

~~not cataloged yet~~

**STATE OF NEW YORK**

**1974**

**EIGHTH ANNUAL REPORT**

**of the**

**CRIME VICTIMS COMPENSATION BOARD**

28075



STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
CRIME VICTIMS COMPENSATION BOARD  
875 CENTRAL AVENUE  
ALBANY, NEW YORK 12206  
457-4060

BOARD MEMBERS

STANLEY L. VAN RENSSELAER  
CHAIRMAN

P. VINCENT LANDI

MAX L. NISSMAN

RUSSELL G. OSWALD

FRANK A. SEDITA

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 Eighth Annual Report of the  
Crime Victims Compensation Board for the year 1974 rendered pur-  
suant to the provisions of Article 22, Section 623 of the Executive  
Law.

Respectfully,

A handwritten signature in cursive script, reading "Stanley L. Rensselaer".

Stanley L. Van Rensselaer  
Chairman

Albany, N. Y.  
April 1, 1975

## INDEX

	Page
Introduction .....	3
Volume of Work .....	5
Pending Claims .....	6
Character of Crimes .....	7
The Claimant—His Responsibility .....	7
Serious Financial Hardship .....	8
Death & Protracted .....	9
Reason Cut-Off .....	10
Death & Protracted—Schedule .....	11
Disposition of Claims .....	11
Reason for Disallowance .....	12
Additional Medical-figure .....	13
Emergency Awards .....	13
Amended Decisions .....	13
Right to Reopen .....	14
Board Hearings .....	15
Scope of Crime Victims (incl.) Programs .....	16
(other states, etc.)	
Radio Tapes (Eckert) .....	17
Brochures Distributed .....	17
Board & Staff .....	19

## EIGHTH ANNUAL REPORT of the CRIME VICTIMS COMPENSATION BOARD

To: Hon. HUGH L. CAREY  
Governor of the State of New York  
and

To: HONORABLE LEGISLATURE OF THE  
STATE OF NEW YORK

SIRS:

We have the honor to submit this our eighth annual report.

The Crime Victims Compensation Board has continued to be unable to reach conclusions concerning the intake of claims.

There are a number of factors that should be considered, such as:

1. The extent to which the public is aware of the existence of the Board.

2. The failure of victims who are aware of the existence of the Board to apply for compensation to which they may be entitled.

3. Those who do take the trouble and the time to file a claim and then refuse to furnish information necessary to determine eligibility, jurisdiction and financial hardship.

It is safe to state that if all the victims who might very well be entitled to benefits were to file, undoubtedly, the number would be several times larger than the number of claims being received. We shall later give more specific attention to each of these aspects in the report.

There has been in the past, statements as well as newspaper articles and news releases to the effect that the number of claims as against the number of crimes of violence is less than 1%. It should be noted, however, that the mere fact that there are a greater number of crimes of violence, such as, aggravated assault, there is a very large majority of victims who could not qualify for one of several reasons.

The statute sets up minimum standards for eligibility, such as: the claimant must have at least \$100 unreimbursed medical expenses and/or two weeks continuous loss of earnings. It prohibits an award to a claimant who is related to the perpetrator within the third degree

of affinity or consanguinity. The statute also provides that a finding must be made as to whether the victim contributed to and/or provoked the act from which he received his injuries. Thus it can be seen a great number would be ineligible.

Of course, another condition of the statute provides that there must be a finding of serious financial hardship which undoubtedly would prevent a large number from receiving an award.

There will also be discussed the increase in the number of claims, decisions, awards and other related matters hereinafter.

