,665	255,158
1968-69	197,644	39,039	236,683	386,585		386,585	623,268
1969-70	225,058	44,066	269,124	678,220		678,220	947,344
1970-71	278,350	56,253	334,603	1,243,174		1,243,174	1,577,777
1971-72	320,215	44,857	365,072	1,407,277		1,407,277	1,772,349
1972-73	343,055	54,196	397,251	1,848,500		1,848,500	2,245,751
1973-74	459,386	68,155	527,541	1,835,000		1,835,000	2,362,541
1974-75	506,852	66,670	573,522	2,871,337		2,871,337	3,444,859
1975-76	486,088	67,251	553,339	2,979,225		2,979,225	3,532,564
1976-77	518,879	76,503	595,382	3,228,667		3,228,667	3,824,049
1977-78	614,551	124,766	739,317	4,313,078		4,313,078	5,052,395
1978-79	734,966	124,845	859,811	5,357,802		5,357,802	6,217,613
1979-80	821,106	138,072	959,178	5,632,305		5,632,305	6,591,483
1980-81	859,158	222,572	1,081,730	5,750,549		5,750,549	6,832,279
1981-82	1,011,371	206,570	1,217,941	6,357,822	588,571	6,946,393	8,164,334
1982-83	1,274,633	267,568	1,542,201	6,468,847	2,072,697	8,541,544	10,083,745
1983-84	1,245,012	330,028	1,575,040	8,807,474	2,164,013	10,971,487	12,546,527
1984-85	1,516,568	407,211	1,923,779	7,033,465	2,891,012	9,924,477	11,848,256
1985-86	1,771,406	521,041	2,292,447	7,813,274	2,783,160	10,596,434	12,888,881
1986-87	2,311,854	532,317	2,844,171	8,840,542	5,604,990	14,445,532	17,289,703
1987-88	2,631,178	629,537	3,260,715	11,196,519	5,381,275	16,577,794	19,838,509
1988-89	2,670,764	558,467	3,229,231	11,711,501	5,775,695	17,487,196	20,716,426
1989-90	2,702,315	539,315	3,241,630	12,051,410	4,804,425	16,855,835	20,097,465
1990-91	2,700,501	582,985	3,283,486	12,072,354	5,875,907	17,948,261	21,231,747
1991-92	2,509,614	482,228	2,991,842	15,064,791	6,774,879	21,839,670	24,831,512

*Does not include fringe benefit payments.

COMPENSATION AWARDS

Awards are paid in lump sums or over protracted periods. Crime Victims can receive awards for unreimbursed medical expenses, loss of earnings or support, funeral expenses, loss of essential personal property, reasonable transportation expenses, counseling and occupational rehabilitation.

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 a result of injury or death.

During the fiscal year 1991-92, the following causally related out of pocket expenses of eligible claimants were compensable by the Board:

- Unreimbursed expenses for medical or other related services.
- Lost earnings or loss of support up to \$400 per week to a total maximum of \$25,000.
- Burial expenses up to \$2,000.
- Occupational rehabilitation expenses for victims or their family members, where necessary.
- Counseling services for victims suffering traumatic shock, as well as counseling services for family members of homicide victims, spouses of sexual assault victims, eligible family members of a child victim and elderly and disabled victims not necessarily physically injured.
- For Good Samaritan victims only, property losses up to \$5,000. A Good Samaritan victim is a person who has been killed or injured while attempting to prevent a crime, lawfully apprehend a perpetrator of a crime, or assist a police officer in making an arrest.
- Cost of repair or replacement of essential personal property lost, damaged or destroyed as the direct result of a crime up to \$500, with a \$200 maximum award for loss of currency.
- Transportation expenses for necessary court appearances in connection with the prosecution of the crime.
- The cost of residing at and utilizing the services of a domestic violence shelter.
- The cost of reasonable burial expenses and certain counseling expenses of family members without regard to the financial difficulty of the claimant when a police officer or firefighter dies from injuries received in the line of duty as a direct result of a crime.

Reasons for No Award Decision

As in previous years, the "failure to supply information" or "no compensable loss" were the most frequent reasons for a no award decision being rendered for claims involving physical injury or death.

Failure to Supply Information.....	8,926
No Compensable Loss	1,837
Withdrawn	52
Not Innocent Victim.....	286
No Physical Injury	205
No Cooperation Police/Board.....	233
No Police Report.....	162
Pending Workers' Compensation.....	231
No Crime.....	212
Pending Medicaid.....	34
Unable to Locate.....	80
Duplicate Claim.....	102
Victim/Claimant Died.....	38
Not Victim of a Crime.....	21
No Financial Difficulty	12
Ineligible Claimant.....	31
Other (Personal Injury and Death).....	283
Other (Essential Personal Property).....	876

Mandatory Information to Crime Victims

Police officers throughout New York State are required to inform all victims of 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 a practice with police officers as the reading of the "Miranda Warning" has become for criminal suspects. In emergency rooms across the State, hospitals must display the Board's poster describing the services the Board provides for crime victims.

Crime Victims Board claim applications which contain eligibility requirements and information may be obtained from any police station and hospital within the State and at all Crime Victims Board's offices.

The Claims Process

To meet statutory eligibility requirements, a claim must be filed with the Crime Victims Board by the victim or the victim's survivor in the case of a homicide. If the victim is under the age of eighteen years, an incompetent, or a conservatee, a claim can be filed by a relative, guardian, committee, conservator, or attorney. The claim must be filed in person or by mail not later than one year after the discovery of the crime. This period may be extended beyond one year where good cause is shown for the delay.

No award may be made unless the board finds that (a) a crime was committed, (b) the crime directly resulted in personal physical injury to, or death of, the victim, with certain exceptions for child victims and elderly or disabled victims, and (c) a police report was made within one week of the crime, unless the Board, for good cause shown, finds the delay to have been justified. In a claim involving one of certain sex offenses or an offense chargeable as a family offense, the police report need only be made within a reasonable time considering all the circumstances, including the victim's physical, emotional and mental condition and family situation.

A claimant is required to provide the Crime Victims Board with information specific to the crime and the out-of-pocket loss sustained. A Crime Victim Specialist evaluates the claim to ascertain that all pertinent information has been received; calculates the out-of-pocket loss and investigates the financial status of the claimant in claims involving losses greater than five thousand dollars. The claim is then forwarded to a Board Member who reviews the claim and renders a decision. Crime Victim Specialists are authorized to close claims under certain circumstances without prejudice to their being reopened.

