

X
ELDERLY CRIME VICTIMS COMPENSATION

HEARING
BEFORE THE
SELECT COMMITTEE ON AGING
HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
FIRST SESSION

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ELDERLY CRIME VICTIMS COMPENSATION

WEDNESDAY, FEBRUARY 16, 1977

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON AGING,
New York, N.Y.

The committee met, pursuant to notice, at 10 a.m., at room 305-A, 26 Federal Plaza, Manhattan, New York City, N.Y., Hon. Mario Biaggi presiding.

Committee members present: Representatives Mario Biaggi of New York, William S. Cohen of Maine, and Jim Santini of Nevada.

Staff member present: Bob Blancato.

OPENING STATEMENT BY REPRESENTATIVE MARIO BIAGGI

Mr. BIAGGI. The meeting of the Select Committee on Aging of the House of Representatives of the United States is now called to order.

My name is Congressman Mario Biaggi. On my right is Congressman William Cohen of Maine, and on my left Congressman James Santini of Nevada.

This is another in the series of hearings we have been conducting. The first one we conducted focused attention on the juveniles who have been committing crimes, especially against the elderly.

It was our thinking, which resulted in legislation, that juveniles committing grievous crimes should be treated in the same fashion as adults. Hopefully, the Congress will pass that legislation.

Today we embark on another concept of the criminal picture.

Some 2,000 years B.C., the Babylonian Code of Hammurabi adopted a concept which provided for compensation for the victims of crime. In 1960, New Zealand adopted a program providing compensation to victims. In 1963, California adopted a crime victims compensation program. In 1966, New York State did likewise. Twenty-three States in this Nation have crime victims programs.

It is our purpose to focus attention and make people and governments aware of the need for providing such compensation. We will be focusing more heavily on elderly crime victims, but today we expect a series of victims who will range in age, and they will tell their story graphically. The important thing is to deal with the total picture.

My experience after serving 23 years in the New York City Police Department and having witnessed the consequences of criminality, and the abandonment of those victims, is that there is a great need and justification for victims compensation. The important thing is to make people aware that there are programs and to have the Federal Government provide sufficient funding.

Crime in New York State has increased 232 percent since 1960. The applications for compensation to the State of New York have doubled in the last year. We know the fiscal situation in this State, and I am sure it is comparable in other States. There is a compelling need for the Federal Government to come in and provide substantial funding in this area.

Now, ordinarily "substantial" means billions of dollars on a national basis. But sufficient funding for a program of this nature in the 23 States which already have crime victim compensation programs would only require \$29 million for the year 1978.

We are hopeful, as a result of this hearing, that we will be able to arouse the Members of the House of Representatives to respond favorably to crime victims compensation legislation. The crime victims of the Nation will take advantage of existing programs. Congress must provide the necessary funding for people, not only hardware.

I recognize my colleague from Maine, Congressman William Cohen.

STATEMENT OF REPRESENTATIVE WILLIAM S. COHEN

Mr. COHEN. Thank you, Mr. Chairman, and thank you again for inviting me to these hearings.

As you indicated at our last hearing, we learned about the fear and loathing that grip our elderly who live in the major urban areas, and today I am hopeful that we can focus on what can be done to help the victims of crime.

The purpose of our society is to provide for our mutual security, safety, and the opportunity for prosperity. Well, that theory is rapidly becoming inconsistent with the facts, and those that are forced to live in congested urban areas are not secure, safe, or prosperous. Their lives are filled with fear, the threat of physical harm and brutality, the threat of the loss and destruction of their property, their savings, and their very means of survival.

We pride ourselves with being a progressive society, and you, Mr. Chairman, have pointed out that the harsh and cold Code of Hammurabi was actually much more progressive than our own up until just a few years ago.

Ironically, we have shown greater concern for those who commit crimes and inflict violence upon others than we have for those who have been assaulted, maimed, robbed, or murdered.

The perpetrator of a crime is provided with counseling, legal services, and even job placement. Those few who are actually convicted and incarcerated have their physical needs attended to, at least; they are clothed and fed and offered rehabilitation services. To be sure, they have lost their freedom, but that loss of freedom cannot be said to be any greater than the victims' who must continue to live in the same congested area with the same fear, the same insecurity, only now even more vulnerable because he or she may have lost their earnings, have large medical expenses, or chronic disability, or less resources as a result of that crime that has been committed.

The fact is that our citizens are becoming alienated from the very process that we hold up to all the world as an example of a free and open and democratic society. That alienation threatens to unravel the very fabric of our society.

Our citizens are becoming less inclined to report the commission of crimes because they find such a low probability of anything being done about it.

The victim is usually asked to take time away from his job and family to offer evidence. There will be motions for continuances, delays, negotiated pleas, probation, or dismissal. But, most importantly, there will be the single most damning indictment of our present system, indifference.

George Bernard Shaw once wrote that the greatest sin to our fellow man is not to hate them, but to be indifferent to them. The essence of inhumanity is indifference.

So, Mr. Chairman, I am pleased that New York is one of those 23 States that is trying very hard to reverse this trend toward alienation, that is trying to offer some measure of compensation to those who are victims of our failure to hold back the law of the jungle, who recognize that to offer civil remedies to victims of crime is no recourse at all, but a fiction and a falsehood, and is recognized as such by the very people we ask to let society and our courts redress their grievances.

Again, I commend you for holding these hearings. It is ample evidence of the fact that you have concern, not only for bridges, but for people as well.

Mr. BIAGGI. Thank you very much.
Congressman Santini.

STATEMENT OF REPRESENTATIVE JIM SANTINI

Mr. SANTINI. Thank you, Mr. Chairman. I am pleased to be able to join you here today and offer the concern of a small State population, a population of 600,000. I am the only Congressman from the entire State of Nevada, in contrast to our distinguished chairman and the 39 Congressmen from the entire State of New York.

We have a State that has distinguished itself, I suppose, in national reputation in several veins. Number one, we have one of the highest per capita populations of elderly of any State in the Nation.

Number two, we enjoy the dubious distinction, at least in one area of our State, of having the fastest rising crime rates of any community in the Nation.

The combination has produced severe adverse impact upon our senior population in Nevada. They come for the good climate and they encounter crime.

With that reality in mind, the Nevada State Legislature has become one of the 23 States to adopt a modest victim compensation program.

I am convinced after reviewing our Nevada experience that it does not come close to reaching the heart of the solution that the chairman and the distinguished Member from Maine have addressed so articulately this morning.

Many old, middle-aged, and young victims of crime are totally ignored in the compensation or recognition of their injury.

Obviously, one can never make the mind or the body whole again. I do think that \$29 million for the year 1978 for the Nation is a modest compensation to the victims of crime.

We must have a mechanism in place that can respond, and respond fairly and honestly, within the limitations of our economic resources to this problem.

I want to commend our chairman for taking the vanguard again in trying to alert the Congress and alert the American citizens that we have a very serious, and encompassing problem in this country. This problem deserves both the recognition and the legislative correction that the chairman is seeking with this initial hearing.

This is the first of what I hope will be a series of evidence-gathering procedures that will culminate in legislation recognizing that our victims of various crimes, against property and person, deserve at least the consideration of their State and Federal governments in some form of compensation.

I hope that this is just the beginning, Mr. Chairman.

Mr. BIGGER. Thank you, Mr. Santini. I assure you it is just the beginning. There will be a series of such evidence gathering hearings throughout the country, hopefully to bolster our position and make certain that the proposals that we submit for consideration by our colleagues are enacted into law.

The first witness this morning is the Deputy Administrator of the LEAA, George Bohlinger, accompanied by Marlene Beckman. Marlene is in charge of the restitution program.

I would like to welcome both of you to these hearings. I appreciate the fact that you made that long journey from Washington to my little home town. I hope you escape without any difficulty, that you don't become a victim of crime.

STATEMENT OF GEORGE H. BOHLINGER, DEPUTY ASSISTANT ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, ACCOMPANIED BY MARLENE BECKMAN, CORRECTIONS SPECIALIST, REHABILITATION DIVISION, LEAA

Mr. BOHLINGER. We appreciate your concern, Mr. Chairman.

My name is George Bohlinger. I am the Deputy Assistant Administrator of the Law Enforcement Assistance Administration, and I am accompanied by Marlene Beckman, who is a Corrections Specialist in the Rehabilitation Division of LEAA.

My statement is rather lengthy, but we feel that it should be heard by yourselves and other interested people.

It really covers two areas, a general comment on victimization of the elderly, and then going into some detail on our programs of restitution, and we hope to point out that restitution and victim compensation are two different programs.

I am sure I need not describe the unhappy circumstances in which many of the elderly live out their lives. In the constellation of problems facing this age group, crime and fear obviously loom large. For this reason, crimes against the elderly are of major concern to LEAA.

In our statement today, we would like to discuss some interesting LEAA findings on the rates of criminal victimization of the elderly and describe activities supported by the agency to alleviate the situation.

Any discussion of numbers can create a misleading impression. Statistics seem cold and impersonal and a discussion of victimization

rates may seem to be an expression of callous disregard for the human element. But crime victims are people, not numbers.

No matter how large or small, the victimization figures represent physical or mental anguish suffered by real people and the loss of property which diminishes the quality of life for individual men, women, and children.

We at LEAA look behind these numbers. We are sensitive to the fact that the ultimate value of victimization statistics is the opportunity they present for us to address the human needs they represent.

Despite what our common sense and newspaper headlines seem to indicate, statistics show that the elderly are not more likely to be victimized by crime.

Mr. BIAGGI. Excuse me for interrupting. Perhaps that is true, but it is our contention that when they are victimized, the trauma is more lasting and more serious.

Mr. BOHLINGER. That certainly has been our finding also, sir, and we will go on to state that.

In fact, a substantial body of data indicates that the more than 20 million elderly throughout the country are far less likely to be criminally victimized than are young persons, whether by personal offenses or by crimes against household property.

As you may know, Mr. Chairman, LEAA established and funds the national crime panel, which is a program designed to develop information not otherwise available on the nature of crime and its impact on society by means of victimization surveys of the general population. The surveys are conducted for LEAA by the Bureau of the Census.

Within each locality surveyed, samplings are made of households and commercial establishments representative of the area, in order to elicit information about experiences, if any, with certain crimes of violence and theft. Events that were not reported to the police are included, as well as those that were.

These victimization surveys are supplying criminal justice officials and legislative bodies with new insights into crime and its victims. Among the information being produced by the surveys is data on types of victims and information necessary to compute the relative risk of being victimized.

The first results of the national crime panel program were made available in three reports during 1974. These were followed by additional publications in 1975 and 1976.

With respect to the particular interest of this committee, Mr. Chairman, LEAA's victimization studies show that the highest rate of victimization occurs in the young age groups, with each older group having progressively lower rates. Persons 65 and over had the lowest rates of all.

In the "crimes of violence" category, the overall rate was 32 victimizations per 1,000 persons, while the elderly experience 8 victimizations per 1,000.

In "crimes of theft," the general population rate with 91 per thousand, compared with 22 per thousand for the elderly.

The rates for "household crimes" were 91 per thousand for the general population, and 55 per thousand for those aged 65 and over.

Only for one general crime category—personal larceny with contact; that is, purse snatching and pocket-picking—are older persons recording rates at parity with those for all citizens within the scope of the LEAA surveys of criminal victimization.

A summary of the pertinent data from the victimization survey is appended to my statement for the information of the committee.

[The summary referred to follows:]

PERSONAL AND HOUSEHOLD CRIMES: VICTIMIZATION RATES FOR THE GENERAL AND ELDERLY POPULATIONS,
UNITED STATES, 1973

Type of crime	Rate for the general population	Rate for the elderly population
	Based on 1,000 persons age 12 and over	Based on 1,000 persons age 65 and over
Personal crimes:		
Crimes of violence ¹	32	8
Robbery.....	7	5
Robbery with injury.....	2	2
Robbery without injury.....	4	3
Assault.....	25	3
Aggravated assault.....	10	1
Simple assault.....	15	2
Crimes of theft.....	91	22
Personal larceny with contact ²	3	3
Personal larceny without contact.....	88	19
	Based on 1,000 households headed by persons age 12 and over	Based on 1,000 households headed by persons age 65 and over
Household crimes:		
Burglary.....	91	55
Household larceny.....	107	47
Motor vehicle theft.....	19	5

¹ Includes data on rape, not shown separately.

² Includes purse snatching and pocket picking.

Note. Detail may not add to total shown because of rounding.

Mr. BOHLINGER. Our surveys show, Mr. Chairman, that the personal crime rates among senior citizens were six or seven times lower than those for persons aged 20 to 24.

However, additional survey findings on personal crimes have shown a distinct correspondence between increased age and a greater chance of victimization at the hands of strangers. In 82 percent of the surveyed crimes of violence against elderly persons the offender was identified as a stranger, compared to 66 percent among victims in the general population.

As for the physical burden of crime, victimization survey data have enabled us to make some tentative conclusions, and I think this is the important part that needs to be noted on crimes against the elderly.

Although they were victimized relatively less often by personal crimes of violence during this survey period, about 12 percent of the victimizations involving crimes against persons 65 or over resulted in hospitalization.

With respect to crimes against household property, there is again

clear evidence of an association between increasing age and diminishing victimization.

Among households headed by persons aged 20 to 24, for example, burglary rates were more than two times higher than those for households headed by the elderly. For household larcency, the rate was about three times higher for the younger age group.

As noted earlier, Mr. Chairman, these lower victimization rates in no way minimize the severity of crime's effects upon older people.

These statistics may cast a cold light on reality, but they do not measure the misery of fear, the apprehension—and perhaps terror—which keeps many of the elderly in our cities virtually prisoners in their homes and apartments.

More than one-half of the oldest persons surveyed indicated that they had limited or changed their patterns of living in order to minimize their risk of victimization.

Add to this the diminished activity and increased infirmity that often accompany aging, and we have a group of people who are infrequently in high-risk crime situations.

In the usual sense of the word, they may not be victimized, but such fragile "safety" exacts a high price by restricting their freedom to go about normal activities and lessening their peace of mind.

There is little question about the vulnerability of senior citizens—physical, psychological, and financial.

The theft of a television set to a younger person with a relatively good income is certainly a misfortune, but to an elderly person on a fixed income and living alone, it can be a tragedy.

Similarly, the fear of physical violence is particularly debilitating to the elderly, and the theft of a social security check may deal a devastating blow to meager financial resources.

We at LEAA are aware that for this group of people the needs are immediate and the response must be prompt.

Under the LEAA bloc program, Mr. Chairman, approximately 80 percent of program funds are distributed to the States on a population formula basis. Each State, through a designated State planning agency, distributes these funds in accordance with a comprehensive statewide plan for improvement of law enforcement and criminal justice. The plan reflects the State's determination of its own needs and priorities. LEAA neither approves nor disapproves grant applications for funds under the jurisdiction of these State planning agencies.

When the LEAA program was extended for 3 years in 1976, Congress took note of the special needs of senior citizens. Each State's comprehensive plan for law enforcement and criminal justice must specifically provide for the development of programs and projects for the prevention of crime against the elderly.

A small portion of LEAA's appropriation is retained by the agency for use as a discretionary fund. LEAA utilizes this money to assist programs of national scope and to provide special impetus for innovative and experimental programs.

LEAA is supporting research and action projects which we hope will help to diminish the impact of crime and fear on older people.

Particular emphasis is being given to the problems of the elderly poor in public housing.

In Syracuse, N.Y., for example, LEAA bloc grant funds are being used for special security patrols and safety measures for elderly public housing residents.

Plainfield, N.J., is equipping its senior citizens' housing complex with closed circuit television equipment and resident security aides.

Montgomery County, Md., has initiated a project which will create a specially trained criminal justice response team consisting of a police officer and social worker to assist elderly crime victims.

In the St. Louis County, Mo., prosecutor's office, an educational program is being launched to alert and advise the public, especially those in high school and the elderly, how to protect themselves from criminal consumer fraud.

A senior citizen escort service and an emergency telephone response system for elderly residents of the Crown Heights section of Brooklyn, N. Y., is underway.

Other programs for the elderly are underway in South Bend, Ind.; Trenton, N.J.; Cleveland, Ohio; and Portland, Oreg.

LEAA has also joined with HEW's Administration on the Aging in supporting a \$211,000 program to aid Kansas City's elderly crime victims. Kansas City found that its elderly citizens were being particularly victimized by burglaries.

This project includes public education programs on ways to reduce crime, target-hardening efforts—that is, better locks and so forth—and involvement of social service agencies with the criminal justice system to provide better service to older citizens.