The Board has also attempted to prevail upon police agencies as well as other agencies to treat the victim in a different manner than has been customary over the years. This is not meant to be a criticism of the law enforcement agencies since they have been trained and instructed to investigate a crime for the purpose of apprehending the criminal. However, the Board has felt and firmly believes that the law enforcement officer should take into consideration the trauma that has been visited upon the victim. This undoubtedly is the first instance in which the victim has undergone such a traumatic experience. Needless to say, the victim at this point particularly has little interest in the criminal because of his injuries and the traumatic experience he is undergoing. The first impression made by the police officer can have an adverse effect upon the victim in this regard. It would, therefore, be appropriate for the officer, who perhaps only talks with the victim for a very short time immediately following the incident, to demonstrate concern for the victim and his injuries. If he sets the right tone at that point, the victim can effectively aid the investigation by being a more willing and cooperative person who will aid in identifying and/or apprehending the criminal. It is understood, of course, that each law enforcement officer may act differently in a given circumstance but he should understand the stress under which the victim is reacting.

It is, therefore, felt that the officer should express his concern and understanding for the victim's feelings; that the victim should be, wherever possible, interviewed alone and not in the presence of strangers or other officers.

It has been noted in some instances that the victims felt that the officers at the precinct station were joking and laughing with each other and that the victim feels not only unimportant but actually deserted and may even get the impression that they are laughing at or about him or the incident. These are serious matters and the Board will continue to attempt to bring these matters to the attention of the investigating law enforcement agencies.

## Volume of Work

This fiscal year has again shown an increase in the number of claims. In the previous fiscal year there were 2065 claims that were received and accepted. In our projection for the present fiscal year we estimated that there would be approximately 2225 claims. We underestimated slightly, in that the actual number received was 2341. This is approximately a 12½% increase. We did not, however, anticipate the increases in both the number of amended decisions and the number that were given the right to reopen which was exercised by the claimants. During this fiscal year there were 235 claims received which had to be returned after screening them inasmuch as they failed to meet the requirements of the statute or the incident had occurred more than one year prior to its receipt in the Albany office.

Each claim received is screened for the purpose of determining whether the claimant meets the basic eligibility requirements. A check is made to determine whether a crime was committed against claimant, is the claim filed in time and was it reported to the police. Thereafter, the claim is given a number and logged and assigned to a Board Member. The file folder is then set up and a letter of acknowledgement goes to the claimant with at least one form for him to complete, namely, a financial resources affidavit. A letter is sent to the district attorney advising him of such claim so that he may advise the Board whether the investigation can be instituted and brought to a conclusion without jeopardizing his investigation. Necessary forms are also sent out to hospitals, doctors and employers for needed information. The file is pulled in 15 days to determine what information has been returned. A follow-up letter is then sent and the file is pulled the second time. When all necessary information is received, the claim is given to the investigator for whatever field investigation is deemed necessary. When the investigation is completed it is submitted to a Board Member who reviews the material and writes a decision.

The decisions are immediately sent to the claimant, the Attorney General and Comptroller and a 30 day control system is set up, since no decision can be paid until the claimant has either advised that he is satisfied with the award or requests a hearing before the Board. In the event that he accepts the award, the payment still can not be made until the Attorney General and the Comptroller give their written approval.

The main office is in Albany and all claims are received there. The finance unit, in Albany, processes all decisions in which awards

are made. This unit is responsible not only for the payment of the original and amended decisions but also for the monthly payments on protracted and death claims. These cases in which there are monthly payments are regularly reinvestigated to insure continued eligibility. This unit also is charged with the responsibility of the payment of additional medical costs. Each of these categories of payments continue to increase.

With the increase in the number of claims filed and with the information being returned, the stenographic and filing responsibilities become greater.

### **Pending Claims**

The Board is still concerned with the number of cases that are pending and under investigation. At the end of the fiscal year 1970-71 it amounted to 771 and during that year 1594 claims were filed. The following year 1971-72 there were 1185 under investigation and 1896 claims were received. Without an increase in personnel and with the increase in the number of claims, the Board attempted a procedure of a short form decision. This consists of a letter decision which consists of a brief statement outlining the reason for closing the case without prejudice to its being reopened when the necessary information is provided. This has reduced the stenographic work and at the end of 1972-73 fiscal year the backlog of such cases pending was reduced to 990. Unfortunately that favorable trend is reversed and at the end of the 1973-74 fiscal year there were 1168 pending claims. We have attempted through the control system to dispose of these claims as best we can, but we still find at the end of this fiscal year 1974-75 there are 1110 pending files.