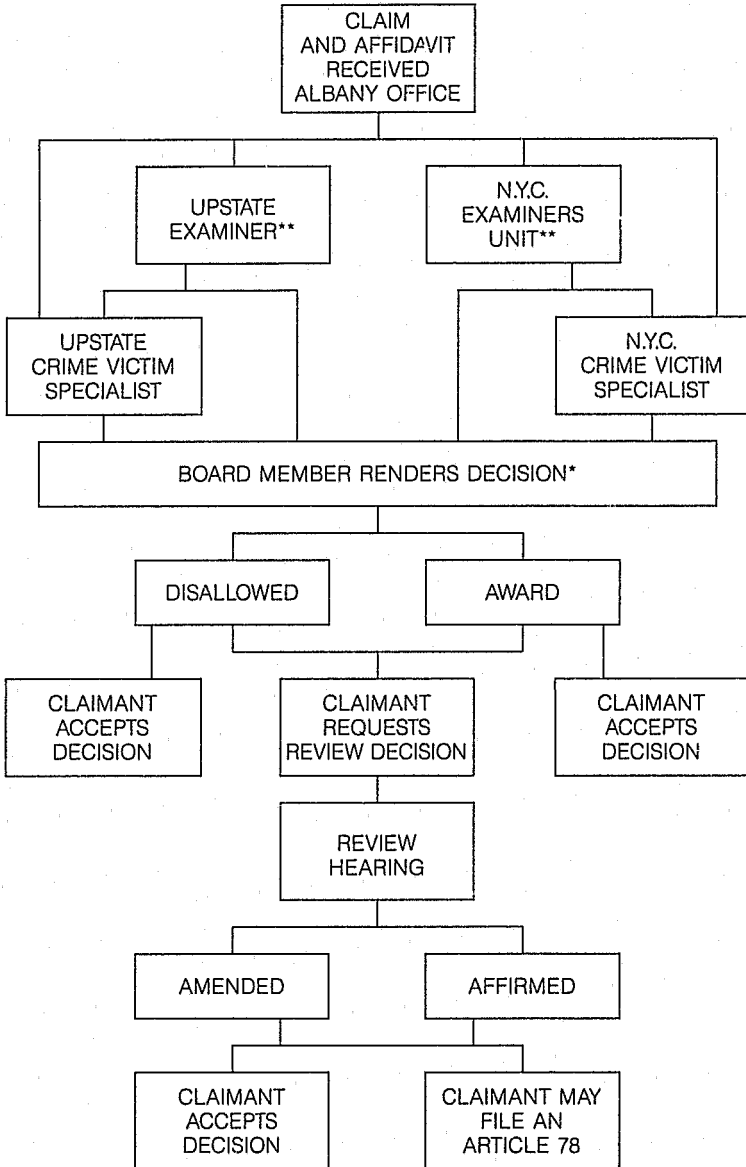
Emergency Awards

The Board is authorized to award up to \$1,500 under emergency conditions. The Board has instructed its Claims Unit, which deals with the claimant at the time of filing, to inquire as to the need for emergency assistance. Within this fiscal year, 2,678 such awards totaling \$742,851 were granted.

Board Review of Decisions

Claimants dissatisfied with the decision of a Board member may make application in writing to the Chairperson of the Board for an administrative review of the decision. The Chairperson 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 if necessary, and 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. A claimant aggrieved by a final decision of the Board may within four months commence a proceeding to review the decision pursuant to Article 78 of the Civil Practice Law and Rules.

WHAT HAPPENS WHEN YOU FILE A CLAIM



*Pursuant to Executive Law Section 627(2) the Board has the authority to delegate to specified employees the power to disallow a claim where such claim is disallowed without prejudice to reopening. Upon filing of such delegated decision with the Board, the decision shall be deemed to be the decision of the Board member to whom the claim was assigned.

**On March 12, 1992 the Examiners Unit was eliminated. Examiners have been upgraded to Crime Victim Specialists.

Number of Board Decisions Reviewed

Year	Number of Decisions Reviewed	Year	Number of Decisions Reviewed
1976/77	112	1984/85	96
1977/78	113	1985/86	210
1978/79	167	1986/87	304
1979/80	118	1987/88	356
1980/81	128	1988/89	259
1981/82	224	1989/90	324
1982/83	258	1990/91	259
1983/84	222	1991/92	168

Review by Comptroller

After receiving the final decision of the Board, the Comptroller may within 15 days, if in his judgment the award is illegal or excessive, return the decision to the Board for modification of the Board decision. If the Comptroller still adjudges the modified decision to be illegal or excessive, he may within 15 days seek a court review.

Claims Analysis

In addition to providing compensation to victims of violent crimes (murder, rape, robbery, assault) who have suffered personal physical injury the Board is also able to compensate certain victims of burglary and larceny. Burglary and larceny accounted for 65% of the total "Part I, Index Offenses Reported" on a statewide basis for 1991.

It should be noted that during the fiscal year the Board made 4,662 awards totaling \$1,395,119.02 solely for repair or replacement of essential personal property lost or destroyed as a direct result of a crime. Essential personal property claims constituted approximately 43% of the claims accepted by the Board.

CLAIMS ACCEPTED

The number of claims received and ultimately accepted by the Board is due in part to the fact that all law enforcement agencies in New York State are required to provide claim applications and information brochures relating to the availability of crime victim compensation for every victim of a crime. All hospitals are also required to have these claim applications available and to display the Board's posters in their emergency rooms.

Fiscal Year	Claims Accepted	Percent Increase/ Decrease
1967-68	196	
1968-69	519	+ 165
1969-70	929	+ 79
1970-71	1,594	+ 72
1971-72	1,896	+ 19
1972-73	1,762	- 7
1973-74	2,065	+ 17
1974-75	2,341	+ 13
1975-76	3,119	+ 33
1976-77	4,250	+ 36
1977-78	4,914	+ 16
1978-79	5,834	+ 19
1979-80	7,245	+ 24
1980-81	8,573	+ 18
1981-82	8,121	- 5
1982-83	8,034	- 1
1983-84	8,348	+ 4
1984-85	10,511	+ 26
1985-86	13,478	+ 28
1986-87	21,377	+ 59
1987-88	22,445	+ 5
1988-89	25,408	+ 13
1989-90	26,889	+ 6
1990-91	30,307	+ 13
1991-92	27,811	- 8

Yearly Workload Summary

March 31, 1991 Open Claims.....	18,948
Claims Accepted April 1, 1991 – March 31, 1992.....	27,811
Total Claims before Board.....	46,759
Total Original Decisions.....	22,613
Awards	8,992
No Awards	13,621
Other than Original Decisions	
Amended Decisions	1,461 (856 Awards, 605 No Awards)
Review Decisions	160 (64 Awards)

March 31, 1992 Open Claims.....24,146

Workload Summaries

Fiscal Year	Accepted	Rendered*	Awards*	Outstanding Claims
1967-68	196	99	43	97
1968-69	519	422	220	194
1969-70	929	965	372	278
1970-71	1,594	1,237	512	771
1971-72	1,896	1,698	618	1,185
1972-73	1,762	2,250	824	990
1973-74	2,065	2,137	891	1,168
1974-75	2,341	2,697	1,074	1,110
1975-76	3,119	2,837	1,097	1,694
1976-77	4,250	4,054	1,510	2,326
1977-78	4,914	5,027	1,764	2,609
1978-79	5,834	6,855	2,458	2,350
1979-80	7,245	7,530	2,617	2,707
1980-81	8,573	8,838	2,952	3,114
1981-82	8,121	8,932	2,934	3,071
1982-83	8,034	9,140	3,088	2,798
1983-84	8,348	8,807	3,309	3,195
1984-85	10,511	10,117	3,483	4,303
1985-86	13,478	13,637	5,188	5,088
1986-87	21,377	20,630	8,324	7,273
1987-88	22,445	24,368	9,263	7,473
1988-89	25,408	23,197	9,491	11,517
1989-90	26,889	26,765	11,125	13,320
1990-91	30,307	26,419	11,063	18,948
1991-92	27,811	24,234	9,912	24,146

*These figures include amended and review decisions.