This project is emphasizing citizen and community involvement to help reduce crime against the elderly. Citizens are participating in the planning of priorities and activities, as well as being part of the decisionmaking process.

As part of a major LEAA program designed to promote better treatment for crime victims, witnesses, and jurors, the Eastern Oklahoma Development District, which includes 49 incorporated communities, has begun a program which will compile statistics on crimes against the elderly and their special needs.

Crime prevention programs geared to the age group will be created and law enforcement officers will be trained in special techniques for responding to elderly crime victims. A coordinated mechanism for delivery of services to the aged will be devised.

Additionally, the problems which confront older citizens when they are called upon to be witnesses or jurors will be identified or eased.

In the latter case, this might include transportation to and from police agencies and courts, and scheduling which minimizes waiting time for older people.

It is hoped that the statistics and methods that flow from this project can be recycled in other communities.

LEAA's guidelines for discretionary grants in fiscal year 1977 contain a program initiative for a "Police Program for Service to Protect the Elderly."

The American Association of Retired Persons has been awarded a \$200,000 grant which will provide an instructional manual on and about elderly citizens that will provide guidance to police departments.

The project will also bring together a team of knowledgeable, interested experts that will provide an elderly service training program at police academies throughout the United States.

Another LEAA program which has direct implications for the elderly is the National District Attorney Association's Economic Crime Project.

The targets of this \$3.5 million effort are the fraudulent schemes—auto repair, home improvements, land swindles, et cetera—that bilk millions of dollars from unsuspecting citizens, many of them in the older age bracket.

Forty-four district attorneys' offices throughout the country are affiliated with the project, reaching approximately 29 percent of the population of the United States.

LEAA's research center, the National Institute of Law Enforcement and Criminal Justice, is moving creatively on several fronts to bring some measure of relief to the elderly. Several devices developed under institute research could mean new freedom and security for older people.

The institute has developed a reliable, low-cost burglar alarm for homes and apartments. Current estimates indicate that the alarm device could be marketed at a lower cost than current systems, thus putting it within the financial reach of people on fixed incomes.

Many crimes are crimes of opportunity, encouraged by the ready accessibility of doors and windows that can be opened fairly easily. Through institute sponsored tests, standards have now been developed for doors and windows which, if incorporated into State building codes, could make them far more resistant to illegal entry.

In many communities the environment is custom-made for crime. Streets are poorly lit and deserted, and bus and subway stops offer natural lurking places for the criminal.

People are afraid to venture out—especially the elderly—or they move about in fear and suspicion of other citizens.

Little by little—and this is one of the most tragic things, Mr. Chairman—the sense of "community" which once existed in our cities and neighborhoods crumbles.

Several years ago, the national institute sponsored a landmark research study of public housing units in New York City by planner-architect Oscar Newman. Newman tested the effect of changes in the physical environment on crime and fear. The results were dramatic.

Comparisons were made in two housing projects identical in population density and social characteristics.

The only difference was physical design—one was principally high-rise; the other a group of small, walk-up buildings.

The difference in crime rates was amazing: The high-rise building had 65 percent more crime than the other project.

The research found that the high-rise buildings were unwatched and unwatchable. Hallways, elevators, and lobbies were accessible to everyone, watched by no one, and feared by all.

In the walk-up building, where a few families shared a common hallway or entry, the residents knew each other and more actively observed what was going on in and around their building.

Other housing units were redesigned, and the results were the same. Altering the physical design of the buildings encouraged residents to look out for their families and neighbors.

For the elderly, this protective attitude can help restore confidence and peace of mind.

This approach is called "Crime Prevention Through Environmental Design." This concept is being expanded to other urban settings—residential neighborhoods, business districts, and schools.

Environmental design projects particularly aimed at the elderly are underway in Portland, Oreg., and Minneapolis, Minn.

Residents of the affected areas are encouraged to carry a minimum of cash. Low-cost transportation, improved bus shelters, and telephones for summoning emergency aid are being utilized.

Special financial services for low-income elderly people are being implemented by local banks.

It is hoped that the programs will reduce incentives for purse snatching and street robbery in areas where elderly persons have been particularly heavily victimized.

The concept of environmental design is being expanded further by Oscar Newman in a new study designed to develop models for achieving stable, low-crime communities in federally assisted housing projects.

The objective of the study is to identify the combination of income mix, physical design and management policy that will help make these housing areas safe and desirable places to live. It will hopefully reverse the situation where housing is being abandoned by residents who most need it because of the high crime rates in the developments.

We would like to turn now, Mr. Chairman, to an area in which the committee is particularly interested, programs to provide compensation, restitution, and other aid to victims of crime.

Certainly prevention of crime before it occurs must remain the first priority of law enforcement officials.

However, the criminal justice system must also be responsive to the needs of persons who have been victimized. The problems of victims of crime must be regarded with at least the same concern as is given the human and civil rights of criminals and those accused of crime.

The LEAA program is designed to promote adoption of innovative operational programs. Thus, the agency does not provide funds to make direct compensation payments to crime victims.

We have, however, studied the effects of different compensation programs, and are providing support to a number of other efforts to assist victims of crime of all ages.

The LEAA victim/witness program supports the provision of assistance to victims of and witnesses to crime so that these persons will not only be given relevant and sensitive attention, but will be motivated to cooperate more readily with personnel in the criminal justice system.

One of the factors leading to creation of the victim/witness program was the National Crime Panel surveys discussed earlier. These surveys indicated that actual crime was two to five times more than reported crime.

The reasons given by many respondents to the survey for not reporting crime was, in essence, a feeling that the criminal justice system was unable to help or protect them.

If victims and witnesses receive sensitive and concerned treatment from the criminal justice system, they will respond by being less apathetic and more willing to report criminal incidents to the appropriate authorities.

Increased crime rates which we have seen in recent years are due, in part, to increased reporting of crime and better information collecting methods. Many citizens have renewed faith in the fact that they can be helped by the criminal justice system.

A key feature of LEAA's program is the establishment of victim and witness centers. Victim centers are often located within police departments. There, specially trained officers concentrate on the alleged offenses and try to relate to the victims and provide the type of direct assistance the victim often needs.

In certain instances, the victim centers attempt to restore to the victim any property or resources which have been lost.

In other cases, the centers are geared to meet the needs of special classes of victims, such as rape victims or elderly persons who have been victimized.

LEAA has funded a network of some 20 such victim centers across the country, with funding of about \$2 million provided.

Witness centers are usually established in a court. Here the witness is able to receive orientation as to what will be expected of him or her in court, as well as what he or she could anticipate to occur during the course of legal action.

The centers provide a climate which is supportive of the witness. Frequently such services as child care or transportation are provided. Other services include the notification of witnesses in advance as to scheduling considerations and the provision of any necessary protection.

LEAA has supported 10 such witness programs, involving about \$3 million.

A recent study by the Center for Criminal Justice and Social Policy at Marquette University examined the needs and problems of citizens in their roles as victims and witnesses, both in relation to the criminal act and citizen participation in the criminal justice system.

The study found that victims frequently incur a number of financial costs not reimbursed by insurance.

The average nonreimbursed medical costs for 300 victims experiencing physical injury was about \$200. The average noninsured costs for property replacement and repairs for 867 victims was \$432. Average income loss for 438 victims was \$373 as a result of the crime incident.

While nearly two-thirds of victims are likely to have some insurance protection, one-third, largely in the lower income population, do not. These are the persons commonly victimized by violent crime.

An important conclusion of the study was that the primary focus of assistance to victims and witnesses should be to reduce the losses relating to time and income, particularly with relation to lower income persons, and I might add, we could put in here just as easily, persons on fixed incomes.

Another Marquette University study for LEAA analyzed the different proposed and operational programs for crime victim compensation, including the program operating in the State of New York.

Particular attention was paid in the October 1975 study to the American Bar Association's proposed "Uniform Crime Victims Reparations Act."

The different programs examined provided payments to victims for such items as medical expenses, loss of earnings, out-of-pocket expenses, pain and suffering, vocational and psychological rehabilitation, and legal fees.

The study indicated that victim compensation programs could be effective and encouraged States which did not have programs to develop their own legislation.

Mr. Chairman, we have with us copies of both of these Marquette University studies and will submit them for the information and use of the committee.

[See appendix 1, p. 49.]

Mr. BOHLINGER. Many State victim compensation programs have an indemnification feature. Persons convicted for different types of criminal offenses pay fines which are used to make compensation payments. The fines of the criminals, however, are not directly related to compensation of those persons injured by the particular offense for which the fine is paid. All offenders pay into one general victim indemnification fund. Society is bearing the responsibility for assisting the victim.

Recently, the concept of restitution has received a great deal of attention as an alternate method of compensating victims, as well as being a valuable tool in the rehabilitation of the offender. Restitution may be defined as cash or service by an offender either to the victim of the offense or to the general community. The offense is linked more closely to the sanction.

LEAA is interested in the concept of restitution and recently announced a nearly \$2 million program to help fund and evaluate projects in seven States. The aim of the program is to learn more about successful approaches to restitution and develop materials that can lead to the replication of these successful approaches in other jurisdictions.

Restitution can take the form of payment for damages or losses directly to the victim by the offender, or it can be in the form of work or service to the community. Offenders have performed restitution by working in mental hospitals, with civic and environmental groups, or working directly for the victim in some capacity to pay for damages or losses.

Restitution has the additional benefit of being a more positive approach to rehabilitation than secure detention. Its use might also help reduce the high costs of warehousing offenders in jails where they can perform no real service.

With restitutive justice, the offender can benefit the victim and society as a whole, and give himself a greater sense of personal worth.

Georgia is one State where restitution has been used successfully. Restitution centers are located in Rome, Atlanta, Macon, and Albany, Ga. Participants are probationers and parolees living in halfway houses. They have been incarcerated for major property offenses such as theft, forgery, or burglary. The average stay in the halfway house is about 5 months.

From fiscal year 1974 through 1976, 504 offenders participated in

the Georgia program. And I think the figures which are coming up now are particularly interesting to show you how a program like this can work and how it can benefit the entire community.

The program resulted in \$62,500 being paid directly to victims, \$256,000 being returned to the State for room and board, and \$113,000 being paid for financial support of the participants' families.

The sum of \$172,000 was paid in State and Federal income taxes. Contributions of \$336,300 was made to the local community in the form of transportation, clothing, and personal payments.

The participants were also able to save some \$61,000 for gate money at their release.

This is to be contrasted with a program which just keeps the offenders in the institution and doesn't benefit the victims or the community.

The potential benefits of restitution programs for elderly crime victims is obvious. While restitution cannot alleviate the pain of crime, its application can surely help lessen the burden for those upon whom crime impacts most severely.

Mr. Chairman, because of your interest in these activities which we have discussed today, we would like to submit additional items for your consideration, and we will leave them with you before we go.

[See appendix 1, p. 49.]

Mr. BIAGGI. Thank you very much for a very comprehensive statement.

I know you share the concern of the committee for all of the people who are victims of crime. I would like to emphasize one fact that I think is essential.

You stated that you believe that the victims of crime should have at least the same concern as those that are committing the crime. Now, in pursuit of that, would it be fair to state that heretofore the victims of crime have been relatively neglected?

Mr. BOHLINGER. I think that is a fair statement.

Mr. BIAGGI. And if we do nothing else through these hearings but focus attention on that differential, then we have accomplished a great deal.

What we would like to have is the first analysis of the restitution program.

Mr. BOHLINGER. Ms. Beckman will do that. She is the director of this effort, and can give you an outline of what has happened to date and some of the information we have.

Mr. BIAGGI. If you will, as briefly as possible, Ms. Beckman.

Ms. BECKMAN. Yes.

Mr. BIAGGI. And if you could expand upon it for the record, we will gladly accept it at a later date.

Ms. BECKMAN. OK. In October, LEAA awarded seven grants to seven different States to begin restitution programs. I might add that one of those States is Maine.

These programs are just now in the planning stage, and will be taking offenders, handling them and processing them, beginning next month. We anticipate about 4,000 offenders going through the various restitution programs, which will involve making payments to victims.

The evidence we have on which this program has been based is the

previous restitution programs on a very small scale in Minnesota, and one in Georgia, which Mr. Bohlinger presented the results on.

These new programs we anticipate generating a lot of information and data about whether restitution can be successful, whether it can be cost effective, whether it will alleviate the overcrowded jail conditions and make compensation to victims. But we as yet have no data. We have an evaluator who will be watching it.

Mr. BIAGGI. May I ask, is New York State one of the beneficiaries?

Ms. BECKMAN. No, it is not.

Mr. BIAGGI. We have more victims and more criminals. I know Congressman Cohen is very persuasive.

Ms. BECKMAN. Well, the grants were made on a competitive basis. All of the States were asked to submit proposals, and a panel of outside consultants reviewed the proposals and determined that those would seem most likely to be able to be adopted in the systems for this experimental program. The States are Maine, Massachusetts, Connecticut, Georgia, Multnomah County, Oreg., Colorado, and California. But this is only for this particular demonstration program. It doesn't rule out the LEAA local unit setting up restitution programs in each State.

Mr. BIAGGI. One comment, Mr. Bohlinger. On page 4 you made reference to 12 percent of victimizations involving crimes against persons age 65 and over resulted in hospitalization.

Mr. BOHLINGER. Yes, sir.

Mr. BIAGGI. You might like to know that I think the percentage is much higher for those who die in that age area, and I think that is an important thing. To perform a purse snatch against an elderly person, and they record it as purse snatching, but often they result in physical damage and trauma and heart attacks and the like. So sometimes these classifications aren't fully revealing. But again, thank you for your concern.

Just one last question, and I think this is critical to the thrust of the legislation, or two short ones.

Is it conceivable to have LEAA fund these programs, as we would like, as we enunciated at the outset?

Mr. BOHLINGER. It is not possible under our current legislation. That has already been determined.

As you are aware, Mr. Chairman—

Mr. SANTINI. Might I interrupt you on that point?

Would it not be possible if individual planning agencies within the States were willing to make some sort of uniform commitment? You would be the funneling agency in terms of the dollars, but they would be the implementing agency in terms of the individual plan.

Mr. BOHLINGER. My understanding is, Mr. Santini, that our legislation does not enable us to do this, and would not even under the plan that you speak of. This has been looked at by our general counsel in some detail. It would require an amendment to our legislation somewhat similar to the PSOB amendment which went through in our 1976 hearings on the public service officer benefit.

Mr. BIAGGI. I posed that question anticipating some difficulty in your response, at least in attaining our objective.

Under the word "innovative," isn't it possible that your agency could provide funds that would establish procedures that would ex-

pedite, have a uniform procedure, rather than actual funds, for compensation awards?

Mr. BOHLINGER. Yes, sir, that is very possible, and we have worked with the American Bar Association and with some other groups on doing that very thing.

There is a book which is on the table over there titled "Public Compensation to Victims of Crime," written by a Mr. Herbert Edelhertz from the Bateille Institute in Seattle, and he has worked with us rather extensively in dealing with this particular area.

We would be able to help develop uniform codes, and I alluded to the American Bar Association code in here.

We could not provide the funds but we could help in the design of an equitable way in which they might be distributed.

Mr. BIAGGI. I have no further questions.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Chairman.

For the benefit of those who are here, I heard the groan that went up when he mentioned that Maine was funded for the restitution program but not New York. I don't know what criteria were used for the funding of that program selecting Maine. I would suggest that Maine does not have a problem of the magnitude that you do in New York, but perhaps one of the reasons that Maine may have been selected was for demonstration purposes. We have a much quicker rate of apprehension of those committing crimes and brought before a court system. In New York you have quite a substantial backlog, as long as 2 or 3 years before a case ever comes to trial. That may be one reason why Maine was selected—to see whether the restitution program is, in fact, cost effective in a State where criminals are quickly apprehended and brought before the courts. That may be one of the reasons. That is the only rationale I can offer at this time.

I would like to thank Mr. Bohlinger for his very balanced presentation to the committee. I know you have tried to be as objective as you possibly could, and dispassionate.

I couldn't help but think, as when you were reciting all those statistics, that many times statistics are like a bikini. What they reveal is very interesting, but what they conceal is vital.

I notice in looking down your statistics that there is some discrepancy. I was going to ask you whether you are familiar with an article called "The Symposium on Crime and the Elderly," because it has somewhat of a different conclusion.

Let me just read to you, on page 49 of the February 1976 issue of the Police Chief, the periodical. It said, "Overall these data substantiate the fact that many elderly citizens are not reporting personal victimizations to proper officials."