The claims unit has only two typists, and with the increase in the number of claims, we find ourselves far behind in even getting out the letters of acknowledgement and the necessary forms, such as, the request for police reports and the notifications to the district attorneys. As the claims increase, the number of pending claims can not be reduced without additional help. This is a matter of great concern to the Board since any claimant who can qualify for an award is suffering serious financial hardship. The information that is needed in each case is the minimum needed to make a decision. Each year we have requested additional personnel in the claims unit. We have been left with no recourse other than to assign an investigator periodically to help in the clerical work at the expense of his investigative responsibilities.

The Board continues to feel that the average assignment for

investigators should be no more than 50 a month, inasmuch as a larger number assigned to an investigator does not produce the hoped for results.

### **Character of Crimes**

The major categories of crimes committed against our claimants are muggings, aggravated assaults and robberies. There were 1125 of our claimants who were mugged this year, 359 received stab wounds and 380 were shot.

Other claimants were assaulted with bottles, bricks and clubs. Several received severe burns from acid and lye being thrown upon them. One claimant was pushed onto the tracks in front of an oncoming train and another had his finger bitten off.

In many of the claims the injuries which were reflected were senseless, such as, in the case of a robbery an elderly man is held up in his store and when he is asked to hand over his money and he accedes, he is nonetheless shot in cold blood.

The elderly woman's pocketbook was snatched and she was thereafter severely beaten when the robbery was completed. A claimant was standing on a sidewalk awaiting transportation when two youths approached him and asked him for a cigarette. Since he does not smoke or carry cigarettes he told them he had none and he was stabbed.

We are also receiving claims for crimes committed by youngsters upon other youngsters. In one instance, the victim opened his front door and two other youngsters threw acid on him. In another instance, two youngsters accosted the victim on his way home from school and threw a flammable fluid on him and then set him on fire.

Each category of crime continues to increase. Even automobiles are used as weapons where the victim is actually run down by his assailant.

### **The Claimant—His Responsibility**

Each claim is screened and where there is information lacking the claim form is returned with a letter specifying the information which is needed in order to determine if the claim can be accepted. The staff takes every opportunity to assist the victim in gathering the necessary materials. In many instances the information can be obtained without the necessity of returning the claim form.

The Board believes that every claimant has the responsibility to furnish the information requested. Due to the lack of personnel,

the Board does not and can not send an investigator out into the homes of claimants unless and until the claimant has shown his cooperativeness and willingness to furnish the information in the first instance.

We continue to experience a large percentage of our claims being disallowed in the above-mentioned instances. The Board, however, in closing a claim for failure to cooperate, in a short form letter decision, always gives the right to the claimant to furnish the information, upon receipt of which the claim will be reopened and re-evaluated.

At the end of the fiscal year 1973-74 there were 547 claimants given this right. As of March 31, 1975 this number had grown to 839.

During the past two years approximately 10% of these claims were reopened, further information was furnished and 93 claimants received awards.

The Board is at a loss to understand why a claimant who takes the trouble and the time to obtain a claim form, fill it out and mail it to the Board, then fails to furnish the information. He is given the forms in the first letter and in the follow-up letter he is again advised that unless he does furnish this information the Board will have no other alternative than to disallow the claim. There are a relatively small number who do answer the follow-up letter advising that they refuse to furnish financial resources. Some of these claimants are self-employed and refuse to furnish their income tax returns stating that it is an invasion of their privacy. Upon receipt of this type of letter, the claimant is then again informed that since the statute requires a finding of serious financial hardship there is no way that a determination can be made of serious financial hardship without his income tax return.

### **Serious Financial Hardship**

No award can be made unless there is a finding of serious financial hardship. Needless to say, where the claimant has no assets there is no problem nor is there any problem presented when the claimant has a large amount of money together with a correspondingly good income.