Geographical Distribution of Violent Crimes And Crime Victim Claims

County	Violent Crimes Reported ¹ 1991	Personal Injury and Death Claims Accepted 1991-92	Larcenies and Burglaries Reported 1991	Essential Personal Property Claims Accepted 1991-92
New York City				
Bronx	33,517	2,049	45,969	1,660
Kings	60,814	3,790	86,987	3,572
New York	41,209	2,649	148,135	2,216
Queens	31,821	2,584	78,397	2,310
Richmond	3,127	222	10,561	239
Rest of State				
Albany	1,674	243	13,039	94
Allegany	134	11	1,249	3
Broome	339	40	6,824	11
Cattaraugus	273	15	2,300	6
Cayuga	216	13	2,288	0
Chautauqua	227	19	5,126	2
Chemung	256	43	3,863	9
Chenango	97	5	1,120	2
Clinton	269	36	2,205	2
Columbia	363	13	1,891	4
Cortland	83	7	2,058	0
Delaware	75	3	1,096	0
Dutchess	974	43	7,849	10
Erie	8,277	1,403	40,676	742
Essex	82	10	796	2
Franklin	197	14	928	9
Fulton	123	8	2,071	2
Genesee	107	15	1,596	9
Greene	221	10	1,348	4
Hamilton	10	1	145	0
Herkimer	104	9	1,479	3
Jefferson	202	15	2,944	2
Lewis	16	4	294	0
Livingston	151	2	1,731	0
Madison	76	7	1,734	1
Monroe	2,857	480	37,918	203

County	Violent Crimes Reported 1991	Personal Injury and Death Claims Received 1991-92	Larceny and Burglaries Reported 1991	Essential Personal Property Claims Received 1991-92
Montgomery	50	5	1,027	1
Nassau	3,848	538	30,694	164
Niagara	930	157	8,613	150
Oneida	489	53	8,352	7
Onondaga	1,916	186	20,298	70
Ontario	90	8	2,474	3
Orange	1,263	120	9,491	33
Orleans	151	16	1,108	6
Oswego	136	24	3,337	7
Otsego	62	5	1,271	1
Putnam	109	8	1,610	0
Rensselaer	459	47	4,853	19
Rockland	787	98	6,632	23
St. Lawrence	209	21	3,550	5
Saratoga	558	17	4,584	5
Schenectady	642	40	5,429	28
Schoharie	57	4	666	0
Schuyler	30	10	522	2
Seneca	54	7	725	1
Steuben	200	52	3,203	9
Suffolk	3,989	392	54,362	47
Sullivan	338	13	2,803	6
Tioga	166	5	1,071	2
Tompkins	182	17	4,577	2
Ulster	544	39	4,405	8
Warren	298	12	2,376	3
Washington	209	13	1,243	1
Wayne	197	18	2,795	4
Westchester	3,933	233	26,878	138
Wyoming	222	2	952	1
Yates	57	4	597	0

¹ Violent crimes include murder, rape, robbery and aggravated assault.

Victims of Violent Crimes Participation Rates by County

Above Average Participation Rate (Claims 11% or more of violent crimes reported)

Albany	Genesee	Orleans
Broome	Lewis	Oswego
Chemung	Monroe	Rockland
Clinton	Nassau	Schuyler
Erie	Niagara	Seneca
Essex	Oneida	Steuben

Average Participation Rate (Claims 8-10% of violent crimes reported)

Alleghany	Montgomery	Rensselaer
Chautauqua	Onondaga	St. Lawrence
Cortland	Ontario	Suffolk
Hamilton	Orange	Tompkins
Herkimer	Otsego	Wayne
Madison	Queens	

Below Average Participation Rate (Claims under 7% of violent crimes reported)

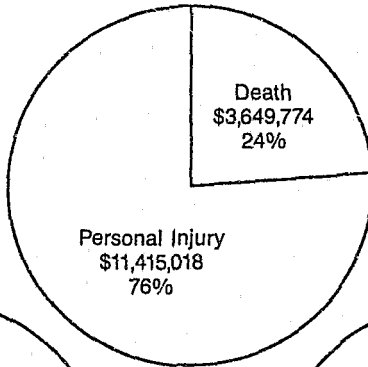
Bronx	Greene	Schoharie
Cattaraugus	Jefferson	Sullivan
Cayuga	Kings	Tioga
Chenango	Livingston	Ulster
Columbia	New York	Warren
Delaware	Putnam	Washington
Dutchess	Richmond	Westchester
Franklin	Saratoga	Wyoming
Fulton	Schenectady	Yates

Claims Accepted

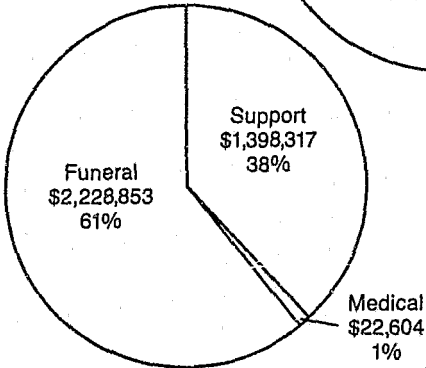
Fiscal Year	Death	Personal Injury	Essential Personal Property
1981-82	1,082	7,039	N/A
1982-83	1,115	6,919	N/A
1983-84	1,086	7,262	N/A
1984-85	1,101	9,413	N/A
1985-86	1,132	9,334	3,012
1986-87	1,348	13,581	6,448
1987-88	1,413	12,972	8,060
1988-89	1,560	14,864	8,984
1989-90	1,718	14,496	10,675
1990-91	1,874	15,251	13,182
1991-92	1,917	14,019	11,875