Would you agree with that?

Mr. BOHLINGER. Definitely. It is our finding also.

Mr. COHEN. So that many times we cannot measure how many elderly are being victimized, and many of them are failing to report that, because of the hopelessness about anything being done about it.

Mr. BOHLINGER. Our victimization surveys, as it showed that once the elderly were polled individually by the Bureau of Census people, that the crime rate was two to five times higher than that which was officially reported.

Mr. COHEN. The other point I would like to make is that this article points out that the victimization experiences of the elderly are far more substantial with respect to property offenses. Did your studies also find that?

Mr. BOHLINGER. No, sir, not to my knowledge.

Mr. COHEN. Let me just recite what the statistics reveal here. The victimization rate for burglary offenses are 5,526 per 100,000 households for those 65 years of age and older; 7,100 roughly for those age 50 to 64, compared to the figure of 9,200 for the total population. It is a very significant victimization between the ages of 50 and 65 and older, compared to the general population.

Mr. BOHLINGER. We will take those statistics and try to get you a replication of that.

Mr. COHEN. Also, I would point out that the police department in Detroit, Mich., has compiled some statistics between the years 1971 and 1973, and the conclusion is that on a citywide basis the elderly represent some 22 percent of Detroit's population, but in two major crime categories—robbery, unarmed robbery, and breaking and entering—senior citizens are victims in excess of their percentage of the total population.

So, apparently in some metropolitan areas, at least, they have a very high percentage of victimization dealing with property.

Mr. Chairman, I would like to suggest at the outset, while we are talking about compensation for victims of crime, most of the statutes deal with reimbursement for medical expenses, for loss of earnings beyond a period of 2 weeks, for any long-term disability, but none of them to my knowledge compensate for property losses. It seems to me the real crux of the problem dealing with the elderly, who do have a higher percentage of property loss according to some studies, is that property loss can be really devastating to those who are elderly. It seems to me that the compensation statutes really aren't designed to address the most serious problem that we are confronted with, the loss of property and valuables.

I just point that out, that even the current victim compensation statutes really are directed toward physical injury, and that doesn't seem to be the problem for the elderly. The principal problem is property, purse snatching, burglary, breaking and entering, and larceny at the nighttime.

Mr. BIAGGI. Ms. Beckman seems anxious.

Ms. BECKMAN. That is how the restitution program nicely complements the victim compensation, because for the most part restitution programs are dealing with property offenders.

Mr. COHEN. You see, the problem in the cities is that you have so many cases which go unprosecuted, so many criminals who go unapprehended. Because of the loss of confidence on the part of the elderly citizens, very few are now going to court to even serve as witnesses, fear of reprisal and a host of other problems.

Ms. BECKMAN. We are going to be experimenting in some cases where we have an apprehended offender but an unidentified victim of putting that money—requiring that offender to pay restitution into a pool, and another victim whose offender is not apprehended can pull out of that pool the financial reimbursement.

Mr. COHEN. I would just ask for both of your opinions. Would it be more cost efficient, in your opinion, rather than having a separate administrative program to compensate victims of crime, to do it directly through the court itself that imposes the penalties on those that commit the crimes? The court knows the victims, how old they are, what their losses are, and could presumably set the measure of compensation at that time, rather than going through a whole other layer of bureaucratic redtape.

I believe that the hearing is going to demonstrate that New York, while in the forefront as far as the compensation for victims, is encountering substantial delays now in the payment of compensation. So that over that critical period of time of several months following the crime itself, they are left virtually helpless.

It seems to me perhaps one way would be to directly funnel the resources through the court itself.

Mr. BOHLINGER. Sir, could I comment on that, please?

Mr. COHEN. I asked a question.

Mr. BOHLINGER. No. 1, I think that it belongs in the court, rather than setting up another bureaucracy by which to handle these particular claims, especially if we have some linkup between compensation and restitution, because the court has to be the body to violate the individual and enforce the restitutive payment, whatever it might be.

There is something else that is very interesting which just came to mind while you were speaking.

This Mr. Edelhertz, in doing extensive work on the New York law, was trying to determine whether it cost more to administer the program when each case was heard individually on the merits, looking at need and some other areas, or whether there was a compensation that was made with as little redtape as possible, and possibly through the courts. His findings were that it was no less expensive or no more expensive by making it all inclusive and run by the court than it was to have a large screening board and another bureaucratic organization go through and have all the eligibility criteria and everything else.

Mr. COHEN. That is all I have, Mr. Chairman.

Mr. BIAGGI. Mr. Santini.

Mr. SANTINI. Thank you, Mr. Chairman. I do want to commend you, Mr. Bohlinger, for your comprehensive highlight of a very serious problem.

I think the most important point you made is that we are dealing with people, not numbers.

In my experience as a prosecutor, public defender, JP, and district court judge, it seems that the people who are most acutely impacted in terms of crimes against the person or crimes against the property are senior citizens.

If we are required to modify a problem, do you not feel that the seniors are the victims most deserving of compensation, first consideration for compensation?

Mr. BOHLINGER. Let me answer that by not answering it in a way, if I might. I think that the key term to everything we are talking about is resilience, and if we can say that younger persons are more resilient mentally and physically to the onslaught of being victims,

then maybe they are better able to rebound on their own and don't need the assistance that either the State or the Federal Government could give. It is a round-about positive answer to your question.

Mr. SANTINI. Well, Mr. Chairman, we may be faced with considering that possibility.

I think, too, as Mr. Cohen has very ably pointed out, the most current statistic that you shared with us was the one on page 13. You state that there are two to five times more actual crimes than are reported crimes.

Would you agree further that it is our senior citizens who perhaps represent the largest percentage of unreported crime?

Mr. BOHLINGER. Our statistics show that that is not the case.

Ms. SHEFSKY. He doesn't live in New York.

Mr. SANTINI. Again, based on my personal involvement, it seemed to me that the seniors were far more reluctant to become involved as the witness, or as the person reporting a crime because of fear of reprisal. If they became identified with that particular criminal defendant, they were afraid that that criminal defendant would exact some sort of reprisal upon them, and therefore would not report.

Mr. BOHLINGER. My point is certainly not that that is not the case, but that there are other groups, minorities within society, who have just as high an unreporting rate of crime as do elderly citizens.

Mr. SANTINI. Thank you very much, Mr. Chairman. Thank you again for your enlightening testimony.

Mr. BIAGGI. Thank you, Mr. Bohlinger and Ms. Beckman.

Mr. Edward A. Morrison, chairman of the New York State Crime Victims Compensation Board.

Mr. SANTINI. Mr. Chairman, might I request for the record, that we submit additional questions to Mr. Bohlinger or Ms. Beckman?

Mr. BOHLINGER. Mr. Santini, we would be more than happy to answer any questions, and if you would direct them to us in Washington, we will make sure you have a written response to them.

[See appendix 1, p. 49.]

Ms. SHEFSKY. Do we have nothing to say, no questions? We have to take it the way it is? You have got to be a Philadelphia lawyer to figure this out.

You know, like Jack Benny when he had his program, you need a moat to get to his money and the alligators, that is what the senior citizens will have to do in order to live in New York. We will have to put alligators in. This is ridiculous.

Mr. BIAGGI. We are out to get rid of the alligators.

Ms. SHEFSKY. That is right. But get to the basic fact that the penal system is from hunger, period.

Mr. BIAGGI. You know our interest, and we are here for that purpose, to deal with the concerns of the senior citizens. Today is special. It is a little broader today. But because of our deep concern for the senior citizen, I feel that they will be responsible for the enactment of legislation that will help all victims of crime.

We have been addressing ourselves to the concerns of senior citizens, and that is on a very narrow purpose. This committee was created by the Congress for one purpose. It is called the House Select Committee on Aging, and that is to deal with all the problems of the aging.

We are here today as a subcommittee dealing with governmental services, and that relates to police, to housing, to income, and today we are talking about compensation for crime victims.

We do have a program in the State of New York, and Mr. Morrison is here to tell us about that, and we are one of the first States in the Union to have it. But we don't believe that it is doing as much as it could if it was properly funded, and we would like to find justification, to provide justification for the Members of Congress to enact legislation that will provide us with additional money so there will be a better program, more effectively implemented. And I am sure when you hear Chairman Morrison speak, you will understand exactly what we have, as contrasted to States in this Union that have nothing whatsoever.

So, we are trying to make it a nationwide basis and improve the position.

I am aware of the criminal justice system. I know all the faults. I have been part of it for a long time. I have been one of its critics and one of its advocates.

One of the things that we are doing that I am sure you will agree with is to make those young people who commit crimes against the elderly, make them responsible in the same fashion that adults are responsible. If the adult committed it, they would go to prison. Now, if the young people do it, right now they do it with impunity and walk away. So, if the law is changed, they will go to prison and be made to pay, too, and they will take them out of circulation.

Right now we are talking about a very narrow portion of the entire picture, but it is a very significant portion. We have some very interesting questions.

Initially, we are talking about providing medical care and compensation for loss of earnings. Congressman Cohen raised a very significant point that I think would be excellent to be included in the legislation, to provide for loss of property.

Now, the difficulty with that, if there is to be a difficulty, and that has to be determined, is what will that cost. If it becomes astronomical, then it may be rejected by the Congress, and it will jeopardize our two initial concerns. If it is a modest sum, then perhaps we will encompass it into our legislation and get the whole package in so then the senior citizens will benefit even more greatly than in our initial proposal.

Mr. Morrison, we welcome you, and I would like to congratulate you for the work your board has been doing, and for being in the vanguard, and I know that you are aggressive, vigorous, concerned, and determined to make it work even more effectively than it has.

STATEMENT OF EDWARD A. MORRISON, CHAIRMAN, NEW YORK STATE CRIME VICTIMS COMPENSATION BOARD

Mr. MORRISON. Thank you, Congressman Biaggi. It is indeed a pleasure to be here, and I want to say to you and your committee, thanks for this kind of hearing which puts the spotlight on precisely the kinds of problems that government should have the ability to deal with.

I would like to make a brief statement, if I might, Congressman, to start with.

First, this agency that we have in the State of New York is undoubtedly the best compensation program found anywhere in the country.

However, and it is a big however, this program has been alive for 10 years.

Up until last year I think it was probably the best kept secret since the Manhattan project of the atomic bomb.

I think the basic problem of victims altogether lies in the sense of not being part of the criminal justice system. If the victims were thought of as part of the criminal justice system, then perhaps we could be funded as an agency adequately to be able to do the job.

The fact of the matter is that under the leadership of Governor Carey and the New York State Legislature, a number of very real improvements in our law became effective January 1 of this year.

Not only were the benefits raised from \$135 a week, for example, for loss of earnings, to \$250 a week, and not only are there time limitations in the sense of when the claims should be put in extended—

Mr. BIAGGI. To what?

Mr. MORRISON. It is now 2 years. It is 1 year, but within the province of the board and upon good reasons found, it can be extended to 2 years.

But primarily the fact that now in New York State we have, in fact, a mandatory information program where every law enforcement agency in the State must by law notify a victim and tell the victim of the benefits they can get under our statute.

So that the question then of reaching out to victims, which has been such a problem in the sense of letting them know that this agency exists, I think, has been largely overcome in that regard.

I might add parenthetically that the cooperation that we have received as an agency from local law enforcement agencies all over the State—some 700 of them—has just been fantastic, and especially is that true in the city of New York.

Last year there were a great number of reforms put into the bureaucratic process of the crime victims compensation board.

We found, for example, a form, that once a victim would find that there was this agency, they first had to fill out a form. That form was some 7 pages long and more complicated, perhaps, than most income tax returns. It was put upon the victim, for example, to go to a police station and get the number of the crime report put in by the policeman, and indeed then get a copy of the crime report.

Need I tell you how many victims can go to a police station and worry through the question of getting such a number and then getting the report?

So, in fact, what we have done is made an application form of 1 page, a very simple application form, and within 10 days after getting a claim, our agency then sends to the victim, to the claimant, a letter indicating the name of the investigator and the phone number to call so that if the investigator doesn't get to the victim or the claimant, the claimant can have somebody to call so that the bureaucracy can be penetrated.

And in fact, the last number of months of last year, we were able to

reduce the backlog and the time that it took to make an award from somewhere more than 7 months to 6 weeks.

Mr. BIAGGI. Let's stay with that.

Mr. MORRISON. Let me just finish the point, if I might, Congressman.

That was done not only because of the dedication of the civil servants who work for this agency, but also because we had the cooperation of so many different types of law enforcement individuals, and I could explore that if you would like.

But that is not the situation today. Because of the mandatory information program, as well as because the profile of this agency has been lifted in such a way, the time it would take, if a claim was made today by a victim, elderly or any other age, it would take between 6 and 8 months.

If a claim is projected, as we project it, to be put in next week, it will be between 9 months and 10 months for an award to be made.

We are just so overwhelmed by numbers of claims that the agency is literally sinking into the ground.

The fact of the matter is we started off the middle of last year at somewhere around 50 to 60 claims per investigator. We have 13 investigators for the entire State. As of yesterday, there was not a single investigator that had less than 200 claims that they were taking care of. That means that there are at least 200 claimants who are calling each investigator trying to find out what the status of their case is. So that all the investigator can literally do is pick up the phone, say I will look at your file, get the file, tell the status, hang up, and pick up the phone to look at another file. In the sense of actually being able to do the work, they cannot.

This brings on the kinds of consequences that I think this committee's aim is directed at, because as long as we are not able to function in a manner of being able to give an award to a victim at the time that they need it, when that mortgage payment has to be made, when the rental has to be paid, when the doctor has to be paid, the consequences for the families that are involved are absolutely incredible.

As case after case after case comes across our desks, and you see the consequences to victims' families where there is not payment made in suitable time, I think that we come to a point where we must begin to remind ourselves that society has failed in the first place, and that is the result, that is why we have the victims, and that society must be put upon to take care of that kind of matter.

It was interesting, for example, for me to hear the LEAA representative talk about restitution. Let me just spend a moment on restitution.

California, which has a fine program, but I don't believe nearly as good as the one we have in New York, spends \$75,000 a year on a restitution program. Last year, within that \$75,000 budget, and they spent every dime of it, they collected \$2,800.

Restitution, in effect, is the wrong way to go about trying to get moneys to take care of victims.

Certainly, restitution should be made wherever possible, and it is to be hoped the courts will, in fact, enforce that kind of thinking.

But to believe that the victim can be paid from the funds coming or derived from perpetrators of crime is nonsense.

Second, I heard from the LEAA this morning, interestingly enough, that they continue to interpret the law that no grants can be made for any programs involving victims only. As we all know, of course, there are many programs, not only in New York State, but all over the country where moneys are given, significant moneys are given to victim/witness programs.

LEAA has taken the position that there has to be a witness component before they can pay out any money. So, as a result, we find programs springing up all over this country which deal with making arm-chairs comfortable for witnesses in courtrooms, but in fact really do not hold out the kind of carrot which LEAA would like to see, in effect, to get the victim into the courtroom.

The fact of the matter is that it is a compensation program in the first instance that is probably the best way of looking to rehabilitate the criminal justice system, because if the victim feels and believes that not only will they get moneys that are due to them, but they will get them only if they go to court and testify, looking at it from that hard-nosed posture which LEAA likes to look at things with, it seems to me that this is the road, the very practical avenue to be able to get the victims to testify in court. And it seems to me that this is a direction that LEAA should go.

However, last year for the first time your associates, Congressman, voted in a committee, in the House Judiciary Committee, a bill which would, in effect, give 50-percent payments to States that had crime victims compensation boards. The vote was a 16 to 15 vote.

Of course, the Senate has passed such a law, the Mansfield bill, for some 6-successive years.

Unfortunately, it was passed out of the committee too late to go to the House floor for action.

It is to be greatly hoped that this year the priorities of Congress will be of a kind that early on we will get that kind of action.

But I must say that as I understand the law as it is written, this would provide 50 percent to those States having boards, 50 percent of our awards we would get back from the Federal Government. But there is not 1 penny there for administrative costs.

Now, the situation as I described it in New York State at least is a kind that administratively we are not in a position of being able to take advantage of even the moneys we presently have under the State budget, that unless we have administration to be able to take care and process these cases, it is not enough to simply allocate funds to pay victims.

So that I would urge as strongly as I can that there be some administrative costs as well included in the Federal bill.

Mr. BIAGGI. What is your budgetary allocation?

Mr. MORRISON. The last fiscal year, our budget was \$3.4 million. For the next fiscal year, we have put in a budget for some \$6 million. The reason for that is the mandatory information program.