The difficulty arises particularly with the middle-income group. The Board has promulgated rules which allow for the home to be exempted, an automobile and the claimant's working tools. In addition, the Board Member in his discretion may exempt savings up

to one year's annual earnings. This latter discretionary exemption is not applied in every situation.

Every claim is decided upon its own particular facts. The single man who has no dependents does not necessarily qualify to have one year's annual earnings exempted from his assets. However, the married man with two children and perhaps one in college could qualify.

The Board Members are deeply concerned, however, with the elderly claimant who has unreimbursed medical expenses and/or loss of earnings. This claimant has been frugal, has been a hard-working responsible citizen and has accumulated some money for his future. It is difficult to convince one of these claimants, even though the unreimbursed medical expenses may only be \$200, that this is not serious financial hardship to him.

The other class of the elderly claimant is the one who is retired, living on Social Security and the income that his assets produce. His normal living expenses take all of his income and even though he had \$200 unreimbursed medical expenses, there is no opportunity for him to replace that. Further, since he is not working the Board cannot exempt the one year's annual earnings above referred to. Every elderly person is concerned about his future and since he has been self-supporting all of his life suffers a great anxiety that he may become dependent either upon his children or welfare.

It has been brought to the attention of the legislature over the past several years that eliminating serious financial hardship would not create a heavy financial burden for the State. During the past fiscal year there were only 104 persons who were denied an award for the reason that there could not be a finding of serious financial hardship. All persons who are victims of crime should be entitled to at least some minimum compensation.

The latest information concerning the Federal bill continues to be hopeful. The Board has been advised that Senator Mansfield, who is the sponsor of the bill, is adamant in his desire to pass Federal legislation providing for a state grant to the states for crime victims programs. The Board is in continuous contact with Senator Mansfield's staff and will continue to cooperate by furnishing information from the experiences of this Board.

### **Death and Protracted**

Periodic monthly payments are provided in each of these types of claims. The Board has not ever and does not intend ever to make a lump sum award of \$15,000, the maximum allowed for loss of earnings and/or support.

The reinvestigations on these claims continue to be made periodically for the purpose of determining whether the dependency status remains the same in the death claims and to determine whether the claimant has returned to work.

The death claim investigations require constant surveillance particularly in the case of the young widow since the information obtained by the Board reflects that the younger the widow the better chances are that she will remarry. This fact has been proven each year.

The reinvestigation of the protracted claims require constant and periodic attention since it has been found, in a number of cases, that the claimant failed to inform the Board of his having returned to work. Of course, this also has happened several times when the widow failed to inform the Board that she had remarried. In each instance, the Board then pursues a course to recover any overpayments and in practically every instance the Board has been successful by being reasonable in making arrangements for periodic payments.

In the protracted claim, the Board also very carefully considers the medical bills that are submitted. This is done for the purpose of making certain that only those medical bills are paid where the medical services are necessarily incurred as a result of the injuries sustained in the original incident.

In the schedule below it will be noted the reasons for stopping payments in both protracted and death claims:

**Reason Cut-Off**

	<u>P.I.</u>	<u>Death</u>
\$15,000 maximum reached	9	15
"Held" for overpayment	2	3
Claimant deceased	6	4
Stopped due reinvestigation	3	2
"Hold" pending new address	1	
Stopped reached majority		2
Stopped remarried		2
Stopped per decision	2	
Stopped per medical reports	13	

The number of pending death and protracted claims that receive monthly checks continues to increase. This, of course, is normal with the increased number of claims. By the same token, the volume of reinvestigations is correspondingly growing.

The Board continues to ask for and has been successful in re-

ceiving the cooperation of other states that have a crime victims compensation board in making investigations for us. As the number of states with such programs increase, of course, this will obviate to some degree out of state travel.

For some time in the past, the assignments for reinvestigations of these types of claims within the State of New York have been assigned to one investigator. However, with the increase in the number throughout the state it has been decided that the reinvestigations could be better and more expeditiously and efficiently, as well as less costly, performed by having the upstate claims handled by the investigators from the Albany and Buffalo office. This is being done at this time.