DIVISION OF AWARDS

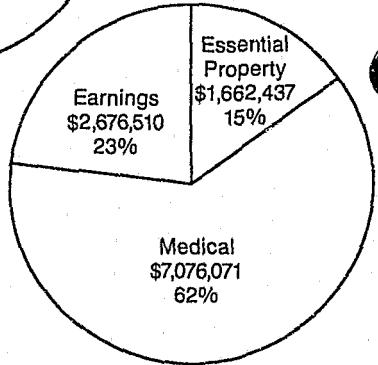
Total: \$15,064,791



DEATH
Total: \$3,649,774

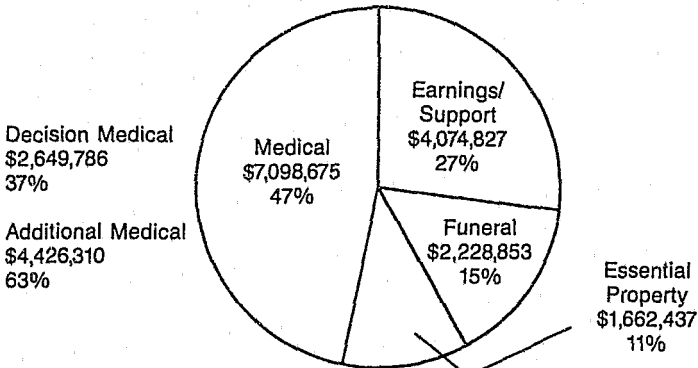


PERSONAL INJURY
Total: \$11,415,018



CLAIMANTS AND SUPPLIERS

Total: \$15,064,791



Decision Medical
\$2,649,786
37%

Additional Medical
\$4,426,310
63%

Breakdown of Earnings/Support—FY 91-92

Total Earnings:	\$2,676,510
Decision	\$2,236,985
Protracted	\$439,525
Total Support:	\$1,398,317
Decision	\$604,133
Protracted	\$794,184
Grand Total of Earnings/Support:	\$4,074,827

VOCATIONAL REHABILITATION SERVICES

During FY 1991-92, 232 claimants received \$476,091.66 in rehabilitation benefits from the Crime Victims Board. Claimants who qualify for these services are considered permanently disabled due to crime related injuries. The Board's Vocational Rehabilitation Specialist (VRS) conducts an investigation to determine a claimant's eligibility for services. The disabled crime victim, if otherwise qualified, is entitled to services which include but are not limited to:

- Rehabilitation-occupational training award for a victim or for a family member where necessary;
- Home and/or vehicular modifications;
- Ambulette and/or special transportation services;
- Causally related rehabilitative medical treatment;
- Prosthetic, orthotic or adaptive equipment;
- Home attendant services; and
- Referral to Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Commission for the Blind and Visually Handicapped (CBVH), Rehabilitation Service Administration (RSA), and Centers for Rehabilitation and Educational Institutions.

Since the Crime Victims Board is a payer of last resort, the VRS attempts to identify those disabled claimants who may qualify for services from VESID, CBVH, RSA and other public resources.

Once a disabled crime victim receives approved rehabilitation services, the VRS provides follow-up services to insure that the rehabilitation process is successful.

Case History

Mrs. Xy was a forty-year-old nurse's aid when she was shot by her husband, who then committed suicide. Mrs. Xy sustained permanent damage to her spinal cord resulting in paraplegia. She filed a claim for crime victim compensation with the Crime Victims Board.

The Board awarded Mrs. Xy the statutory maximum of twenty-five thousand dollars for her loss of earnings, and reimbursement of all past and future causally-related unreimbursed medical expenses. The Vocational Rehabilitation Specialist referred Mrs. Xy to the Office of Vocational and Educational Services for Individuals with Disabilities (VESID), and she was determined by VESID to be eligible for services and assistance from them. A VESID rehabilitation engineer evaluated her home to determine what modifications would be necessary to accommodate her disability. The total cost of the necessary modifications exceeded the maximum

benefit available from VESID, so the Vocational Rehabilitation Specialist secured Board approval to fund the balance necessary for a cement walk and ramp leading to a porchlift and a wheelchair accessible bathroom.

Mrs. Xy is now able to manage her own personal needs in her own home, and she is participating in a vocational rehabilitation program.

VOCATIONAL REHABILITATION EXPENDITURES

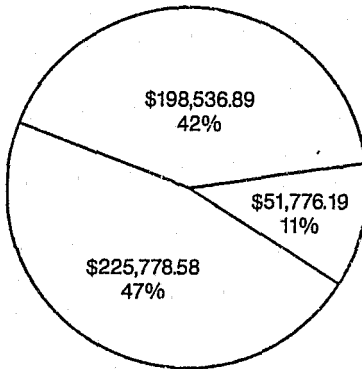
FY '91-92

Total: \$476,091.66

Cases: 232

Occupational Rehabilitation:

- Vocational Counseling
- Rehab Therapeutic Treatment
- Home and Vehicular Modification
- Centers for Rehab.



Additional Rehabilitation Medical:

- Prosthesis
- Adaptive Equipment
- Special Transportation

Vocational Rehabilitation Training Awards:

- Educational Institutions
- Tools and Equipment for Occupational Use
- Employment Oriented Rehabilitation Services
- Books and Related Training Materials

Caseload Data

• Occupational Rehabilitation	=	80
• Additional Rehab Medical	=	120
• Vocational Rehabilitation Training Awards	=	32
		TOTAL = 232

PUBLIC AWARENESS AND OUTREACH

Although the Board has been in existence for twenty-six years, it acknowledges that only in recent years has increased publicity made crime victims more aware of the State's compensation program.

Within the last year, the Board and its funded programs attempted to reach out to the approximate 210,000 victims of violent crime reported in New York State. The Board's funded programs provided services to approximately 95,000 victims of violent crime.

Police officers throughout New York State are 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. In addition, all hospitals must display the Board's poster in each of their emergency rooms describing the services the Board provides for crime victims.

Crime Victims Board applications, which contain eligibility requirements and information, may be obtained from any police station and hospital within the State and all Crime Victims Board offices.

The fulfillment of our responsibility to provide awareness of the benefits available under the statute is considered to be an extremely important and ongoing duty of the Board. During this fiscal year, the Board continued to intensify its efforts to make the public more aware of its compensation program by attending or providing a speaker to many events throughout the State. The following highlight some of the public awareness activities undertaken by the Board and its staff:

1. Provided ongoing support to the New York City Police Department and the New York City Department for Aging's notification program to ensure that every victim of a reported crime in New York City is aware of the Board's compensation program.
2. Supplied copies of the Board's brochure, which includes a simplified self-addressed claim application, and posters to all State and municipal law enforcement agencies and hospitals, associations, libraries, state and federal agencies, senior citizens clubs and organizations requesting such material.
3. Supplied information to any interested party or organization.
4. Made available speakers for other service programs, community organizations, senior citizen centers, schools, and television and radio shows whenever the Board's staff schedules permitted.