You know, Congressman, last year California introduced this mandatory information program. The first 3 months of that year the number of claims went up some 94 percent.

So that what we are facing here in New York State is a 200-claim-backlog per investigator, with now a mandatory information program in place. The problems basically are obvious for all to see.

Last year, our State board took claims from some 2 percent of the total population of victims in the State. That is 20 percent of the eligible victims. So that there are 80 percent of the eligible victims, victims that we can make awards to under last year's formulation of the law that we have not reached.

It is to be expected that we will reach a large number of them this year. Meanwhile, New York State has gone much further since January 1. We have eliminated all minimum amounts of damages to be shown. Up to January 1, as you know, a claimant had to show, at least 2-weeks loss of earnings or a \$100 medical bill. We have done away with that, which means for the first time now we are able to treat rape victims, a very important area of victims, as you know. And so many of these rape victims are in desperate need of psychiatric care, which we can fund. But if we think in terms of funding psychiatric care, as an example, for a rape victim a year after the rape, the damage has already been done. It is a question of, at that point, rehabilitation, and it is just not going to work.

But there are so many other areas that we have gotten into in this last year that are incredible when one views it from the perspective of agencies working toward a common goal.

For example, in New York State, the vocational education department, the department of education vocational rehabilitation, is very anxious to work with us. But their guidelines, in effect, are very, very limited, in the sense of the amounts of money people can earn in order to qualify for their aid.

So that victims, in a large sense, who should be rehabilitated—that is, they can't work at the job that they had been doing before, and this is a very wide application of victims—can't take advantage of the State agency which is federally funded in large part, too, to get rehabilitative help.

Now, as it applies particularly to the elderly, it is very difficult for us to isolate out any kind of special effort to be made for any particular segment of the population.

The problems, of course, for someone who is middle aged who has a family—take the wage earner of the family who gets hit over the head, and doesn't have enough money in the bank to cover that mortgage payment that I was talking about, is in as desperate need as someone who is over the age of 65 who also needs that money to put bread on the table.

The fact is that because there is such a small apple to bite, I would like not to see various parts of our population competing for larger slices of that apple. It seems to me the apple itself should be made larger.

Mr. SANTINI. Mr. Chairman, I would like to pursue that. I don't know how you preserve whatever is left of your sanity with the limitations under which you are expected to respond to problems of this dimension. But taking administrative and monetary limitations, and the realities of the political process; putting them all in one bag and determining legislatively how to respond to the problem, do you not feel that the seniors should be at the top of the ladder in terms of responding to the problem?

Mr. MORRISON. Let me answer it this way, if I might, Congressman. I think first, to start with, the figures that we have on the numbers of victims who fall into the elderly category are hogwash.

I think when you hear from LEAA that it is the smallest number as a category, you have to begin penetrating to find out how they got that information, and when you begin penetrating, you find that it is done on the telephone. This is how the Bureau of the Census got the information. And more often than not, if the telephone didn't answer, or if in fact the elderly don't have a telephone, they were not included.

So that I suspect, if it is true all around the country as it is true in the State of New York, with a number of elderly victims who could make a claim with us and don't, and the reason they don't is basically because of fear, then I think we have a larger population of eligible victims than we have been led to believe by LEAA figures.

Notwithstanding that, however, administratively it would be impossible, it seems to me, for us to break off at a given age level a different kind of formula.

Let's take the age of 62. Does that mean that anyone under the age of 61 wouldn't get that preference, or somebody is 59 wouldn't get that preference?

Mr. SANTINI. How about a fixed-income standard?

Mr. MORRISON. I am worried about a fixed-income standard for this reason: When we begin evaluating severe financial hardship, as we must do under the New York State statute, we find that it is not only the assets that a claimant or a victim has in the bank that are important, it is also the question of liabilities that they have as well.

So that I would be very concerned about just what the income is without thinking in terms of what the outgo is. I think that when you talk simply about having assets in the bank or making a certain income, without worrying about whether there are college age kids that have to be continued to be put through college, or whether or not there are debts of a kind that must be paid, I think we would find a standard that would be so inflexible that it must do great injustice.

The standard that we presently have, by the way, if a standard indeed must be maintained at all, I think is a good one. It has been borrowed liberally by other States around the Union.

Mr. SANTINI. If you had to isolate a group, using the encompassing concept of need as the objective, do you feel that the elderly or the fixed-income group represents the most needy segment of the population?

Mr. MORRISON. I can't be put in the position, and I won't be, sir, of comparing hardships of different people.

I just recently had a matter that passed over my desk, as a matter of fact yesterday. It was a young rape victim whose father died last week, whose mother as a consequence of the father dying went into the hospital with a heart attack of her own. She, coming home from the hospital, was raped. She has no assets of her own to take treatment, and she needs treatment desperately.

If we were to look into the assets of the mother, we would find enough assets sufficient to take care of her psychotherapy. But she dare not tell her mother of the problem, because if she did, she is convinced, and I think our investigator is convinced, that dire consequences would flow.

Now, if we don't help that young lady, the psychiatrist who has

already seen her says, in effect, that we will have a person whose brain will be damaged for the rest of her life.

Now, compare that, sir, if you would with problems of other people. Everyone who is involved as a victim of crime is hurt to some extent. Most are hurt grievously. Many families are absolutely ruined because of it. And unless there is a recognition that we must talk about all victims, rather than just isolating one category of victims, I think the theory of divide and conquer will come true.

Mr. COHEN. Mr. Chairman, could I ask just a couple of questions of Mr. Morrison?

Thank you very much.

I looked at the information that was presented to the House Judiciary Committee hearings on this matter, and I noticed that something like 56 percent of the cases were denied because of lack of information furnished by the victims themselves.

I also was concerned about the 2 percent figure that did apply.

I was wondering, why don't you simply have in this mandatory notification a *Miranda*-like warning? For example, when a criminal is arrested, he is given, up until recently with the Supreme Court decisions, a *Miranda* warning.

At the same time that that crime is being investigated, why don't the local police simply give a *Miranda*-like warning or notice to the victim, a simple statement that says you are entitled to seek compensation under New York law?

That would eliminate an awful lot of bureaucratic shuffle. I would submit to you that a small card given to the victim, who has to be interviewed by the police, would put those people on notice immediately.

Mr. MORRISON. Congressman, your idea is an excellent one. So good, as a matter of fact, that that is what we are doing.

Mr. COHEN. I am glad to hear that.

Mr. MORRISON. The legislation that went into effect January 1 was not in effect when that hearing took place before Mr. Rodino's committee.

But in effect, we now have a small card that is given to each policeman, cards, and they give those cards. And we call it, as a matter of fact, the reverse *Miranda* warning.

Mr. COHEN. Excellent.

Mr. MORRISON. But I must say this, though, in that connection: We have found more often than not that it not the local policeman that basically is really the guy who ought to be giving the advice, because when someone is hit over the head, to hear that they can get compensated is not exactly the first priority. The first priority is to either get to the hospital or get to a doctor.

So that we have found, and we have been putting a great deal of emphasis on the detective who, in theory at any rate, if not in actuality, is supposed to be trying to solve the case, to go to the victim and tell the victim, as well as the cop on the beat, and hopefully that might have some meaning as well.

Mr. COHEN. Do you maintain any breakdown between the Federal and State crimes? I raise this question because during the hearing last year before the House Judiciary Committee, the point was made that it would be inappropriate for the Federal Government to get involved

in compensating victims of crime at the local level which were not Federal crimes.

The question arises in my mind, is there any system of breaking that down? Is it feasible, number one? And have you attempted to do that?

Mr. MORRISON. Well, in preparation for that hearing last year we tried to do precisely what you suggest. We looked to find out what Federal crimes were being talked about, and we soon discovered that the Attorney General of the United States at that time, or at least his office, was maintaining that posture because it was understood that we would be talking about 30 crimes nationally, 30 incidents of crime that the Federal Government might have to reimburse for.

In other words, there would not really be any crimes at all. You think that it has to be a violent crime that is involved, and that there has to be some Federal component to that in order to qualify. It would mean, for example, that if a young lady was raped on the steps of the Treasury Building, she would qualify for Federal aid. But if it was done in the alley, nothing would come from the Federal Government.

Mr. COHEN. I would like to follow up, if I could, on Mr. Santini's question to you about whether or not there is, in fact, a greater impact upon one segment of our population. You indicated that a great many people, elderly people, are not notifying your office about crimes, and I would agree with that.

I also would point out to you that someone supplied me with a summary of the claims filed with your board, 10 examples. Only 1 of those 10, I noticed, involved elderly persons.

Is that indicative of the ratio that you have?

Mr. MORRISON. No; I don't believe so. Our last annual report would indicate that we are paying out—from 25 to 30 percent of our claimants are elderly.

The only point I am trying to make here is that the population of victims who would fall into an elderly category is much larger than the figures that either our agency's records would reflect or LEAA's records would reflect.

There are many different reasons, and I suspect all of us know of them, as to why elderly people do not come forward in the sense of making claims. But suffice it to say that for our purposes, at least, we find that there are many elderly who do not make claims, period, and it is unfair to judge the amount of crime in a part of a population simply on the basis of either the LEAA figures, which I don't believe are accurate, or our own figures relating to the numbers of claims made.

Mr. COHEN. Just for the purposes of our record, then, I understand you to say that the information you have submitted to this committee is an example of the types of claims for which compensation is provided. I take it that we should not draw any inference that this represents the ratio of elderly versus nonelderly population.

Mr. MORRISON. I appreciate that thought. Thank you.

Mr. BIAGGI. Mr. Santini.

Mr. SANTINI. Because New York is in the vanguard. I think it is important to know what areas of compensation New York now allows. What is the scope of your compensation program?

Mr. MORRISON. Well, our scope is a very large scope, if I could characterize it that way.

First of all, we are the only State, compassion being what it is and it is found in New York, we are the only State that takes care of claims from other States. So that if a New Jersey resident is in New York State and is hurt because of a crime, we will in fact treat that Jersey resident as if he is a New York State resident.

Interestingly enough, New Jersey has its own statute, which is a very good statute, but that statute has not been funded for the last 3 years. So that we find ourselves in a posture of paying out moneys to residents of other States when we are not in the position basically to take care of our own.

But in the sense of what we do when a victim has come to us, made a claim, and now we are in a position of seeing what we can do to help, we take care of the following:

First, all medical bills which are not reimbursed or reimbursable from somewhere else. So that, for example, if there is a victim of a crime who can get workmen's compensation, they must apply for workmen's compensation first. Or if there is a third party carrier of insurance, the insurance must be paid first, and we will then come in and take care of the balance, as it relates to medical bills, and as it relates to loss of earnings.

There again, the loss of earnings, it is \$250 a week, with a \$20,000 cap.

At the same time, within the framework of medical bills, we are also in a position where we take care of buying prosthetic devices, if it is necessary, of treating for psychiatric care, if that is deemed necessary.

We, in fact, try as hard as we can to bring that victim back as a useful member of society, and we try as hard as we can to take care of the necessary bills as they relate to doing that kind of job.

Mr. BIAGGI. Mr. MORRISON, I have no questions. I would like to make two observations.

I share with you the concern about pitting one group against the other. I think it is incumbent upon us, New York State as well as the Federal Government, to provide sufficient funds so that all the needs are accommodated.

Let me suggest as a very practical matter, asking the detectives to go and visit the victims and give them the card sounds good on paper. But our detective force is diminished down to 1,200, just about 40 percent of where it was, and the likelihood of that happening is very remote.

Although it may not be ideal, like the old ambulance chaser, if you drop that card in the victim's pocket, sooner or later they will read it.

Mr. MORRISON. Yes, Congressman, I think you are absolutely right, and that is what we do.

I might add parenthetically, because it has become very important to us, and I think to the elderly claimants as well, the question as it relates to hospital and medical charges, which is an area that I would like to touch on briefly because of the importance we give it right now.

The fact of the matter is that presently we pay 100 percent on medical bills. Medicaid, of course, does not.

We have found some doctors, for example, who used to be practicing medicaid, that now don't practice medicaid formulation. They just

take care of crime victims, because any bill that they would send in to us, they would get reimbursed 100 percent.

We find hospitals, for example, who used to just have house doctors take care of emergency situations that would be paid by the hospital. Suddenly, victims of crime are getting billed from the hospital for these private physicians who they don't even know. And this kind of situation is growing at a rate that is geometric, not arithmetic.

So that we are contemplating very seriously at this time of imposing standards that are applicable and made applicable by the State department of health as it relates to how much we will pay physicians and hospitals.

Mr. COHEN. What do you do in a situation where the insurance policy has an exclusion for intentional acts? Do you pay the victim, or do you take the issue up with the insurance company, or is the State legislature considering eliminating that sort of exclusion from insurance policies, medical insurance?

Mr. MORRISON. I am sorry, I don't understand the question.

Mr. COHEN. Well, you said you pay for all costs which are not reimbursable. Many people might have medical insurance. That insurance policy might contain an exclusion for intentional acts, namely crime.

Mr. MORRISON. Oh, I see.

Mr. COHEN. What happens to that individual?

Mr. MORRISON. We would assume the full liability under those circumstances.

Mr. BIAGGI. Mr. Morrison, in closing I would like to bring to your attention the case of Joan Lomino, 18 years of age, who was shot on the way home. Her lung has been punctured and her spine has been pierced.

I understand that it happened in November 1976, and they are having difficulty getting her into Rusk Center, because they are not certain, Rusk Center isn't certain that they will be recompensed.

Are you familiar with that?

Mr. MORRISON. Yes, I am.

Mr. BIAGGI. The father is here today who will be testifying. Would you like to make a comment on that?

Mr. MORRISON. Yes, I would like to.

I know about the case. It is a very serious case, and it is serious in the sense of the implications it means not only for the victim in this instance but the family as well.

The Rusk Institute has no problem about taking this claimant, or the victim. The problem is payment.

We already have made an award in this case which allows for the beginnings of payment to be made. We refuse to take the position, however, with Rusk that no matter what they charge and for how long they must keep this young lady in Rusk Institute we will continue paying. We can't do that as a matter of law.

So, what we have done, in effect, is made an award saying that any future medical bills of the kind described we will pay for.

Rusk, however, wants an insurance policy from us. They say, well, that is not enough, suddenly, although in the past they have taken these kinds of awards.

What they want us to do is to say that regardless of the amounts

of money that are involved here, regardless of whether or not our agency runs out of money, they want a set sum certain to be given to them, and we are just not permitted to do that under the law.

It led to a great deal of aggravation by the father, as I understand it, who is on the phone with my agency three, four, five times a day.

Mr. BIAGGI. How do we resolve that?

Mr. MORRISON. Well, I think it is resolved. I would at least hope it is resolved. I think that basically institutions, great institutions like the Rusk Institute, must be in a position of evaluating a judgment of a State agency when they say they will pay, without worrying about whether or not there are going to be assets come a year from now to continue that payment.

We certainly can't go further than where we have gone. But it does indicate, sir, an attitude on the part of many institutions, not necessarily Rusk, which says, in effect, that we want payment regardless, and especially if it is a crime victim.

I can't begin to tell you how difficult it is for a victim to be treated without, in fact, some assurances given to a hospital or to a doctor that they are going to get compensated.

It gets to a point where it really boggles the mind, as you can find case after case after case where attendant fees are of a kind which just are not justified on the basis of the work that is done. And when a State agency calls up a physician, and not all physicians by any manner or means—I am sure a small number of the total number—but when you call up a physician and you say to the physician that our consultant doctor says that the \$9,000 you are charging is \$7,000 too much, and the doctor says, well, that is my fee, and if you don't pay it, I am going to sue the victim.

So, what position are we in as an agency? We are in a position where we have to either ante up the money or the basic reason why we are in business in the first place is not here.

We find these kinds of cases beginning to multiply in a very, very real sense.

Did you know that there was one hospital out on Long Island that charged our agency \$50 for rendering a bill? Not a report. But in order to get the bill from the hospital, they asked us for \$50 as an administrative cost.

So that what I am really trying to say here is that although I am really understanding of this particular case, the fact is that it has wide application toward attitudes today of medical institutions.

Many of the claims that were indicated before where information was not filed, where they just put in an initial claim, many of those claim forms were sent to us by the hospitals. So, what happens is that when you have an alien, for example, who fills out the form, and they never want to be seen again, and they put down the wrong address or the wrong name, and we never can get in touch with them. Or there are some people who fill out those kinds of applications in the hospital room, getting the necessary treatment, and they don't want to be bothered again, so that they just don't put down the right information.