The schedule below will reflect the increase in the number of death and protracted cases now receiving payments:

	<u>2/28/72</u>	<u>3/31/73</u>	<u>3/31/74</u>	<u>3/31/75</u>
Death	129	152	188	221
Protracted	105	75	101	122
	<u>234</u>	<u>227</u>	<u>289</u>	<u>343</u>

**Disposition of Claims**

The number of original decisions as well as the amended and the right to reopen continue to increase commensurately with the number of claims that are filed.

The total number of original decisions rendered by the Board Members was 2399. In addition, there were 222 amended decisions and 76 reviews, making a total of 2697 decisions during the fiscal year.

The percentage of claimants receiving awards also is increasing. Of the original decisions, 910 claimants received an award which represents approximately 38%. This does not account for the awards on letter decisions, amended decisions or reversal by the Board where the original decision disallowed the claim. This percentage, of course, is increased when there is added to the original awards of 910, letter awards of 93, amended awards of 164 and reversals 4, which brings the average up over 40%. Only the original decisions will be discussed in this heading and the others will be discussed hereafter.

The Board is still at a loss to understand the great number of claimants whose file is closed upon their failure to furnish information needed to establish jurisdiction and eligibility. The schedule set forth reflects the reason for the disallowance of the claims.



Failed to furnish information	839
No minimum requirements	200
No serious financial hardship	104
Workmen's Compensation pending	72
Unable to locate claimant (after filing claim)	65
Withdrawn	55
No police report	25
Claimant not innocent victim	23
No crime	22
No principal support	10
No cooperation under rules of Board and with police	9
Member of family	8
Superseded by death claim	8
Veterans Administration and Social Security pension pending	8
Medicaid and Disability benefits pending	7
Claimant deceased	5
Good Samaritan	5
Claimant ineligible	5
Pending court case	5
Provocation	4
Duplicate claim	2
Insurance coverage pending	2
Over one year	1
Death not causally related to incident	1
Motor Vehicle	1
Receipt of income tax return pending	1
Police investigation pending	1
Claim pending Arbitration Association	1

---

1489

It is interesting to note that there is little change from the preceding year with the exception of the number under failure to furnish information. It should also be noted that the number of claimants who were disallowed an award on the basis of no serious financial hardship has actually declined when compared to the increase in the claims.

Heretofore the average amount of awards was broken down. However, this year the Board felt that the average claim for any and all types would render a truer picture for the purposes of determining the amount that it was felt necessary to fund the program.

The additional medical expenses also continue to increase. This fiscal year the average monthly expenditure for this was \$18,556.10. With the increase in medical and hospital and other related expenses, including nursing care, this will increase considerably.

The loss of earnings and/or support has also increased with labor contracts granting raises, the minimum wage law being increased and the amendment to the statute raising the minimum of \$100 per week to \$135 per week.

### Emergency Awards

The need for granting emergency awards increased this year. This perhaps is partially due to the economic slump which caused layoffs and/or reduced hours of work.

There were a total of 36 emergency awards granted and in each instance the Board continued to carefully examine the request which was granted after a preliminary investigation was made. Also, after verifying the crime with the police report, the investigation reflected the probability that the claimant would have more than the two weeks continuous loss of earnings. The Board Member granted the same to insure, so far as possible, that when the original decision was made the lost wages awarded would be more than the emergency award.

In several instances, emergency awards were made where the claimant was unable to meet his rent. In other instances due to the financial condition of the claimant, the claimant's family expenses warranted such an award.

### Amended Decisions

With the increase in the number of claims being received the number of amended decisions have also increased.

In many instances a request is made by a claimant stating that he has had additional medical expenses and/or requests authority to have surgery and/or dental work done. This occurs as a result of us not being able to anticipate reasonably that such medical and/or surgical or dental services would become necessary based upon the investigation and the original decision.

The Board continues whenever it is reasonable to believe that future medical and/or surgery services will be required to provide for the same to be submitted and reviewed rather than to write more unnecessary amended decisions.