CORRECTIONS ON CANVAS

In March of 1992 the Correction on Canvas 26 Art Show was held at the Legislative Office Building in Albany. The show was co-sponsored by Commissioner Thomas J. Coughlin III and Senator Paul Kehoe, Chairman of the Senate Committee on Crime and Correction.

The show featured paintings, pottery and sculptures from correctional facilities operated by the New York State Department of Correctional Services. Most significant were the pieces of art donated by the prison inmates and sold for the sole benefit of the Crime Victims Board. The sale of 77 works generated \$1,555.00 (21% of the net proceeds realized from total sales). Since 1984 a total of \$13,381.00 has been presented to the Crime Victims Board to be used for the benefit of victims.

Richard Amyot, Training Academy Art Show Coordinator of the Department of Correctional Services and Barbara A. Leak, Chairperson of the New York State Crime Victims Board coordinated the portion of the art show which realized the money for the Board.



Department of Corrections Commissioner Thomas J. Coughlin III (left) and State Senator Paul Kehoe, Chair of the Senate Committee on Crime and Corrections (right) present NYS Crime Victims Board Chairperson Barbara A. Leak with the Corrections on Canvas 26 proceeds to benefit crime victims.

VICTIM/WITNESS ASSISTANCE UNIT

The Victim/Witness Assistance Unit is responsible for three major objectives:

1. Administering and monitoring the programmatic and fiscal activities of victim/witness assistance programs.
2. Coordinating the annual statewide conference.
3. Coordinating the activities of the statewide advisory council.

The statewide network of victim/witness programs provides assistance to approximately 95,000 victims and witnesses through a comprehensive array of services such as crisis intervention, legal assistance, counseling, transportation, financial assistance, security devices, information and referral, assistance with filing for crime victims compensation as well as other governmental benefits.

1. Victim/Witness Assistance Programs

In 1981, the Crime Victims Board was provided with a legislative appropriation for the purpose of providing grants for local victim/witness assistance delivery. Initially, twenty-three programs received grant funds for this purpose. In FY 1991-92, eighty-three victim/witness assistance programs were funded by the Board.

During fiscal year 1991-92 \$6.775 million in victim assistance funds were appropriated and allocated to the Board for grant-making purposes. Of this amount, \$2.5 million were State funds and \$4.3 million were Federal Victims of Crime Act (VOCA) funds.

A "Request for Proposal" (RFP) process, which provided an assessment of a program's need based on area need, past performance, and other available resources within a geographical area, was the basis for the Board's funding decisions. Programs which had been in existence for two or more years were expected to have other sources of funding for victim/witness services aside from Crime Victims Board funds. Where appropriate the Board granted the necessary funds to allow existing programs to expand their services to specific populations of crime victims including domestic violence, rape and sexual assault, child abuse, and "previously underserved" victims of violent crime.

The VWAU staff has the fiduciary responsibility of safeguarding government grant funds. The senior auditors and program monitors perform on-site audit reviews for contract compliance. In addition to the contract reviews, the auditors and monitors provide continuing technical assistance to program managers.

Efforts to maximize available funding for victim/witness programs continue to improve, but many unmet assistance needs remain throughout the State. In the coming fiscal year, the Board will be seeking the funds necessary to establish comprehensive victim/witness assistance services in the areas of the State that either have no Board funded program or do not receive services from their adjacent counties.

The victim/witness assistance programs have done a remarkable job of stretching resources to meet the increasing demand for services expressed by the victims/witnesses in their locale. They continue to deserve everyone's gratitude and support.

Victim/Witness Assistance Programs 1991-92

SPONSOR/ADDRESS	GRANT AMOUNT	SPONSOR/ADDRESS	GRANT AMOUNT
Albany County Rape Crisis Center 112 State Street Albany, NY 12207	\$122,000	Chenango County Catholic Charities 19 Prospect Street Norwich, NY 13815	\$ 51,300
Alternatives for Battered Women P.O. Box 39601 Rochester, NY 14604	\$ 36,650	Citizens Against Violent Acts P.O. Box 174 Canton, NY 13617	\$ 42,800
AMICAE Hotline for Rape and Battering P.O. Box 0023 Fredonia, NY 14063	\$ 49,648	City of Rochester Civic Center Plaza Rochester, NY 14614	\$159,858
Bronx D.A.'s Office 215 East 161 Street Bronx, NY 10451	\$146,590	Columbia-Greene Rape Crisis Center, Inc. P.O. Box 1073 Hudson, NY 12534	\$ 42,800
Bronx Independent Living Services, Inc. 3525 Decatur Avenue Bronx, NY 10467	\$ 46,690	Community Action Agency of Franklin County 89 West Main Street P.O. box 270 Malone, NY 12953	\$ 56,054
Cattaraugus Community Action, Inc. 262 Broad Street P.O. Box 308 Salamanca, NY 14779	\$ 53,300	Community Agency for Senior Citizens 56 Bay Street Staten Island, NY 10301	\$142,235
CEF Crisis HelpLine, Inc. 36 Brinkerhoff Street Plattsburgh, NY 12901	\$100,000	Congress of Italian-American Organizations, Inc. 5901 Utrecht Avenue Brooklyn, NY 11219	\$ 67,731
Central Brooklyn Coordinating Council, Inc. 515 Herkimer Street Brooklyn, NY 11213	\$ 68,918	Cortland YWCA 14 Clayton Avenue Cortland, NY 13405	\$ 33,400
Central Labor Rehabilitation Council 386 Park Avenue South New York, NY 10016	\$ 36,763	Crime Victims Assistance Center, Inc. P.O. Box 932 Binghamton, NY 13902	\$ 76,200