So that it cuts across all the various problems that we have in our society, this compensation for victims.

Mr. BIAGGI. I want to thank you very much, Mr. Morrison. Again, congratulations, not only for your statement, but for your leadership

in this endeavor. And happily, it puts New York State in the vanguard of this very progressive consideration.

I would appreciate, Mr. Morrison, if we submitted some questions to you, that you or your agency would respond to them for the record.

Mr. MORRISON. Oh, of course.

Mr. BIAGGI. Thank you very much.

Mr. MORRISON. Let me just add, too, my congratulations to this committee for a job very well done. Thank you.

Mr. BIAGGI. We will have a 5-minute recess, and then we will have a series of victims who will testify.

[Whereupon, a short recess was taken.]

Mr. BIAGGI. The meeting is called to order.

The Select Committee on Aging is holding hearings on victims crimes compensation. Heretofore, the criminal, the one who performed the criminal act was more favorably dealt with than the victims.

This concept of dealing with victims is not a new one. It goes back 2,000 years B.C., to the Babylonian Code of Hammurabi. But somewhere in the development of civilization we have forgotten as a Nation, as a people, the responsibility to those victims.

Happily, by the adoption of the concept by New Zealand in 1960, and by 23 other States in the ensuing period, of which New York is one, the concept is being worked and the program is salutary.

But more importantly, we must address ourselves to a very specific area. All ranges of age are involved. But specifically with relation to the crime against the elderly. They are victimized, they are traumatized, they are raped, they are robbed, they are left destitute, their income fails to measure up to the medical bills. There is an apparent disregard or abandonment on the part of society and government, at least heretofore, and we in the Congress are addressing ourselves to that problem.

The horror of being subjected to crime is one thing, but the double tragedy of that crime, the abandonment, especially to the elderly, is something beyond human endurance. And this is one phase of our daily living that we would like to correct as a government.

We feel that legislation properly funding the programs that we have today will provide compensation to all of those that are victims of crime, irrespective of age.

Today we have a senior citizen—we will have others, but right now we have a senior citizen, Michael O'Brien, 68 years of age, who was assaulted and robbed in his own home, and he is here to tell his story.

Michael O'Brien is just one of many. He is happy he survived. Others after the incident have imprisoned themselves, locked themselves in homes and refuse to come out. Others, even more tragically, have died.

Michael O'Brien, would you kindly tell us your story.

STATEMENT OF MICHAEL J. O'BRIEN, A 68-YEAR-OLD VICTIM OF ASSAULT AND ROBBERY

Mr. O'BRIEN. Well, on December 7, 1975, I was coming into the house, and the downstairs door was supposed to be locked, but it wasn't. So, I had the keys in my hand, and the first thing you know, I went into the house, into the hallway, and I got a knife on my throat.

Then they said give me all your money. So, I said, here, take it. And I had about \$7 or \$8, I guess, in my pocket. But they wouldn't believe me and forced me up into the house, forced me into the apartment, knocked me down, and they started searching around and wanted to know where all the money was. I said I didn't have any, but I did have some in a drawer.

So, they got that, and after they got that money, they got mad and they punched me right in the jaw. A little while later they tied me up and gagged me, and I don't know how long I was tied up or anything, because it was such a big shock to me. But when I did come to, it was quite a while before I was able to untie myself.

Then when I did untie myself, the house was a wreck. They tore the house apart trying to get money. They got my radio, my TV, and my watch.

I have an artificial leg, and they had tied me up, my arms and my leg, and when I took my artificial leg off—I couldn't walk with it after—

Mr. BIAGGI. They took your artificial leg off?

Mr. O'BRIEN. No. I took it off myself. And my stump had swollen up. So, I thought it was just a bad sprain, so I went to bed, and when I got up the next morning I couldn't hardly get out of bed.

They had cut the telephone wire so I couldn't get the police department.

That was on a Monday that I woke up and I couldn't get out of bed.

On Tuesday, I was able to get one of the neighbors to call the police department for me, and the cops came up, and, well, they couldn't do nothing. They just looked around and made a report out. And in the meantime, I had been trying to bring the swelling down in my stump, and it wouldn't come down.

So, I finally had to get the doctor, and he came down and looked at me, and he said you have got to go to the hospital.

I went to the hospital the next day, and they were working to bring the swelling down. It was almost a month before the swelling did come down, before I got operated on. I wound up with a fractured hip. Of course, I didn't know it at the time. I thought it was just a bad sprain.

January 8 was the day I got operated on, and I was in the hospital until February 21, and then I came home, and it was a good thing I had some good neighbors in the house that were able to go to the store for me quite often, and eventually—I was under the impression that I could sue the landlord, you know, for the loss. But then somebody said you can't, somebody said you can, and somebody said you can't, so I went to the Democratic Club, to Assemblyman Lerner, and I got interviewed up there and they told me about the compensation bureau.

So, they took all my statements down.

Mr. BIAGGI. You had never heard of the compensation board before this?

Mr. O'BRIEN. No, never. So, they took down my statements and everything, and I signed it. I brought it to a notary public and I sent it away to Albany.

Then I got a notice from the compensation board that my claim was on file. I didn't hear any more until about a week or so ago, that I was going to get so much from what I paid to the hospital.

Mr. BIAGGI. How much was the hospital bill?

Mr. O'BRIEN. The hospital bill that I had to pay out of my own money was \$441.66.

Mr. BIAGGI. What was the total bill, do you recall?

Mr. O'BRIEN. For the hospital?

Mr. BIAGGI. Yes.

Mr. O'BRIEN. Over \$9,000. It was a good thing I was on medicare. They paid most of it.

Mr. BIAGGI. What is your income?

Mr. O'BRIEN. \$244.90 a month.

Mr. BIAGGI. That is social security?

Mr. O'BRIEN. Social security.

Mr. BIAGGI. So, really, you are talking about a hospital bill that is four times your total income.

Mr. O'BRIEN. Then I had the doctor's bills, too. That came to about \$3,700, I think. But of course, with medicare, they took care of the biggest part of it, and I had to pay about \$1,000 or so, maybe a little bit more, one way or the other.

Mr. BIAGGI. You paid that yourself?

Mr. O'BRIEN. Yes, sir.

Mr. BIAGGI. Didn't the crime victims compensation board—

Mr. O'BRIEN. Like I said, I heard about a week or so ago that they are going to pay me \$441.66. But there was no check in the letter, and on the letter they had about the doctors. They had two columns, unknown and known.

So, the only thing I could figure out, with medicare which is covered by the Blue Cross/Blue Shield, I believe, and they were out on strike for 7 weeks, so I heard, and I think that is why it took so long with the compensation board to let me know about it.

Mr. BIAGGI. Well, they haven't given you a final determination yet?

Mr. O'BRIEN. No, not as yet, no. But they gave me 20 days, so I went back to the Democratic Club and I explained everything. So, the fellow that took care of me first, he said, I will take care of it, and he took care of everything and he sent it in to Albany. So, it will be a little while yet. I hope not another 11 months.

Mr. BIAGGI. Well, you heard Mr. Morrison testify. Obviously, they need help, and an awful lot of people are applying, and rightly so, and that is one of the reasons we are holding these hearings, to expedite that so that people can be assisted while they are in a position to enjoy the assistance.

One question. How long were you in the apartment after you were robbed before a neighbor came in?

Mr. O'BRIEN. This happened on a Sunday. Monday, I really couldn't get out of bed because the pain was so terrific, and I couldn't hop. If I hopped, I thought I was going to die. So, it was on Tuesday when I stood by the door and I heard one of the neighbors going into the house. So, I got them and I asked if they would call up the police department.

Mr. BIAGGI. That is 2 days you were alone.

Mr. O'BRIEN. Two days.

Mr. BIAGGI. Any other questions?

Mr. SANTINI. Thank you, Mr. Chairman.

How have you been able to survive on \$244 a month with those kinds of medical and doctor bills?

Mr. O'BRIEN. Well, of course, I can't spend very much. You can't go out and enjoy yourself any more. Movies or any other pleasure, it is very tough, with the high cost of living today, to just get by.

Mr. SANTINI. It is miraculous.

Has your particular case ever been taken to a preliminary hearing or trial?

Mr. O'BRIEN. The only thing, just what I just said about the compensation, they just wrote letters and that was it.

Mr. SANTINI. So, there has never been any criminal prosecution of the men who attacked you?

Mr. O'BRIEN. No. They got away, period. I wouldn't even know them if I seen them, because they had the knife on my throat, and I was afraid to look around. I figured, if I looked around, that was it.

Mr. SANTINI. We are glad you are here today, Mr. O'Brien, and very much appreciate your sharing your testimony with us.

Mr. O'BRIEN. I have got news for you. I am glad I am here, too.

Mr. BIAGGI. Thank you, Mr. O'Brien.

Mr. O'BRIEN. Thank you, sir.

Mr. BIAGGI. Dominick Gennaro, a 23-year-old victim of assault who received a victim compensation payment from New York State. Thanks for coming, Mr. Gennaro, and please tell us your story.

STATEMENT OF DOMINICK GENNARO, A 23-YEAR-OLD VICTIM OF ASSAULT WHO RECEIVED VICTIM COMPENSATION PAYMENT FROM NEW YORK STATE

Mr. GENNARO. Well, I was turning a corner and this guy bumped into me. It looked like he was, I don't know, on some drugs or something. He looked like he was mad with something. And he almost knocked me over.

So, like he said a few words to me, you know, and I just walked away. I turned around, and as I turned away from him he came out with a knife and he stabbed me.

I didn't even know I was stabbed until—you know, I was with two friends of mine, and he got away, just fled.

Mr. BIAGGI. That was it?

Mr. GENNARO. Yes, from what I remember.

Mr. BIAGGI. What happened to you thereafter?

Mr. GENNARO. Well, I don't really remember too much. The last thing I remember is they say I ran down the block. I don't remember. I went into shock, according to the doctor.

Mr. BIAGGI. Were you employed at the time?

Mr. GENNARO. Yes.

Mr. BIAGGI. Where were you employed?

Mr. GENNARO. I was working for Fulton Savings Bank as a teller.

Mr. BIAGGI. You were a teller?

Mr. GENNARO. As a teller.

Mr. BIAGGI. Tell us what happened with relation to your employment.

Mr. GENNARO. Well, I went back earlier than the doctor wanted me to go back, and you know, I worked there about 1 month. The day after Thanksgiving, you know, they called me—you know, my manager—and said they were letting me go because I wasn't performing up to their standards, that I was taking too long to prove up. You know, he said I was on probation when they hired me and I was out like 4 weeks.

Mr. BIAGGI. Do you believe that you were let go because of your absentee record?

Mr. GENNARO. Yes. It did affect my work. You know, I was taking longer to prove up, you know, at the end of a day.

Mr. BIAGGI. How were you functioning before you were stabbed?

Mr. GENNARO. Very well.

Mr. BIAGGI. So, would you say you lost your job because of the incident?

Mr. GENNARO. Yes, I would say it affected me in a way that I lost my job.

Mr. BIAGGI. What compensation did you get from the crime victims compensation board?

Mr. GENNARO. Well, I received a letter from them stating that they would pay the hospital bill, and pay me, you know, the money for the weeks I was out of work, and that was it.

Mr. BIAGGI. Are you employed now?

Mr. GENNARO. No, sir.

Mr. BIAGGI. Briefly, what kind of surgery did you have?

Mr. GENNARO. Well, according to the doctors, they did an exploratory, because the stab wound was deep, it was 3½ inches in. He missed my heart by a quarter of an inch. Before I went into surgery, they had a priest that gave me my last rites because I had lost so much blood. You know, they weren't sure I would make it through the operation.

Mr. BIAGGI. Who was your employer?

Mr. GENNARO. Fulton Savings Bank.

Mr. BIAGGI. Where are they located?

Mr. GENNARO. 395 J Street.

Mr. BIAGGI. In Brooklyn?

Mr. GENNARO. Yes, downtown.

Mr. BIAGGI. Have all your medical bills been paid?

Mr. GENNARO. No, nothing has been paid up until now. They say they are going to pay it. You know, I got a letter the other day from the hospital saying the bill is over 120 days due.

Mr. BIAGGI. Well, you heard Mr. Morrison, who is the chairman of that, testify that they are backlogged, and they need more assistance.

Mr. GENNARO. I understand that.

Mr. BIAGGI. Mr. Santini.

Mr. SANTINI. How did you find out about the compensation board and the possibility of getting the hospital, doctor bill, and some loss of wages paid for?

Mr. GENNARO. Well, a social worker from the hospital came up to see me the day I left the hospital, and she explained to me that I would have to send in the application on what happened, and wait to hear from them and see if I was eligible.

Mr. SANTINI. What was the date of your stabbing?

Mr. GENNARO. August 11.

Mr. SANTINI. Of this last year, 1976?

Mr. GENNARO. 1976, right.

Mr. SANTINI. How long were you hospitalized?

Mr. GENNARO. Well, 7 to 11 days I was in there.

Mr. SANTINI. What has been the total medical bills, doctor and hospital?

Mr. GENNARO. Well, for the hospital, it was, I think, \$1,529, something like that, around that figure.

Mr. SANTINI. Have you seen doctor bills?

Mr. GENNARO. Other bills, yes.

Mr. SANTINI. What is the total?

Mr. GENNARO. I would say about \$1,600, a round figure.

Mr. SANTINI. Has there been any prosecution of the man who stabbed you?

Mr. GENNARO. No. He got away.

Mr. SANTINI. That seems to be a familiar story. Thank you very much, Mr. Gennaro.

Mr. GENNARO. You are very welcome.

Mr. BIAGGI. You had a student loan outstanding?

Mr. GENNARO. Yes, sir.

Mr. BIAGGI. Of \$600?

Mr. GENNARO. \$650.

Mr. BIAGGI. Had you started school?

Mr. GENNARO. I went 2 years to Queens College. I plan to go back, you know, but due to circumstances, I can't even get a job.

Mr. BIAGGI. Have you been back to Fulton Savings to ask them for the job, telling them you are feeling better now?

Mr. GENNARO. Well, you know, I tried pleading my case with them while they were firing me.

Mr. BIAGGI. All right. We will call them and intervene on your behalf, and hopefully get you back.

Mr. GENNARO. Thank you very much.

Mr. BIAGGI. John Steeps, a 45-year-old victim of assault and robbery, received compensation payment from New York State. Thank you very much, Mr. Steeps, for agreeing to testify today. Would you please tell us your story?

STATEMENT OF JOHN STEEPS, A 45-YEAR-OLD VICTIM OF ASSAULT AND ROBBERY WHO RECEIVED COMPENSATION PAYMENT FROM NEW YORK STATE

Mr. STEEPS. Well, this happened in the early morning in East Elmhurst. I was coming home from a friend's house, walking. It was only two blocks away from where I lived. And I was grabbed from behind by two fellows and putting a knife to my neck, they wrestled me to the pavement, and one fellow kicked me in the head and the other fellow jumped in my stomach with his knees or something or the other. I don't know exactly. I passed out. And when I came to, I was throwing blood up, and I got to the hospital, they took me to the hospital wherein the doctors couldn't stop the bleeding, so they had to open me up for an exploratory, they called it, and the guy told me, he said, if you want to be around tomorrow, you will have to be opened up. There is no other resource I had.

So, they opened me up and I lost 19 pints of blood. So, I was there over 1 month in the hospital.

During the time I was in the hospital, they burglarized my house, they took everything out and cleaned the house out. And coming out of the hospital, I fell behind in the mortgage payments, because I couldn't work and I had no more funds, and the mortgage company finally foreclosed on the house. I lost the house.

Well, that is where it stands today. I am pretty well in the red. I had a \$13,000 hospital bill, which Blue Cross paid \$11,000, and I have \$1,900 I owe to the hospital now, plus the loans and things that I haven't been able to catch up with.

Mr. BIAGGI. Have you been compensated for your loss of earnings?

Mr. STEEPS. Up until now I haven't received anything.

Mr. BIAGGI. But they are considering your case?

Mr. STEEPS. Yes, they are.

Mr. BIAGGI. When did this occur?

Mr. STEEPS. September 20, 1976.

Mr. BIAGGI. Well, if that be the case and if Mr. Morrision's explanation follows through, you shouldn't look forward to anything for another 6 months apparently. But perhaps they will expedite it, I don't know. But it points out the need for additional support.

Are you working now?

Mr. STEEPS. Yes; I am back to work now.

Mr. BIAGGI. Who do you work for?

Mr. STEEPS. The Department of Public Works, New York City.