Each one of these requests in order to be authorized has to be



certified by the claimant's physician and where there is any question on the part of the Board, then the Board chooses a medical consultant to examine the claimant and make a recommendation.

There are also requests made for only loss of earnings and again the Board is confronted with the same situation since it must be shown by medical proof that any loss of earnings is due directly from and as a result of the injuries received in the original incident.

This year there were 222 amended decisions, all of which required investigations that were more difficult than the original investigation. Of this number, 164 received awards and 58 were disallowed.

### **Right to Reopen**

The Board has continued to close a claim where the claimant has failed to cooperate and/or furnish the requested information. The Board is still unable to determine why, in many instances, where the claim form reflects a serious personal injury, the claimant does not cooperate. The original letter to the claimant informs him of the needed information and upon not receiving it after a period of some 15 days, the file is again reviewed and a follow-up letter is sent to him in which he is advised that unless he furnishes this information or gives an explanation of why he can not at this time, there will be no other alternative than to close the file. In most instances, the file is then closed when no response whatever is received from the claimant.

The Board in reviewing these claims before they are closed, gives another opportunity to the claimant when the claim form reflects a serious injury, such as, a shooting or a stabbing, and the claim is held open for a reasonable time. In other instances, a telephone call is made and the claimant is advised of the action that the Board will have to take if no further information is furnished.

Due to the increase in the number of claims and the lack of personnel, the Board does not believe that any further or additional inquiry is possible.

There are other instances where the claim is closed with the right to reopen where there is a Workmen's Compensation claim pending, Social Security application pending, where the claim has been filed with the City of New York, or where the claimant's attorney has advised that an action is being instituted on behalf of the claimant. Sometimes it is not always due to the failure of the claimant to furnish information. In one particular claim it was disallowed for the reason that there was no police report. The claimant made an application to reopen stating that he had reported it to

the police. The investigation was then made and it was found that the claimant had reported it to the police, but was advised that the incident occurred outside of their jurisdiction. Accordingly, after an investigation the claimant received an award.

Past experience reflects that at least 10% of the claims closed in this manner will be reopened. This year there were 843 that we gave the right to reopen on a conditional requirement and some without any conditions other than to furnish determinations from other agencies, such as, the Social Security and Workmen's Compensation Board.

This, of course, adds to the work of the Board.

### **Board Hearings**

An individual Board Member, after making a decision in a given case, files the same with the Secretary of the Board, setting forth the reasoning behind the decision. It is then sent to the claimant and his attorney, if he has representation, and a copy is also sent to the Attorney General and the Comptroller.

The claimant then has thirty days within which he can accept the decision or apply for a review of said decision by the Board. A note is attached to each decision calling the claimant's attention to his right to a fair hearing if he is not satisfied with the decision as rendered. In such instance a hearing date is set and the claimant and his attorney, if he has one, and/or any other person or persons he chooses, is given an opportunity to present his case before the Board. The arguments are heard by the Board Members who had no part in the original decision. A final decision is then made in writing, affirming, reversing or modifying the original decision. There were 76 such reviews conducted this year, 47 of which were affirmed, 4 were reversed, 8 were adjourned, 15 were reopened and 2 were withdrawn. Due process is provided for all claimants.

A plaguing problem, however, is still with us. Although a claimant may have an attorney represent him, the attorney's fee must come from unreimbursed loss of earnings and/or loss of support in a death claim.

Claimants, in order to be eligible, must suffer serious financial hardship as a result of the crime committed against them. It seems manifestly unfair not only to the Board, but particularly to the victim of a crime, to have to make payment from the monies awarded him to pay his attorney a fee, which is at best nominal. The Board strongly feels that there should be a special line item in its budget to permit payment of these fees, rather than to take them from a claimant's

award. It has consistently recommended enabling legislation to permit this.

An attorney's fee must be approved by the Board Member who writes the decision. He may require a written statement for services rendered or an affidavit of services rendered. Whenever a fee is requested, and there are monies from unreimbursed loss of earnings or loss of support, the Board Member approves a fee commensurate with the services rendered and having due regard for the financial status of the claimant. In no case is the fee based solely on the amount of the award.