SPONSOR/ADDRESS	GRANT AMOUNT	SPONSOR/ADDRESS	GRANT AMOUNT
Delaware Opportunities Safe Against Violence Crime Victim Service 47 Main Street Delhi, NY 13753	\$ 25,359	King's County D.A.'s Office Crime Victims Counseling Unit 210 Joralemon Street Room 414 Brooklyn, NY 11201	\$137,354
East Bronx Council on Aging, Inc. 2232 Westchester Avenue Bronx, NY 10462	\$147,580	Kingsbridge Heights Community Center Child Sexual Abuse Council and Prevention Program 3101 Kingsbridge Terrace New York, NY 10463	\$150,000
Erie County D.A.'s Office CAAR Unit, 5th Floor 25 Delaware Avenue Buffalo, NY 14202	\$ 30,000	Long Island College Hospital 340 Henry Street Brooklyn, NY 11201	\$ 42,600
Erie County D.A.'s Office Erie Co. Victim/Witness Assistance Project 25 Delaware Avenue Buffalo, NY 14202	\$160,000	Mary McClellan Hospital Rape Crisis Program for Washington County Myrtle Avenue Cambridge, NY 12816	\$ 20,000
Family Counselling of the Finger Lakes, Inc. 671 South Exchange Street Geneva, NY 14456	\$ 55,125	Metropolitan Assistance (VSA) Corporation Victim Services Agency Crime Victims Center 2 Lafayette Street New York, NY 10007	\$ 46,164
Genesee County Sheriff's Department County Building #1 Batabia, NY 14020	\$ 72,330	Monroe County D.A.'s Office 205 County Office Rochester, NY 14614	\$109,300
Good Shepherd Services Safe Homes Project 337 East 17th Street New York, NY 10002	\$ 37,664	Monroe County Sheriff 236 Hall of Justice Civic Center Plaza Rochester, NY 14614	\$ 90,000
Greene County Battered Women's Project 1 Bridge Street Catskill, NY 12414	\$ 26,200 \$ 26,058	Mt. Sinai Hospital 1 Gustave Levy Place VS-2 New York, NY 10029	\$ 39,000
Hellenic American Neighborhood Action Committee, Inc. 34-14 30th Avenue Astoria, NY 11102	\$ 97,154	Nassau County Coalition Against Domestic Violence Nassau Co. Medical Center Nurse's Residence Box 285 East Meadow, NY 11554	\$101,115 \$ 36,000
Ithaca Rape Crisis, Inc. P.O. Box 713 Ithaca, NY 14851	\$ 40,300	Nassau County Criminal Justice Coordinating Council 320 Old Country Road Garden City, NY 11530	\$ 50,870
Jamaica Service Program for Older Adults, Inc. 92-47 165th Street Jamaica, NY 11433	\$126,111	Neighborhood Information and Outreach Center, Inc. 1081 Broadway Buffalo, NY 14212	\$106,358
Jefferson County Women's Center 131 Franklin Street Watertown, NY 13601	\$ 44,975		

SPONSOR/ADDRESS	GRANT AMOUNT	SPONSOR/ADDRESS	GRANT AMOUNT
Neighborhood Justice Project of the Southern Tier 451 East Market Street Elmira, NY 14901	\$105,609	Planned Parenthood of Schenectady Rape Crisis Service 414 Union Street Schenectady, NY 12305	\$ 31,000
NY Asian Women's Center, Inc. 39 Bowery P.O. Box 375 New York, NY 10002	\$ 32,000	Pomonoak Neighborhood Center, Inc. 67-09 Kissena Boulevard Flushing, NY 11367	\$ 43,228
NYC Gay and Lesbian Anti-Violence Project 208 West 13th Street New York, NY 10011	\$114,276	Presbyterian Hospital 622 West 168th Street New York, NY 10032	\$ 90,400
New York City Department for the Aging Senior Security program 2 Lafayette Street, 9th Floor New York, NY 10007	\$291,300	Ridgewood-Bushwick Senior Citizens Council 217 Wyckoff Avenue Brooklyn, NY 11221	\$ 21,565
New York County D.A.'s Office One Hogan Place New York, NY 10013	\$121,986	Ridgewood-Bushwick Senior Citizens Council Queens Multi-Service Center 71-02 Myrtle Avenue Glendale, NY 11385	\$ 20,000
Niagara County Sheriff 5526 Niagara Street Lockport, NY 14094	\$ 61,230	Rochester Society for the Prevention of Cruelty to Children, Inc. 148 South Fitzhugh Street Rochester, NY 14608	\$ 24,600
Northern Westchester Shelter, Inc. P.O. Box 105 Thornwood, NY 10594	\$ 45,300	Rockland County D.A.'s Office 11 New Hempstead Road New City, NY 10956	\$ 41,730
Northwest Buffalo Community Center 155 Lawn Avenue Buffalo, NY 14207	\$ 90,053	Rockland Family Shelter 39 South Main Street Spring Valley, NY 10977	\$158,602
Orange County Probation Department Government Center Goshen, NY 10924	\$ 81,930	St. Francis Hospital Dutchess Co. Crime Victims Assistance Program St. Francis Hospital North Road Poughkeepsie, NY 12601	\$ 66,930
Oswego County Opportunities, Inc. Services to Aid Families 101 West Utica Street Oswego, NY 13126	\$ 55,400	St. Lawrence Valley Renewal House P.O. Box 468 Canton, NY 13617	\$ 52,400
Planned Parenthood of Rochester Monroe County, Inc. 114 University Avenue Rochester, NY 14605	\$ 38,788	St. Luke's/Roosevelt Hospital Center Crime Victims Assessment Treatment Project St. Luke's/Roosevelt Hospital 44 Morningside Drive #1 New York, NY 10025	\$158,650

SPONSOR/ADDRESS	GRANT AMOUNT	SPONSOR/ADDRESS	GRANT AMOUNT
Samaritan Hospital Rensselaer Co. Rape Crisis Program 2215 Burdett Avenue Troy, NY 12180	\$ 50,000	Unity House Families in Crisis 309 Eighth Street Troy, NY 12180	\$ 35,310
Sanctuary for Families Box 413 Times Square Station New York, NY 10108	\$ 15,450	Victim Services Agency 2 Lafayette Street, 3rd Floor New York, NY 10007	\$772,547
Schenectady YWCA Families in Violence 44 Washington Avenue Schenectady, NY 12305	\$ 27,800	Victim/Witness Center of Tioga 55 North Avenue Owego, NY 13202	\$ 63,500
S.O.S. Shelter, Inc. P.O. Box 393 Endicott, NY 13760	\$ 58,204	Victims Information Bureau of Suffolk 22 Lawrence Avneue Smithtown, NY 11780	\$140,408
Suffolk County D.A.'s Office K. Lee Dennison Building Hauppauge, NY 11788	\$ 68,887	Violence Intervention Program P.O. Box 136 Triboro Station New York, NY 10035	\$ 66,768
The Yonkers Women's Task Force, Inc. P.O. Box 1245 Main Station Yonkers, NY 10702	\$ 68,150	Volunteer Center, Inc. 115 East Jefferson Syracuse, NY 13202	\$ 32,303
Tompkins County Task Force Child Sexual Abuse Project P.O. Box 164 Ithaca, NY 14851	\$ 21,400	Wayne County District Attorney Crime Victim Assistance Program 26 Church Street Lyons, NY 14489	\$ 30,750
TRI-PACT Community Victims Assistance Program 2575 Coney Island Avenue Brooklyn, NY 11223	\$ 50,557	Westchester Community Opportunities Victim Assistance Services 172 South Broadway White Plains, NY 10605	\$272,369
Ulster County Probation Department Ulster County Crime Victims Assistance Program P.O. Box 1800 Kingston, NY 12401	\$ 86,285	YWCA Rape Crisis Service 1000 Cornelia Street Utica, NY 13502	\$ 16,700

2. Annual Statewide Conference

In the past, the Board has sponsored annual conferences with workshops on a wide array of victim issues. In 1992, because of fiscal constraints, the Board had a one day seminar on compensation claims assistance. Victim advocates obtained valuable information to pass along to victims throughout the State. The sharing of information ensures that victims receive financial assistance available through the compensation claims program, for losses incurred as the result of the victimization.