Mr. BIAGGI. Thank you. Mr. Santini.

Mr. SANTINI. Thank you, Mr. Chairman.

Maybe this is useless to even inquire, but by any chance were the two people who attacked you ever prosecuted for the crime?

Mr. STEEPS. No, sir, not to my knowledge.

Mr. BIAGGI. That seems to be a pattern. So, it kind of poses a question as to the restitution program. You can only get restitution from people you have in custody or have apprehended so you can deal with them.

I would like to emphasize this one point. As a result of this incident, not only did it cost you money in the sense that it required you to pay some medical expenses and lose some of your earnings, but you in fact lost your home.

Mr. STEEPS. Yes, sir.

Mr. BIAGGI. How long did you have that home?

Mr. STEEPS. For 9 years.

Mr. SANTINI. You almost died, you are in debt several thousands of dollars, you lost your home. Are you married?

Mr. STEEPS. Yes, sir.

Mr. SANTINI. Has your wife remained with you?

Mr. STEEPS. Not now. We are separated.

Mr. SANTINI. Boy, if that isn't an example of human tragedy. I appreciate your courage and your perseverance. I am glad you are back on the job, and I wish there were more we could do for you right now. But we are going to try to do more for you down the road in terms of legislative relief.

Mr. STEEPS. All right. Thank you, sir.

Mr. BIAGGI. Thank you, Mr. Steeps.

Mr. Charles Lomino. Mr. Lomino is the father of Joan Lomino, age 18, a shooting victim who received no compensation. That was the case that we raised with Mr. Morrison this morning as to whether or not Rusk Institute would accept Ms. Lomino. It is my understanding that as of yesterday, that yesterday Rusk Institute and Mr. Morrison's agency have come to a meeting of the minds and Joan will be accepted.

STATEMENT OF CHARLES LOMINO, FATHER OF JOAN LOMINO, AGE 18, A SHOOTING VICTIM WHO HAS RECEIVED NO COMPENSATION

Mr. LOMINO. Yes. She entered today. That is why I was late coming here today.

Mr. BIAGGI. Why don't you tell us the circumstances involving the incident in relation to your daughter.

Mr. LOMINO. Well, my daughter and her girl friend were returning from a movie the day after Thanksgiving. About 12:30 at night they were saying goodnight to one another and this character came up the street and he started to ask them a question, and before he got the answer he started firing. He fired four shots. He shot the one girl in the neck, and my daughter, it went right across her back, punctured one of her lungs, and right through her spinal column.

As a result, she is paralyzed now from the hips down, my daughter.

Mr. BIAGGI. She was admitted into Rusk today?

Mr. LOMINO. Yes.

Mr. BIAGGI. Any prognosis?

Mr. LOMINO. Well, they feel that she will never be able to walk, maybe with crutches and a brace she may be able to. They seem to feel like she may be able to later on that way.

Mr. BIAGGI. You have an application with the compensation board.

Mr. LOMINO. The workmen's compensation?

Mr. BIAGGI. No.

Mr. LOMINO. The crime victims, yes.

Mr. BIAGGI. Was Joan working at the time?

Mr. LOMINO. It just happened, it was unfortunate that the week before she was laid off.

Mr. BIAGGI. Does that make her ineligible?

Mr. LOMINO. With the crime victims?

Mr. BIAGGI. Right. Loss of earnings.

Mr. LOMINO. Well, the workmen's disability is paying her something. For how long, I don't know. But she is getting half of her salary that she would be making.

Mr. BIAGGI. What are your assets, Mr. Lomino?

Mr. LOMINO. Well, I haven't got too many. I just own the house that we live in. That is about it.

Mr. BIAGGI. Do you have a mortgage on the house?

Mr. LOMINO. I do.

Mr. BIAGGI. Have you been assured that the medical bills will be paid for the daughter?

Mr. LOMINO. Yes. Well, you see, the thing is where I work they do have very good insurance coverage, and actually the only thing that the crime victims will have to pay is for rehabilitation.

Mr. BIAGGI. The rehabilitation?

Mr. LOMINO. That is about all they will have to pay.

Mr. BIAGGI. In Rusk?

Mr. LOMINO. In Rusk, right.

Mr. BIAGGI. That could be very substantial.

Mr. LOMINO. Right. It is \$208 a day.

Mr. BIAGGI. Yes; but they are very effective. It is probably one of the best institutions of its kind in the world.

Mr. LOMINO. It is, yes. That is the reason why we tried so hard to get her there, because we figured that.

Mr. BIAGGI. Well, we wish you well.

Mr. Santini.

Mr. SANTINI. I want to commend you again for your courage and endurance in terms of a major family tragedy. I think the chairman, Mr. Biaggi, deserves some recognition here. I don't think it was a coincidence that Mr. Biaggi came down and started these hearings and all of a sudden your daughter was admitted. I think Mr. Biaggi is the primary reason, and I am glad we were able to help you. I just wish there was more that we could do for all the victims of crime that you are obviously representative of. Even in your tragedy you are fortunate compared to the others who can't reach out and find this kind of help. There is only one Congressman Biaggi and there are many, many victims of crime.

Mr. LOMINO. Well, I would like to thank him very much. I realize that also.

Mr. BIAGGI. Thank you. I am glad that it has worked out satisfactorily so far.

Mr. LOMINO. Well, I want to thank you also very much.

Mr. BIAGGI. All right.

We have one more case that I would like to read into the record. It is pointed, it highlights the need.

CASE OF MARY RICHMOND

It is the case of Mary Richmond, who was mugged near her home and suffered a severe fracture of her left shoulder.

She now fears to walk the streets alone. She is a schoolteacher. She had a car and gave it up after it had been stolen 4 times and broken into 10 times.

Her husband, Max, must escort her to and from work, which interferes with his job. He is employed by the parole commission.

Mrs. Richmond received \$1,088.75 from CVC. The CVC file contains a letter from her husband in which he comments,

After working 30 years in the Parole Division and years before that in a prison, hearing and reading about crime victims, you can only appreciate what it means by experiencing it yourselves. In our case, it was a nightmare. Mrs. Richmond was assaulted by three youths, approximately 14 years of age, near our home, who threw her to the ground. She suffered injuries to the shoulder, knee, hip, nose and mouth.

I feel very strongly about the CVC program. The first form they send calls for a financial statement. The concern over what happens to victims is secondary. Instead, the question is how much money do you have, followed by form after form to be filled out.

They advise unless bills are submitted within 15 days the case will be closed. The claimants rush around getting the stuff in on time. The resultant processing of the claim comes to a halt.

As far as the police are concerned, my wife's case is listed as a plain pocket-book snatch, though her left arm is virtually crippled. She can hardly move her left arm. She cannot comb her hair. She is a very tidy woman, and this means going to the hairdresser more often. She can dress herself. She is afraid to walk alone on the streets. I have to take her to work. I have to take her from work.

When I persuade her to go out for an evening, we have to go by taxi. She is afraid to walk the streets, day or night.

Preparing our meals is becoming more and more difficult for her, requiring that we go out more often to dine. It is hard to list all of the things this experience has done to us. Psychologically, it has been devastating for us.

As a result of the incident, I have decided to retire in a few months. We are going to run away from here. We have been thinking of going to Arizona or New Mexico. I don't know if that will be the answer for us, but I do know she is too frightened to remain here. She is even too frightened to step out of our apartment to the garbage incinerator closet. I have to do all of these things.

I have been with the Parole Division since 1947. I have worked in prisons, and involved in this work since 1939, but I never felt what crime meant. Of course I felt sorry for the victims I came in contact with, but they were only reports on paper. You don't know what crime means and what victims suffer until it strikes home.

My wife returned to work against doctor's orders. He wants her to stay out for another 2 months. She is a very dedicated schoolteacher and to replace her would have been difficult. She teaches, among other courses, Russian. She insisted on returning, and she went back to work with her arm in a sling.

She could have done other things. She could have gone on sabbatical and been paid while she remained home. Instead, she decided that it would not be fair to the kids she teaches.

I think that tells the whole story. We have heard some witnesses and we have listened to this letter, and it points out very clearly the need for effective crime victim compensation programs.

New York State, as we learned, is in the vanguard, but still has shortcomings. Mr. Morrison, the chairman of that board, testified to that.

We feel that by conducting these hearings and highlighting the need on a nationwide basis, we will be able to stimulate Congress into enacting some proposals that the Select Committee on Aging will be submitted for its consideration, and with one purpose in mind. I think it can be said this way, to treat the victims as well as we treat the criminals.

Any other questions?

Mr. SANTI. No further questions or comments. I thank you, Mr. Chairman, for allowing me to come and share a perspective of a problem that I had not witnessed firsthand or understood before.

Mr. BRAGER. We have a young man here who was himself a victim and wouldn't hold still, and decided to do something about it, and organized an organization called "Crime Victims Rights Organization." I would like to have Mr. Barry Sudiker testify.

STATEMENT OF BARRY SUDIKER, PRESIDENT, CRIME VICTIMS RIGHTS ORGANIZATION, NEW YORK, N.Y.

Mr. SUDIKER. I had been a karate instructor, and I was going for my Ph. D. at the time of the incident.

What happened was I always realized victims' rights. I was giving out literature then on the fact that the system is basically unfair to senior citizens and victims who want to live as human beings.

While I was giving out this literature, a car came up on the sidewalk and ran me down. The fellow who did it, it later turned out,

was a professional mugger, and he had apparently gotten some of my literature.

In order for me to get a conviction, to help get a conviction on this man, two police officers were indicted on departmental charges.

I worked 18 hours a day for 1 year, 6, 7 days a week. I lost my fiancée, who I had been going with. And I attained a conviction on both the police officers in the case and the person who ran me over.

The thing that amazed me the most is the fact that he had the nerve to say to me, "I have done this hundreds of times, why am I now getting convicted and going to jail?"

I really think in our society crime does pay.

Mr. BRAGG. Excuse me, Mr. Sudiker.

I want to thank Mr. Santini, the Congressman from Nevada, who has to make that plane back.

Mr. Sudiker.

Mr. SUDIKER. I think that crime does pay. I think it is a logical decision. It may be an immoral decision, but it is certainly a logical decision.

I am doing my thesis on crime. The facts are that less than one percent of those arrested are arrested and convicted.

If I had to go into a profession and I had no morality, the best profession I could think of as a college grad would be to go into crime.

The reason I do not go into crime is because of my moral convictions. But I know of no profession in New York City that pays as much or is as profitable as mugging or other forms of crime.

I think that it is kind of shocking when you realize that for every hundred offenses that are committed, only one will actually go to trial and the person involved will actually be convicted.

With such odds, I am sure that if most people knew the odds, there would be more of these low-lifers arising, continually making more and more victims.

The reason the crime rate is so high is because our punishment rates are so low.

Mr. BRAGG. What is your organization doing, Mr. Sudiker?

Mr. SUDIKER. Crime Victims Rights Organization, Inc., is an organization dedicated to helping victims of crime. We basically go around, we have over 5,000 or 6,000 people who are supporting us with nickels, dimes, pennies, and who back us in what we are doing. Many of them are senior citizens who have been assaulted. Many of them are not senior citizens who have been assaulted. And many of them feel that they will not go to the police because they are afraid that— their friends went to the police, and they don't want to testify.

Unfortunately, with our judicial system protecting criminal rights the way it does, it makes victims' rights completely senseless.

In other words, victims have no rights.

Our judicial system has two standards. For the criminal, it is a glorious society. There has never been a society in the history of mankind that treats criminals as good as our society, and there has never been a society in my opinion which violates the rights of innocent victims, as does our society.

Mr. BRAGG. I wouldn't go as far as saying it violates the rights. I would express a view that it is a society that gives little or no attention to its obligation to the victims of crime, and this concept which

I have stated initially dates back to the Babylonian Code of Hammurabi some 2,000 years B.C., is not new.

But somehow New Zealand found it in 1960, and it has been catching on. I am sure it will flourish, because hearings of this type and organizations of your type continue to focus attention on it, and there is an awareness that heretofore was absent.

It is interesting that even the victims who are now involved with crimes compensation didn't have knowledge of the existence of such a fund. It came to their attention through one method or another. But there is an absence of knowledge as to the existence.

I think the more attention we focus on this problem, on the rights of victims, the more equitable it will be for the entire criminal justice system.

Mr. SUDIKER. I agree. I would like to also add that you have been one of the very, very few politicians who really has cared about the victim as a human being, who has considered the rights of senior citizens to live in peace, and who has been very, very active in the fight for the rights of those people who are not muggers, those people who want to live as human beings.

Mr. BIAGGI. Well, I also believe in proper due process. I don't think anyone's rights should be violated, anyone. But I repeat again, the very least we can expect as residents of this great country of ours is that the victims have at least the same rights as the criminals who inflict the damage, and we have got a long way to go before we get that, I am afraid.

Any other comments, Mr. Sudiker?

Mr. SUDIKER. Basically not, no.

Mr. BIAGGI. I want to thank you very much, not simply for appearing here today—I am aware of your work, and I want to thank you and your colleagues in your organization for the work that you have been doing and continue to do.

Mr. SUDIKER. Thank you very much, Congressman.

Mr. BIAGGI. I know someone is anxious out there to ask a question. What is your name, ma'am?

COMMENTS BY SHERE SHEFSKY

Ms. SHEFSKY. Shere Shefsky. Call me Shere, because I have got a long name, Shere Shefsky.

Mr. BIAGGI. All right, Shere.

Ms. SHEFSKY. Mr. Biaggi, have you heard of the program Alert?

Mr. BIAGGI. Yes.

Ms. SHEFSKY. OK. I will show you how they expedite things. We filled out two forms, and that was about 5 months ago. Do you know what Alert is? Alert means if your mailman comes to the box and your mail is piling up and he is wondering why the mail is not being taken, unless you leave a note that you are going away for a month or so, then he starts to wonder what has happened to you. This is in reference to the man that was 2 days in the house without anybody knowing where he was. You know, I never heard from him. Now, why?

Mr. BIAGGI. That is interesting. That program, by the way—we will talk to you about it, and we will get that straightened out for you right away. But that program, I believe, was initiated in the

Bronx under Postmaster Viola. But they are obviously backlogged or haven't done the job, and we will see that they do.

But what it requires, it requires senior citizens to notify the post office that they want to be put on this Alert list, and the letter carrier marks your letter box, and if he finds mail accumulating, they will contact you.

Now, Mr. O'Brien might have been confined to his home for 1 week or 2 weeks. While that mail was accumulating, he could have easily perished. Well, because of the program, because of this Alert program, it wouldn't have gone beyond a day or two, and the letter carrier would have been alert and would have notified the post office and sent someone right up.

Now, as far as your particular case is concerned, why don't you give me your name, address, and post office, and we will see that you are put on the list and it works. I will get in touch with the postmaster immediately.

Any other questions? Yes, ma'am?

COMMENTS BY KAY NEAL

Ms. NEAL. Congressman Biaggi, I am the social worker at the senior citizen center.

Mr. BIAGGI. Which one, for the record? I know, but for the record.

Ms. NEAL. There is only one, the Italian Senior Citizen Center.

Mr. BIAGGI. Italian Charities.

Ms. NEAL. That is right.

In reference to the prior gentleman who told of the senior citizen or the victim going to the police, with all due respect to the law and the police department, that is a laugh, because no senior will go there. They are too frightened.

My suggestion would be that if a senior was to contact the social worker in their center and have the social worker have a PR or repertoire with the police department, it would eliminate the embarrassment for the senior citizen. They will not go to a police station.

Mr. BIAGGI. I think yours is a superior suggestion except that there is a limitation of numbers. Our centers aren't large enough, we don't have enough of them to deal with all the centers. Yours is very active, and I am sure that in your area it would work out well. But I know there are areas in the Bronx where we have thousands of senior citizens that would love to get involved with centers but cannot do it.

Ms. NEAL. All right. Let's assume you don't have a center. You have a library, although they are becoming defunct also. Have a midway office as the PR to the police department, midway relations, public relations.

Now, relative to what the young lady spoke, relative to Alert, one of our members phoned me on Monday of this week and stated she was in the hospital and was concerned about her mail, a particular check. I in turn told the post office in her area and asked the superintendent of the post office to let his carrier know that this party would not be available for possibly a week or longer.

Yesterday, the superintendent phoned me back to say that they had collected her mail back out of the box. I called our member and told her not to worry about it, that the mail would be held at the post of-

fice for her until such time as she herself or I would go and pick it up and take it to her.