### The Scope of Crime Victims Programs

When the New York State Board came into being on March 1, 1967, there was only one state, California, with a program. Essentially, the California scheme provided for benefits under the Aid to Dependent Children Program. The following states now have Crime Victims Compensation statutes and programs in operation:

New Jersey	Massachusetts
Illinois	Maryland
Hawaii	Minnesota
Alaska	Delaware
California	Washington
New York	Georgia

The Rhode Island statute is to become effective on passage of a Federal bill.

Nevada—A Good Samaritan Law

States now considering:

Florida	Wisconsin
Pennsylvania	Arkansas

New York City—A Good Samaritan Law

Other countries:

England	Sweden
Ireland	Australia

Canada:

Ontario	Manitoba
Nova Scotia	Alberta
Newfoundland	Saskatchewan
Quebec	British Columbia

As has been pointed out, the Federal Crime Victims Compensation legislation, although acted upon in the Senate, has yet to meet with House approval. This Board has been in constant touch with Federal officials in regard to this legislation, which would grant the states with crime victims programs up to 75% of the total cost of the state program that qualifies. Every effort has been made by the Board to promote the passage of this much needed legislation.

The Crime Victims Compensation Board is a small agency to help our most forgotten citizens—those who can least afford to suffer hardship from a violent injury. The Board looks forward to playing an ever-increasing role in providing victims with a measure of serenity and financial security at a very troubled period within their lives.

The Board has long recognized that far too few citizens of this state know about the Crime Victims Compensation Program. A major effort has been made this year to acquaint more people with the program so that we may serve more eligible claimants.

The New York State Department of Commerce has been most cooperative in helping us in this effort. Edward R. Eckert, Director of the Radio-TV-Motion Picture Bureau of that department has worked hard to assist the Board since the Board has no public information staff. He has arranged to provide the Board tapes and the Chairman of the Board has taped its message which has been played 2,520 times on 76 radio stations. Had the Board been required to purchase the time it would have cost \$23,616.45. This is a record compiled only from stations which reported using it and we have been advised that it has probably been used much more. Mr. Eckert advises that this is an exceptional response on the part of the radio stations of this state.

Several television stations have carried programs about the program and there have been a series of articles in newspapers across the state. There have also been articles sponsored by the Board in issues of the New York Medical Society Journal, the New York Dental Journal, the Hospital Associations magazine, the New York Bar Association Journal and the Vesey Street letter.

Since September 12, 1974 approximately 70,000 brochures in English and Spanish have been mailed out to the following:

Police Departments	Nurses Association
District Attorneys	Libraries
Hospital Associations	Law Schools
Bar Associations	Dental Society

Medical Society  
State & Federal  
Agencies

Catholic Charities,  
New York City

Universities, colleges and students. Interested individuals and organizations.

Two innovative programs in this area have been financed by the United States Law Enforcement Assistance Administration. A \$1,044,600 grant has been made to New York City which will, among many other things, provide transportation to and from court for crime victims and offer emergency repair services to those whose homes have been vandalized or burglarized. Other help which will be provided will encourage victims to appear as witnesses in criminal trials. Special training will be given to police to assist them in dealing with frightened victims of crime.

The other program, also financed by the Law Enforcement Assistance Administration, will be administered by an 8 member Commission known as the Commission on Victim Witness Assistance and sponsored by the National District Attorneys' Association. It has been made "to promote the renewal of a sense of duty among citizens to help others whose lives have been damaged and interrupted by crime". This new Commission is supported by a one million dollar grant. The Commission will attempt to re-focus prosecution and judicial attention on the need for the equitable, reasonable and sensitive treatment of the innocent victims of and witnesses to crime. It will publish a quarterly report on such topics as "The Forgotten Victim". The Commission notes that "steadily increasing crime rates over the past decade and a half have created such havoc within the criminal justice system that we all tend to lose sight of the fact that *people* are the victims of crime and that the victims—rather than the perpetrators—are deserving of our attention and concern". Our office worked with the President of the Association in gathering materials and data to assist the District Attorneys' Association secure the grant.