3. Statewide Advisory Council

The Statewide Advisory Council is comprised of various experts in the field of victim assistance and law enforcement, as well as members of the legislature, victims advocates and educators. The Council continues to assist in formulation of policies dealing with the problems of crime.

Statewide Advisory Council to the Crime Victims Board July 1991-June 1992

COUNCIL MEMBERS

Ms. Jean Craven, Director
St. Francis Hospital
Crime Victims Assistance of Dutchess
County
North Road
Poughkeepsie, NY 12601

Ms. Harriet Lassel, Director
Long Island College Hospital
340 Henry Street
Brooklyn, NY 11201

Ms. Dawn Chase, Executive Director
AMICAE, Inc.
P.O. Box 0023
Fredonia, NY 14063

Dr. Ann Merlino
The College of Staten Island
130 Stuyvesant Place
Staten Island, NY 10301

Ms. Patricia Chave, First Vice President
Director, Nassau County Criminal Justice
Coordinating Council
320 Old Country Road
Garden City, NY 11530

Ms. Lynn Ferrante, Second Vice President
Director, Pomonok
67-09 Kissena Blvd.
Flushing, NY 11367

Mr. Ralph Hubbard
305 Fulton Street
Brooklyn, NY 11216

Mr. Luis Matos, Director
Congress of Italian American Organizations
5901 New Utrecht Avenue
Brooklyn, NY 11219

Ms. Bethann Holzhay, Supervisor
Bronx D.A.'s Office
215 East 161st Street
Bronx, NY 10451

Ms. Karel Kurst-Swanger, Executive Director
Crime Victims Assistance Center
P.O. Box 836
Binghamton, NY 13902

Ms. Patricia Eng, Director
NY Asian Women's Center
39 Bowery, P.O. Box 375
New York, NY 10002

Mr. Albert Barone, Executive Director
Orange County Probation
Orange County Government Center
Goshen, NY 10924

Ms. Maria Modica
Victim Services Agency
210 Joralemon Street, Rm. 608
Brooklyn, NY 11201

Ms. Susan Parato
80 Meadow Street
Garden City, NY 11530

Ms. Kelly Reed, Executive Director
RSPCC, Inc.
148 South Fitzhugh Street
Rochester, NY 14608

Sr. Paulette Lomonaco, Executive Director
Good Shepherd Services
337 E. 17th Street
New York, NY 10003

Ms. Susan Xenarios
St. Luke's/Roosevelt Hospital
C.V.A.P., R.I.P.
411 West 114th Street
Apartment #5A
New York, NY 10025

Mr. Jeff Ricketts, Coordinator
Erie County D.A.'s Office
50 Delaware Avenue, Suite 350
Buffalo, NY 14202

Ms. Anna Audioun, Director
Suffolk County D.A.'s Office
Criminal Court Building
Riverhead, NY 11901

Mr. Floyd Holloway, Vice President
NYC Transit Authority
Patrolmen's Benevolent Citizens, Inc.
Association
299 Broadway
New York, NY 10007

Ms. Susan Ambrose, Executive Director
Jefferson County Women's Center
120 Arcade Street
Watertown, NY 13601

Mr. Dennis Wittman
Genesee County Sheriff's Department
County Building #1
Batabia, NY 14020

Ms. Karin Brown-Joseph
Erie County D.A.'s office
Care Unit, 5th Floor
25 Delaware Avenue
Buffalo, NY 14202

Ms. Susan Rios, Director
Kingsbridge Heights Community
3101 Kingsbridge Terrace
Bronx, NY 10463

Ms. Helen Lenney, Director
Community Agency for Senior Citizens, Inc.
56 Bay Street
Staten Island, NY 10301

EX-OFFICIO MEMBERS

Hon. Nettie Mayersohn
State Assemblywoman—27th District
L.O.B., Room 637
Albany, NY 12248

Hon. L. Paul Kehoe
L.O.B., Room 509
Albany, NY 12248

Ms. Jane Meyers
Brooklyn D.A.'s Office
Municipal Building
Brooklyn, NY 11201

Assemblyman Steven Sanders
L.O.B., Room 622
Albany, NY 12248

Mr. John Bloss
c/o Assemblyman Steven Sanders
L.O.B., Room 622
Albany, NY 12248

Ms. Kathi Montesano-Ostrander
Rape Crisis Program Coordinator
NYS Department of Health
Rape Crisis Program
Empire State Plaza Tower Room 878
Albany, NY 12237

LEGAL, ADVOCACY AND RESEARCH

The Legal, Advocacy and Research Unit of the Crime Victims Board functions under the auspices of the Counsel to the Board. During fiscal year 1991-92, this unit was staffed by four attorneys (two full-time and two part-time), one part-time program research specialist and one secretary.

The duties and responsibilities of the unit include:

- providing legal assistance and advice to the Board relating to the responsibilities and operations of the agency;
- drafting and promulgating suitable rules and regulations;
- collecting, analyzing and disseminating data and other information;
- devising and assisting in the development of policies and programs to promote the rights and interests of crime victims;
- studying the operation of laws and governmental procedures affecting crime victims and making recommendations to improve the administration and effectiveness of such laws;
- drafting legislation relating to crime victims and the operation of the agency;
- promoting and conducting studies related to crime victims;
- serving as a clearinghouse for information relating to crime victims and crime victim programs;
- preparing and submitting mandated reports to the Governor;
- handling litigation matters;
- monitoring and enforcing the State's subrogation rights relative to restitution and civil recoveries.

Accomplishments of the Legal, Advocacy and Research Unit during the year include:

- continuing operation of an automated library retrieval system known as the Clearing House Resource Information System (CHRIS);
- development of the Board's legislative program for submission to the Governor and the Legislature;
- continued coordination of the Witness Relocation and Assistance Program (WRAP) with the Division of Criminal Justice Services;
- ongoing dissemination of the first comprehensive county-by-county *Resource Manual for Crime Victim Assistance* to the criminal justice and human service provider communities;
- participation in the Inter-Agency Data Exchange Project spearheaded by the Division of Criminal Justice Services' Systems Improvement for Enhanced Community Safety (SIF ECS) Task Force;
- participation in the Human Needs Disaster Task Force of the State Emergency Management Office;

- provision of assistance to State and local agencies and other organizations concerned with promoting the interests of crime victims.