So, there again is the importance of a senior center. And of course, if we don't have a center and you have a library, you should have some public office, municipal office that a senior can go to and tell of their problems and their crimes.

Mr. BIAGGI. Well, there is no question, the senior centers are invaluable, and I frankly think they are the best moneys that the Federal Government spends. Senior housing and senior centers provide a way of life, it provides an outlet. To me, it is one of the more gratifying experiences of being a Congressman, to know that in some measure we have been responsible for providing funds for those activities.

For the record, may we have your name?

Ms. NEAL. My name is Kay Neal. Thank you, sir.

Mr. BIAGGI. Yes, sir?

Mr. KOTCH. Congressman Biaggi, I would like to comment on the objectivity of this hearing.

Mr. BIAGGI. Your name is Mr. Kotch, right?

COMMENTS BY COLONEL KOTCH

Mr. KOTCH. Colonel Kotch.

I have listened to it, it is interesting, but it is locking the stable after the horse is gone. It is analogous to a meeting of people who are concerned with the adoption of babes who are born out of wedlock. They are so obsessed with the upcoming crop of these children that they lose entire objectivity about prevention or elimination of the pregnancies that create the problems.

Now, the same thing applies here. It all reduces itself to one thing, and that is for you gentlemen who sit in the halls in Washington, you had better legislate laws that will put a punch in the punitive angle of the sentencing of criminals who are guilty of these crimes.

I have no feeling for all of these people who are more than sentimentalists, the bleeding hearts and so forth, who are against the capital punishment.

A prison is a place where punishment must be exacted. It is a penal institution and not a corrective institution.

The first thing you people in Congress should do is change the name from corrective to penal. I don't care how many years they get, whether it is 1 or 2 years, but make those SOB's remember the 2 years that they served.

In other words, we should put a little barbarism in the treatment of our criminals. In fact, I would welcome the return of the lash.

Mr. BIAGGI. Well, I know it is popular to some, but if you give any serious thought to it, I think the fact that you are taken from society and put in an institution and deprived of your liberty over an extended period, if it is commensurate to the crime committed, is rather severe punishment. And I think if it is at all possible that corrective action should be taken.

What we have learned, however, as a result of bitter experience and long experience, is that on the most part rehabilitation doesn't work, especially for those hardened criminals.

Now, there is a segment—I have always believed that if you dealt a little severely with the young person who initially gets into crime, dealt a little severely with him at that point, he could be susceptible to rehabilitation. But I have witnessed individuals who have been arrested 50, 60, 70, 80, 90 times who are accustomed to the whole process, who make it a laughing matter. Young people, that is, who proceed with impunity. They know they will be out in the street. They know the best they can get is perhaps 1 year for a grievous crime. That is why we have introduced legislation that would, under certain circumstances in the capital crimes, treat the juveniles in the same fashion as you would treat adults, because they are seemingly performing or committing most of the crimes. And obviously, the more lenient attitude that society has adopted over the years, with a view toward their tender years, is not working.

We are not talking about someone 15 years of age as we knew a 15-year-old boy 30 years ago or 40 years ago. A 15-year-old boy today is pretty well learned as far as the street is concerned, as far as the facts of life are concerned. And when they proceed with impunity and commit crime after crime, well, then society has a right to protect itself.

So, Colonel Kotch, I understand your sentiment, but I don't think we agree.

MR. KOTCH. Well, you know, Mr. Biaggi, if we found in our society a pack of wild dogs that were a result of people abandoning their pets, and they came into the community and threatened our community, we would certainly go out, seek them out, and destroy them. And the same thing applies to these young punks who are wreaking havoc upon the public of the city of New York or of the United States with impunity, knowing that you can't hurt me because I am under 16 or I am under 18.

MR. BIAGGI. That is why we have suggested a change in the law. But I wouldn't destroy them. I would take them from the streets.

MR. KOTCH. That is what I say.

MR. BIAGGI. Institutionalize them.

MR. KOTCH. Give them a year or 2 in prison that they will never forget.

MR. BIAGGI. Mr. McKenna.

COMMENTS BY JAMES MCKENNA

MR. MCKENNA. My name is James McKenna. I am from the west Bronx, and the area in which I live has the highest concentration of senior citizens in the east coast. It also has the highest crime rate in the United States, perhaps, certainly in the city of New York, the 44th precinct, which when I was growing up as a kid it was pastureland for retiring policemen, a place that cops were put out to kind of enjoy themselves because it was not a difficult place to work. The biggest crime they had to face was the kids playing stick ball and breaking windows.

Today it is a place that shows all of the signs of a New York City that will not survive to the year 2000, or to the year 2004 when I will join the ranks of senior citizens at retirement age.

To my mind, I have to say to myself as a New Yorker, where do I

go or what do I do if I am going to make a life for myself in New York and retire in this city in the year 2004. Where do I see my future and how do I see my city. And I don't see a future for my city if the Bronx is a prototype of what we are to expect in the rest of the city.

We have senior citizens who are totally neglected, who in the broad statistics of crime in the city of New York are one-fifth or one-third of the victims, in our area fully one-half. Many of the crimes are violent. It is not enough to take money, but they are beaten up.

In three cases in my area last year, three women over 70 years of age were raped and murdered.

Now, these are the horror stories. There are also hopeful stories.

But I read in the New York Times, and this is specifically what I rise for, Congressman, that Secretary Matthews says that 180,000 jobs are going to be available before the year 1978 under the Carter administration's program to put more people to work, and that none of these jobs will be meaningless, that these jobs are not going to be "make work" jobs.

Well, I can tell you that we could fill those 178,000 jobs in the Bronx alone, and that most of that would be involved with senior citizens and the victims of crime, and the young people who in fact are committing them.

Now, the general attitude seems to be that there is an army of young people who are out there on the streets warring against senior citizens. That just is not true.

There is an army of recidivists, and there is even an army of organized young hoodlums, but because our system is so baroque that we refuse to allow fingerprinting and mug shots—mug shots actually don't do much good because a child of 13 does not look like a child of 16 does not look like a child of 21, or a person 21. So, the mug shots themselves are only helpful, they don't solve the problem. But the fingerprinting is the key thing. That is singularly lacking.

A kid can come in 20 times in the Borough of the Bronx, go over to Queens, and there is no record whatsoever that he has ever been involved in any crime, because it doesn't go from one borough to another.

With the millions of dollars that we have spent in building a huge police headquarters in New York, we have not been so sophisticated as to computerize what you get down on a system where fingerprinting and records of patterns of criminal behavior, patterns of felony behavior—I am not talking about kids who steal hubcaps or break windows. I am talking about kids who are involved in felonious assaults on people.

That kind of behavior does not follow a kid through the system, whether it is in family court or adolescent court, or right into supreme court. Until that kid reaches 16 years of age, nobody is even following what he is doing, and he gets a minor rap on the wrist and that is it.

If he goes from one borough to the other, he can get away with a clean record, assuming he is arrested.

Now, this is a policy that is insane, and there has to be some way in which a Congress which passes so many thousands of laws, so many things that most of us have given up the possibility—I heard just the other day that 180,000 bills were passed last year, not in Congress,

but in all the legislative bodies in the country, cities, States and Federal.

How could anyone, how could even an attorney hope to keep up with the nuances of law.

Mr. BIAGGI. Many of them are comparable. They are in different jurisdictions, but they are comparable bills, and the variances might not be as great. But you are right, it is difficult.

Mr. McKENNA. But the difficulty is the individual. There is no real commitment on the part of our Congress, on the part of our State or city legislatures, there is no commitment to handle the person who commits the crime in terms of working them through the system, and then actually doing something once they are convicted in terms of correction or rehabilitation.

Mr. BIAGGI. Well, I think what we have to overcome, Mr. McKenna, and I couldn't agree with you more—we have to overcome a notion that young people under 16 years of age are really of tender years and little knowledge. That might have been proper and accurate decades ago. It is no longer that. And we have to overcome that whole notion.

Fundamentally, it is the responsibility of the State legislature. The State legislature this year, under the leadership of Assemblyman Stenger, if I recollect correctly, is advocating the reduction of age.

The legislation I have introduced advocates the reduction of age.

In addition to that, it recommends that fingerprints be taken after conviction. And also it recommends that the judge presiding over the instant matter will be provided with a copy of the individual's record.

Now, if that be given, it will prevent perhaps the repetition of the *Timmons* case, where we have two brothers, the Timmons brothers, who are famous—I mean famous, not infamous, but famous in their environment. Infamous in society. But famous in their environment for having been arrested some 30 to 60 times and out in the street. He assaulted an aged woman over 80 and raped her, if I recollect correctly, over 80 years of age, and a \$500 bail was administered.

Well, I don't have to tell you what happens when \$500 bail is involved. He left the jurisdiction. He was finally recovered in some State in the South, but not without some furor.

Now, what happens is every time he appears in court there is a contingent of senior citizens that appear in the court, and their presence is sufficiently impacted on the judge.

Mr. McKENNA. Congressman, along with asking you to perhaps meet with Secretary Matthews and ask him if some of these jobs can be made available for this city, if he sincerely means preventing a situation where we have just jobs which are meaningless, and wants meaningful work, I am sure that you in your own specific suggestions could make recommendations for that kind of work.

But I would also ask that you would ask the Congress, and I know that they hate the word "planning" and that they abhor the idea of looking ahead, but—

Mr. BIAGGI. Just a minute, Mr. McKenna. To begin with, that is not true. We only hate it because we have so many plans underway, under consideration, we have so many studies underway, and we are activists and we like to see things concluded.

But in any event, what is your suggestion? By the way, I don't think Matthews is there any longer, but we will talk to his successor.

Mr. McKenna. My suggestion is that you would also meet with people in the Department of Health and in the area that would cover—well, basically what I am getting at is the area of psychic damage. We have seniors in my community, in my area, who are virtually prisoners of their homes for whom the fear of crime is worse than the reality, for whom the everyday presence of crime has twisted their minds.

In a bad winter like this where people have been not only brutalized in terms of what they see and hear, but also in terms of the situation within their homes where they don't have heat, where they are not getting out to senior citizen centers, where the city cutbacks have cut all of the programs, the outreach programs to feed people and to give them good nutrition, where a whole problem of mental health exists for people who are perfectly normal or should be perfectly normal, but have been driven practically mad by fear and by loneliness and by all of the things that come about from these kinds of things.

If the Department of Health, under HEW, and if the Surgeon General or whoever it is that is going to take charge of programs of this kind, could begin to develop a program, a planning program whereby people could adjust to an urban environment and be given help in that. And I am talking about a program that would make use of media and in terms of programming for seniors and preparing them for old age, and I am talking about a program of education which could be worked either through the senior citizen centers or through businesses themselves, maybe even to encourage business within the last year of a person's employment to actually begin to enroll that person in a preparation plan for retirement.

Mr. Biaggi. I believe, Mr. McKenna, all the things you are saying, there are no quarrels with it. But I believe those notions are under consideration.

We have to go back at the beginning, the genesis, where senior citizens for years in our country were just accepted as part of an aging process. Theirs was to live, go through middle age, get old, and be secreted away somewhere. That was initially.

Well, we have come a long way. Senior citizens, housing, benefits, all of these things have evolved, not overnight, granted, but we have evolved into a rather progressive state, and we have become more aware of the needs of senior citizens. Senior citizens have become more aware of their own needs and of their own impact and their own zest for living, and the fact that it is not mandated that they secret themselves away and wither. They can appear at functions like this and put on their Sunday best and become interested and vital and look vital, all of that. That is all a part of a total concept. That will be implemented step by step, day by day.

This very hearing addresses itself tangentially to the overall concept. The senior citizens in Washington are very highly regarded.

The very fact that last session of Congress this Select Committee on Aging was created, to me, is testimony to the fact that there is a genuine national concern on the part of all Members of Congress. That is why this committee was created.

And we will step by step do the best we can within the parameters in which we are bound. But we are aware nothing happens overnight, but it will be expedited to the extent that the public responds and participates.

I want to thank all of you for being present. The meeting is adjourned.

[Whereupon, at 1:40 p.m., Wednesday, February 16, 1977, the committee was adjourned, to reconvene at the call of the chair.]

APPENDIX 1



International
City
Management
Association



Newsletter of
Innovative Projects
Funded by the Law
Enforcement Assistance
Administration

December, 1976
Volume 5, Issue 10

Cities and counties of all sizes have been witnessing an alarming increase in crimes against senior citizens. Recognizing the rise in elderly victimization, the Law Enforcement Assistance Administration is encouraging every state to develop projects for the prevention of crimes

victimizing the elderly. This issue of TARGET examines several such projects already in operation across the nation. The TARGET staff hopes that municipalities interested in establishing similar projects will benefit from the experiences of the projects described in this issue.

Kansas City Acts on Elderly Crime Problems

Several years ago a report by the Midwest Research Institute entitled "Crimes Against Aging Americans — the Kansas City Study" poignantly illustrated the special problems of elderly crime victims. The report found that the combined effects of actual crime and the fear of it made some persons feel helpless and afraid to seek help. Moreover, they didn't know where to turn when they were victimized. Frightened and distraught, they often lived in isolation for the rest of their lives.

To improve this situation, a program addressing the crime concerns of older persons has been operating in the Kansas City area of Missouri for more than a year. Aid to Elderly Victims of Crime is funded jointly by LEAA and HEW's Administration on Aging and serves as a national

This Issue

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demonstration program. Its objectives are to decrease elderly victimization and, if victimization does occur, to reduce its effects on the older person.

Administered by the Commission on Aging of the Mid-America Regional Council, the project consists of three components: public education, community-crime prevention, and elderly victim assistance.

Public education on crime prevention takes a variety of forms. Slide presentations, written information, and portable displays such as one which illustrates proper door and window security devices provide elderly with specific tips on ways they themselves can reduce their chances of being victimized.

Four neighborhood coordinators, all members of the project's public education component, provide additional assistance to older persons living in areas having a particularly high rate of crimes against the elderly. In these target areas the volunteer coordinators make a special effort to inform the elderly of crime trends in their neighborhoods and of precautions they can take against particular crimes on the increase.

The community crime prevention aspect of the project serves those neighborhoods having high proportions of crime against the elderly. Volunteers perform security checks and engrave valuables in homes of older persons. In addition, they encourage and provide technical expertise to neighborhood groups interested in establishing community block watch programs and personal security training sessions.

For the senior citizen who becomes a victim, the elderly victim assistance component offers counseling and supportive social services and also, on occasion, limited financial assistance to help alleviate the trauma produced by such crimes as burglary, robbery, and purse snatching. Police officers and community agencies refer elderly crime victims to the program. A volunteer will then call the individual and if he/she agrees will make a personal

TARGET is published monthly by the International City Management Association (ICMA), 1140 Connecticut Avenue, N.W., Washington, D.C. 20036. TARGET's primary function is to disseminate information on successful, innovative criminal justice projects.

TARGET is one service of the ICMA criminal justice project. Other projected activities include the Law Enforcement Leadership Seminars and provision of technical assistance on criminal justice problems to localities. The project is administered by ICMA's Contract Research Center. Claire Rubin is Center Director. The project is funded by a grant from the Law Enforcement Assistance Administration.

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Circulation: 30,000

SOS

The TARGET staff is seeking information on:

- Police-community relations programs
- Juvenile delinquency projects

If you have any information on these topics, please contact the editor of TARGET, ICMA headquarters.

visit to describe the project services. They discuss the situation and together assess the physical, emotional, and financial needs of the victim. With the help of the social worker assigned to the project, every effort is made to meet the special needs of each individual.

At the end of October, 1976, 575 elderly victims had been referred to the program for help in readjusting to life. Project staff not only informed the victim of available health and social services but also actively encouraged them to become involved in neighborhood and social group activities.

For further information, contact: Ms. Cindy Fern, MARC Commission on Aging, 20 West 9th St., Kansas City, Missouri 64105. Telephone (816) 474-4240.

Maryland Police Personalize Service to Elderly

The Montgomery County Police Department in Maryland initiated the Crime Prevention for Seniors Program not because crimes against this group were disproportionately numerous but because of the devastating impact crime and the fear of it had on older persons. Officer Cliff Melton, director of the program, explains that crime is the number one concern of elderly people and he adds "oftentimes they give up even going to a drug store for needed medicine out of fear of what may happen to them on the street."

As part of this victim-oriented effort to help the elderly, Montgomery County Police are working to reduce crime against senior citizens and to provide special help to senior crime victims. Melton visualizes the program, which is funded by LEAA, as a pilot project to determine what does and does not work in the area of elderly crime prevention.