The Board is working for a grant from the Law Enforcement Assistance Administration through the Criminal Justice Services which would permit much-needed research in this field.

In addition to the public becoming more aware of our program, there have been several agencies that are aiding in supplying information as well as aiding the claimants in preparing claim forms. There are presently two in New York City, VOCAL, and The Crime Victims Service Center. The latter is operating under L.E.A.A. monies in the Borough of Bronx.

The interest in crime victims compensation legislation continues

to increase and grow throughout the United States and information is constantly being furnished to various states.

The study that was made by the Battelle Memorial Institute has now been published in a hardback volume which gives a great deal of attention to the New York State program and also discusses the other states which have such programs as well as the Federal proposed legislation. It is also interesting to note that the foreign jurisdictions Great Britain, New Zealand, Australia, Scandanavia and Canada are discussed. This book, written by Herbert Edelhertz and Gilbert Geis, is of special value and is the latest and most informative information available and is highly recommended to anyone wishing to have a further understanding of crime victims compensation programs.

#### Board and Staff

The Board has continued to conduct the program under difficult conditions. The number of claims as hereinbefore stated has continued to increase and one of the difficulties has been with the claims unit. There is a delay after the claim is received in setting up the claim folder and processing which is due to the fact that there are only two typists in this unit. There has been a request previously for personnel in the claims unit, particularly a supervisor and additional typists. The Board has attempted to institute some manner of answering the claimant earlier but none has been found since without the personnel it is impossible.

The Board has been working under difficult conditions since the first of the year when the Secretary to the Board resigned. The Board is now faced with the continuing problem of operating without a secretary in view of the fact that the Executive Budget has deleted this position. It is a fulltime administrative position and there is no one available to whom these duties can be assigned. Again, there is no way to correct this condition without the position being reinstated.

Since this is a small agency whenever one person is out of the office because of illness or with annual leave, to which they are entitled, there is no one to whom these duties of the particular person can be assigned. This creates another situation under which there is no way to correct the same.

With the normal turnover, more difficulty is experienced in meeting the daily demands because of the training of the new personnel.

Without a Secretary to the Board and without additional per-

sonnel in the claims unit, it is unfortunate that the delay in processing the claims will continue. The Board is most concerned in view of the substantial increase in the number of claims in the first three months of 1975. This fiscal year the average number of claims per month was 175. However, the average for the months of January, February and March 1975 was 232; with each month increasing.

The Board is most indebted to the Hon. Donald Hirshorn, Assistant Attorney General, for his continued cooperation with this Board.

The practice suggested and instituted by the Hon. Robert Summers, Director of Local Assistance in Audit and Control, in handling the direct mailing of all checks has also been successful as well as most helpful to the Board.

The state agencies and law enforcement agencies have been most cooperative and have never refused to cooperate in furnishing the information needed in the investigation.

The Board will continue to review and hopefully to streamline, as best as possible, with the limited personnel to consider, investigate and render decisions in all claims that are accepted and filed with the Board.

The Board is cognizant of its responsibility to the innocent victims of crime who are deserving of an award. The Board has used the device of making an award for loss of earnings even though the medical expenses are unknown and leaving the medical to be submitted. The reason is that a finding of serious financial hardship must be made before any claimant can receive an award.

It, therefore, concerns the Board tremendously that with the increase in the number of claims and the limited personnel, we shall not be able to fulfill the responsibility of providing monies for a claimant who is in dire need within a reasonable time.

Stanley L. Van Rensselaer  
*Chairman*

P. Vincent Landi  
*Board Member*

Max L. Nissman  
*Board Member*

Russell G. Oswald  
*Board Member*

Frank A. Sedita  
*Board Member*

Dated: Albany, N. Y.  
April 1, 1975

**END**

7. 10/12/1975