1991 CHAPTER LAWS AFFECTING CRIME VICTIM AND RELATED ISSUES

- Chapter 6** Initiates the "safe street, safe city" program to address the criminal justice needs of New York City.
- Chapter 166** Reduced the maximum loss of income/loss of support award by the Crime Victims Board from \$30,000 to \$25,000; reduced the maximum burial expense award by the Board from \$2,500 to \$2,000; and reduced the cash loss of essential personal property award by the Board to a maximum of \$200. Other provisions of the bill increased the crime victim assistance fee paid by persons convicted of felonies, misdemeanors or violations from two to five dollars (these provisions were part of an omnibus budget bill).
- Chapter 251** Amends the Civil Rights Law to add incest to sex offenses contemplated by Section 50-b and to expand those accorded the right of privacy to include all victims of sex offenses, not only those under the age of 18, and provides for a private right of action for a victim whose right of privacy has been violated.
- Chapter 284** Provides that when a deaf person is a party to or witness in a legal proceeding a certified interpreter will be appointed, and that such interpreters will be appointed for deaf victims of crime who are not party to or witness in the proceeding and for deaf members of the immediate family of a crime victim.
- Chapter 301** Requires that all police departments provide victims of sex offenses with written notice of the name, address and telephone number of the nearest rape crisis center.
- Chapter 379** Eliminates the requirement imposed upon the Crime Victims Board to publish legal notice regarding Son of Sam escrow accounts when all possible victims are already notified of the existence of the escrow account.
- Chapter 400** Raises the threshold of claims for which proof of financial difficulty is not required to \$5,000 for crime victims awards.
- Chapter 401** Extends the statute of limitations within which the State must commence a civil action against an assailant in order to recover money paid by the Crime Victims Board to the victim of such assailant.

- Chapter 455** Extends until November 1, 1996 Article 65 of the Criminal Procedure Law permitting the testimony of certain child witnesses in sex crimes prosecutions to be transmitted to the courtroom by means of live, closed-circuit television.
- Chapter 514** Requires that victims or certain family members of victims who request such notification, receive notice of temporary release of an inmate.
- Chapter 530** Mandates victim impact statements must be included in reports of presentence investigations unless it appears that the information would be of no relevance.

DISPOSITION OF MONEY RECEIVED AS A RESULT OF CRIME: New York's "Son of Sam" Law

Section 632-a of the Executive Law, New York's "Son of Sam law" provides that anyone who contracts with a person for the re-enactment of his or her crime by way of a movie, book, magazine article, tape recording, phonograph record, radio or television presentation, live entertainment of any kind, or for the expression of such person's thoughts, feelings, opinions or emotions regarding such crime, must turn over the money owed to that person under the contract to the Crime Victims Board, to be placed by the Board in an escrow account. Funds in the escrow account are then available to satisfy any judgments obtained by a victim against that person.

During fiscal year 1991-92, the Board continued to administer escrow accounts previously established under the Son of Sam law, and it continued to investigate new cases to which the law might be applied. With reference to three escrow accounts pertaining to Jack Henry Abbott, a civil judgment obtained by one of Mr. Abbott's victims was affirmed on appeal, and the Board issued a Proposed Determination and Order to disburse the proceeds of these three escrow accounts to this victim in partial satisfaction of the civil judgment. With reference to an escrow account pertaining to John Wojtowicz, the Board issued a Final Determination and Order disbursing the proceeds of that account to one of Mr. Wojtowicz' victims.

During this fiscal year several constitutional challenges to the Son of Sam law continued in state and federal courts. In May of 1991, the New York Court of Appeals affirmed the constitutionality of the law in the case of *Children of Bedford Hills v. Petromelis*, but this decision was appealed to the United States Supreme Court. During the pendency of this appeal, the U.S. Supreme Court heard the case of *Simon and Schuster v. Crime Victims Board*. In December of 1991, the Supreme Court rendered its decision of *Simon and Schuster*, striking down the "Son of Sam law" as an unconstitutional violation of the first amendment. In January of 1992 the Supreme Court remanded the case of *Children of Bedford Hills* to the New York Court of Appeals for further consideration in light of the decision in *Simon and Schuster*, and in April of 1992 the Court of Appeals declared the Son of Sam law to be unconstitutional.

At the time of the decision of the *Simon and Schuster* case by the U.S. Supreme Court in December, 1991, the Crime Victims Board was maintaining eight separate escrow accounts totalling \$79,394.66. With the invalidation of the Son of Sam law, the Board no longer had statutory authority to maintain these escrow accounts, so the Board requested that the New York Attorney General initiate an interpleader action to determine the appropriate disposition of these funds. At the close of this fiscal year this interpleader action remains pending.

In response to the Supreme Court's decision in *Simon and Schuster*, the Crime Victims Board assisted the Executive Chamber in the drafting of a new legislative initiative to enhance the opportunity for a crime victim to be compensated by the criminal offender. This effort resulted in a comprehensive Program Bill proposed to the legislature jointly by the Governor and the Attorney General. At the close of this fiscal year, this bill was under consideration by the legislature.

SUBROGATION AND RESTITUTION

When a crime victim accepts an award from the Board the State has the right to recover the amount of that award from any civil recovery obtained by a victim from any responsible third party. The State is also authorized to commence a civil action against a victim's assailant or any liable third party if the victim declines to commence such action. This assignment to the State of the victim's cause of action is called subrogation. In the event that the victim's cause of action is in an amount greater than the Board's award, only that portion of the cause of action which equals the amount of the award is assigned.

Restitution From Criminal Offenders:

Claims	48
Total Dollars	\$21,083.47

Collections From Civil Actions:

Liens	16
Total Dollars	\$60,437.07

Grand Total of Restitution and Civil Actions: \$81,520.54

CONCLUSION

This is the twenty-fifth annual report of the Crime Victims Board.

The Crime Victims Board has been providing compensation to innocent victims of crime since 1967. While crime continues to be a problem within our society, great efforts are being made toward providing financial relief to the innocent victims of crime. Efforts are also being made to enlighten victims and appropriate officials throughout the State of the rights and services available to innocent crime victims in New York.

In its official capacity as advocate for the innocent victims of crime in New York State the Board calls upon all branches of government: legislators, judges, district attorneys, police, sheriffs, lawyers and victim/witness personnel, as well as citizens, in general, to understand and support the rights, needs and interests of crime victims in the criminal justice system and society.

CRIME VICTIMS BOARD

Barbara A. Leak.....	Chairperson
Lorraine Felegy.....	Board Member
Gennaro A. Fischetti.....	Board Member
Frank Marin.....	Board Member
Diane McGrath-McKecknie.....	Board Member

EXECUTIVE STAFF

Scott S. Oakley.....	Counsel
Patricia Pouloupoulos.....	Administrative Officer
Margaret Donnelly.....	Assistant Director of Grants
Robert Mascali.....	Director of Claims Processing
Dora Lee Stanley.....	Affirmative Action Officer
William Couser.....	Director of Management Information Systems

MEMBERS OF THE BOARD



Lorraine Felegy



Gennaro A. Fischetti



Barbara A. Leak, *Chairperson*



Frank Marin



Diane McGrath-McKechnie