Careful research and planning went into developing a suitable crime prevention program for senior citizens. A crime assessment survey was developed and adminis-

tered to almost 200 elderly residents of Montgomery County in face-to-face interviews. The survey sought to measure perceptions about police protection and feelings related to personal safety. In addition, program personnel spent considerable time studying the emotional, physical and psychological effects of the aging process on individuals.

When the project got underway in mid-1975, a police officer and a social worker responded as a team to aid the elderly victim. Due to administrative problems however, the plan was revised. Now, the program calls for two specially trained police officers to assist the elderly, including dealing with their fears or problems about crime. The officers work closely with social service agencies throughout the county and provide moral and emotional support to the elderly person in crisis.

Personalized service is the hallmark of the program. Elderly residents of Montgomery County call Officer Melton, for example, both at home and at police headquarters to seek his advice on what types of locks they should be using and other concerns they may have regarding safety. Officer Melton in turn makes sure his constituency is aware of para-legal aid and medical care programs and visiting nurse services that are available for senior citizens. He also makes sure victims are aware of

Maryland's Criminal Injuries Compensation Board, established to financially aid victims of crime.

Because an estimated 75% of senior citizen crime is unreported in Montgomery County, program personnel distribute booklets listing not only preventive measures against robbery and con games but also constant reminders to notify police immediately when victimized or when aware of suspicious activities in their vicinity.

Officer Melton explains that the project is continually evolving to encompass all that's best in terms of service to the elderly. Future program plans call for:

- production of crime prevention brochures in braille for the visually handicapped,
- volunteer translators for the foreign speaking elderly residents of Montgomery County who call the police and request aid,
- training sessions for other county workers in order to develop a greater sensitivity to the needs of older people.

Personnel connected with the Crime Prevention for Seniors Program are very open and willing to share their experiences with others interested in establishing programs for the elderly.

Contact: Officer Clifford R. Melton, Department of Police, 801 Sligo Avenue, Silver Spring, Maryland 20910. Telephone (301) 588-3043.

Film Depicts Crime Prevention in Oklahoma

Elderly victimization is not confined to the big cities. Crime against the elderly is becoming a problem even in eastern Oklahoma — a rural area with about 30,000 older residents (10% of the population). Many of these people are unaware of the basic measures they can take to protect themselves. In devising a technique to inform senior citizens about crime prevention, Gene Wallace, director of a project funded by LEAA called Law Enforcement for the Aged, located in Muskogee, Oklahoma, took into consideration the poor hearing and short attention span common to some in this age group. Wallace ultimately decided on the type of presentation which would be most enjoyable for them — a movie.

The film which was produced, "Full of Days, Riches and Honor," illustrates the crime problems most likely to beset an elderly person — burglary, purse snatching and swindle deals. Producing the film turned out to be a community effort. Students and faculty from the Drama Department of Northeastern Oklahoma State University at Tahlequah and elderly people themselves volunteered

to write the screen play, direct it, and act in the film. Shopowners from Muskogee donated props and opened their businesses to the film crews. Total production of the 45 minute full color and sound movie cost only \$3,500.

One segment of the film compares the scenes two women are confronted with upon returning home from a shopping trip. One woman's apartment had been ransacked — the burglar had gained entrance easily by inserting a plastic credit card between the lock and the door jamb to unlock the door. The other woman had escaped such a fate because her door was equipped with a dead bolt lock.

Various con artist schemes are exposed during the course of the film and techniques which can be employed to prevent purse snatching are detailed.

Plans are underway to duplicate the film which is currently being shown to civic clubs and senior citizen organizations throughout the seven county region of eastern Oklahoma. Senior citizen groups and law enforcement agencies across the nation will then have access to the film.

For further information, contact: Gene A. Wallace, Eastern Oklahoma Development District, 800 West Okmulgee, Muskogee, Oklahoma 74401. Telephone: (918) 682-7891.

National Association Educates Its Members on Crime

According to George Sunderland "effective crime prevention involves the anticipation, the recognition and the appraisal of a crime risk and action to reduce or remove the risk." Mr. Sunderland is senior coordinator of the crime prevention program of the National Retired Teachers Association and the American Association of Retired Persons (NRTA-AARP) a group representing 10 million persons over 55.

Educating senior citizens about protecting themselves from becoming victims of crime is the primary objective of the program which was developed in 1972. Three two hour sessions on crimes that are most likely to happen to older folks — street crime, residential burglary and criminal fraud comprise part of the program. Another two-hour presentation raises the topic of community-police relations and urges senior citizens to work with existing law enforcement agencies to reduce the incidence of crime in their communities.

In the criminal fraud presentation, special emphasis is placed on being alert to possible swindles. Case histories of swindles are detailed and senior citizens become aware of key words and phrases associated with fraudulent transactions.

Each presentation can be delivered independently from the others. Regional offices of NRTA-AARP will provide a program moderator with scripts, a guidebook and films for showing to members of individual units/chapters of the Association. The program is also available to non-association groups such as church or civic organizations who wish to sponsor it for older persons.

In 1973, a new dimension was added to the crime prevention activities of NRTA-AARP. A series of seminars began aimed at helping law enforcement officers better understand and deal more effectively with the needs of older people. Police trainers, decision makers, administrators and other high level professionals from the law enforcement community attended to gain specialized knowledge about the aspects of aging including how the law enforcement officer can help the elderly and how the elderly can be an important resource to law enforcement.

Based on the enthusiastic reaction from the law enforcement community to these seminars, NRTA-AARP was awarded an LEAA grant in April, 1976, to develop a model training program on law enforcement and the elderly. When the training course is completed at the end of 1977, it will be available for use in more than 800 police training academies, and other educational institutions to enable police to deal more effectively and sensitively with problems of older people.

For further information, contact: **George B. Sunderland, Senior Coordinator, Crime Prevention Program, National Retired Teachers Association — American**

Association of Retired Persons, 1909 "K" Street, N.W., Washington, D.C. 20049. Telephone: (202) 872-4912.

Bronx Police Unit Effectively Combats Robberies

A "push-in" robbery is a common occurrence these days in the Bronx section of New York City. The crime begins with one or more young people following an elderly person home, waiting out of sight while the person unlocks the door, and then shoving him or her into the apartment. The crime ends with the elderly victim usually robbed, oftentimes beaten, sometimes dead, but always traumatized.

Because of the increase in push-in robberies and attacks on elderly people in elevators, hallways, and lobbies of area apartment houses, the New York Police Department established a special Senior Citizen Robbery Unit for the Bronx in late 1974. The Unit's primary duty is to investigate robberies against the elderly and make a concerted effort to apprehend the attackers whose average ages are between 13 and 16 years old.

As evidence of the brutality of the young attackers, the Unit maintains a photo book of victims. One man had been so badly beaten and disfigured that contrary to the way he appears he is actually alive. Another victim, 90 years old, had his hands fried on the stove top by his teenage tormentors when they discovered he did not have any money. In yet another case an elderly couple was robbed, beaten, and thrown into a closet — a closet so tiny that the wife was forced to stand on top of her husband. They remained this way for two days. When they were finally found the man was dead.

The 20 man Bronx Senior Citizens Robbery Unit while investigating the cases of victimized elderly persons often discovers the victim living as a virtual prisoner in his/her apartment perhaps without water or heat. In these cases not only do members of the unit escort the elderly through the criminal justice process, providing transportation to court and explaining the nature of the system but they will also introduce senior citizens to appropriate social services in the community available for their special needs.

Also alert to the problems of the elderly, the district attorney's office cooperates with the Unit in making special arrangements to schedule cases as soon as possible after the crime has occurred while it is still fresh in the victim's mind.

Various community groups publicize the Unit's existence and help the victim with social services referral and delivery. These groups include the Mayor's Office of the

Aging, the Jewish Association for Service to the Aged and the Bronx Chamber of Commerce.

Recognizing the importance of prevention, members of the Robbery Unit make a special point to speak to elderly citizens individually and in groups about precautions they can take to avoid being victimized. Traveling in groups for weekly shopping trips to the market and carrying an empty purse are two measures suggested to thwart a would-be purse snatcher.

According to project officials most elderly residents of the Bronx are aware of the Unit's existence and are much more likely to report a crime now than previously.

In 1975, the Unit handled 640 cases. Sixty-nine persons were arrested in connection with 106 cases — one person alone had accounted for nine robberies. In several other cases one person had multiple offenses against him. Through October, 1976, the Unit handled 599 cases and 82 arrests have been made in connection with 110 incidences. The Unit has a 99% conviction rate.

For further information, contact: Sgt. James Bolte, Bronx Area Senior Citizens Robbery Unit, 450 Cross Bronx Expressway, Bronx, New York 10457. Telephone: (212) 220-5395.

Elderly 'Join the Resistance' in Wilmington

"Join the Resistance" — a motto reminiscent of the French underground of the 1940's — has now become the battle cry for an FBI-supported police crime resistance project for the elderly residents of Wilmington, Delaware.

Wilmington's project for the elderly is one of four demonstration sites for the FBI's Crime Resistance Program, a national effort concentrating on selected crime problems to help police departments teach citizens how to resist crime by lessening their chances of being victimized. The other sites and the problems they address are: Birmingham, Alabama, trafficking in stolen property; DeKalb County, Georgia, crimes against youths; and Norfolk, Virginia, crimes against women.

On July 22, 1975, the Wilmington Bureau of Police and the police departments in these other jurisdictions entered into an agreement with the FBI to begin four simultaneous crime resistance projects. The FBI assigned two agents for each project, and the departments in turn agreed to assign two of their officers full time to the work. The Police Foundation also assisted by providing consultants to work with each project.

Before Wilmington's project could actually begin operation, however, a carefully chosen crime resistance task force studied the city's recent history of crimes

against the elderly. The task force decided to define "elderly" to mean those persons 60 years of age and older, in conformance with the benefits eligibility criteria of many state agencies for senior citizens in Delaware.

"Between July 1974 and June 1975, the task force discovered that Wilmington's senior citizens were twice as likely as other age groups to be victimized by muggers and purse snatchers," explained Captain Stanley Friedman, one of the two Wilmington police officers assigned to the project. "This was amazing since we know that the elderly comprise only 1/5 of the city's total population."

In January 1976, following the task force's report, the FBI-Wilmington Police Crime Resistance Program launched an intensive media campaign to educate senior citizens on ways to avoid being mugged. Some of these suggestions were:

- Do not walk alone, even in your own neighborhood.
- Try not to carry a pocketbook in open view.
- Always be alert to your surroundings even in the daytime.
- Be a good neighbor, report all suspicious people and activities to the police.

The city's service clubs printed over 40,000 bookmarks listing such suggestions and had them placed in obvious locations in banks, stores and shopping centers. In addition, a graphic arts expert from a local manufacturer designed attractive newspaper ads and bumper stickers to publicize the project.

The biggest publicity event since project inception was the Crime Resistance Week (June 28 - July 3, 1976) proclaimed by the mayor. During that week, service clubs held special luncheons to discuss the crime resistance concept; city merchants offered discounts to those participating in the program; and free bus service was provided to a rally, at which National Safety Sheriff Joe Higgins appeared, warning: "Folks gotta get involved in the fight against crime, or we're all in a heap o' trouble."

The project has also had a nationally-known sewing company design a pocket which can be easily sewn to a coat lining. Using this pocket senior citizens are able to conceal valuables from the watchful eyes of would-be muggers.

Another project activity is the identification of suitable escorts to give the elderly rides home from the bank or store. Candidates are carefully screened by police officers and when approved, receive identification decals which adhere to their car window. The escorts also make it a practice during their regular daily schedules to offer a ride to senior citizens who are waiting at bus stops.

The project also helps train volunteers to effectively monitor court proceedings involving the elderly, and plans to assist Wilmington's public school system in reducing the number of juveniles on the street during school hours.

For more information on the Wilmington project, contact: Capt. Stanley Friedman, Wilmington Bureau of Police, Public Building — 1000 King Street, Wilmington, Delaware 19801. Telephone: (302) 571-4420.

Police Chiefs and Elderly Join Forces

With a grant from HEW's Administration on Aging, the International Association of Chiefs of Police (IACP) has developed model procedures for senior citizen crime prevention programs and for programs utilizing elderly volunteers in local law enforcement agencies. Five cities are now testing and evaluating these procedures. Based on their findings a model program will be developed and made available to agencies interested in establishing crime prevention and volunteer programs for the elderly.

Cities currently operating programs for senior citizens under IACP's Crime Safety and the Senior Citizen Program are: Mansfield, Ohio; Jersey City, New Jersey; Syracuse, New York; Miami Beach, Florida; and Omaha, Nebraska. Since most of these projects are still too new to have any evaluative data, what follows is a brief description of each project.

In Mansfield, Ohio, dozens of businesses and community organizations have joined together to help police reduce crime by publicizing crime prevention measures. In addition, police helped groups of elderly citizens institute a variety of services including a neighbor-to-neighbor watch program, which has signed up over 2,000 participants, and a crime symposium for elderly in the city.

Senior citizen groups also attended a series of workshops sponsored by the police on home security, burglary prevention, personal safety, purse snatching/pick-pocketing, fraud/confidence schemes, telephone harassment, and robbery.

Miami Beach police officials are researching, compiling and analyzing statistics related to the types of criminal activity prevalent in that city. Project officials point out that fifty-nine percent of Miami Beach residents are over 60; 48 percent are over 65. Regularly scheduled crime prevention and educational programs are held in cooperation with civic and social organizations. Block meetings where seniors can discuss their feelings and concerns with crime and other problems are also held regularly.

Project Identification is being demonstrated to elderly groups in Miami and is serving to increase the rate of recovery of stolen property.

Still in the development stage, the project in Omaha is utilizing a survey prepared by IACP to determine the victimization rate of senior citizens as well as to measure their fears about crime. According to IACP officials, in many instances, dealing with the elderly's fear and perception of crime is more important than the actual threat of crime. The surveys will ultimately be compared to crime reports in the areas of burglary, larceny, robbery, assault and purse snatching. The final result will be a census tract map showing where and what crimes are occurring against senior citizens.

In Jersey City, project efforts are aimed at educating the senior citizen in ways of coping with burglary, street crimes, and other offenses against person and property.

Part of the Jersey City project features a senior citizen shopping program. Bus transportation and police protection are provided on certain days and to specific shopping areas. The program was recently expanded and senior citizens themselves in most cases have replaced police escorts.

Syracuse, New York, utilizes senior citizen volunteers from housing projects to serve as a crime prevention liaison between the police department and the residents of the housing projects. The Crime Prevention Unit of the Syracuse Police Department handles the training of senior volunteers. Each volunteer is sufficiently knowledgeable in the areas of residential and personal security so as to pass on this information to their neighbors.

For further information on the IACP project, contact: Philip J. Cross, IACP, Technical Research Services Division, 11 Firstfield Rd., Gaithersburg, Maryland 20760. Telephone (301) 948-0922.

Postal Service Helps Stamp Out Mail Fraud

Home improvements, miracle drugs, cheap real estate, chain letters, work-at-home schemes: whatever the gimmick, when promoted through the mails by unscrupulous business firms, the result can be the same: FRAUD.

To protect its customers against such schemes, the U.S. Postal Service since July, 1974, has been operating a Consumer Protection Program aimed at reducing the number of fraudulent schemes which prey upon unsuspecting citizens — many of whom are elderly — through the mails.

"While our fraud prevention efforts are not directed solely toward safeguarding the elderly, our experience has been that senior citizens have been particularly susceptible to certain schemes. The various forms of medical quackery are perhaps the most prevalent of such schemes," Chief Postal Inspector Neil Benson said. Included in the "medical quackery" category are drugs which do not produce the results which manufacturers promise, and may even be harmful.

"Through cleverly conceived advertising, promoters tout all manner of miracle cures for a long list of geriatric problems. Due to the rising cost of medical attention and, possibly, insufficient insurance coverage, elderly people often are tempted to try these alleged cure-alls. In some instances, the products advertised have no effect whatsoever on the symptoms. However, in other cases,

INDEX OF TRAINING CASSETTES FOR VOLUNTEERS AVAILABLE

A comprehensive index describing over 45 video cassettes for use in training volunteers in juvenile and criminal justice is now available from the National Council on Crime and Delinquency's Volunteers in Probation division. Entitled *National Education-Training Program for Colleges, Professionals, and Citizens*, the index contains a narrative capsule on each cassette, suggested discussion questions, optional curricula for developing high school and college courses, and information on how to purchase and program the cassette material. The index costs \$1.75 and may be ordered from: VIP-NCCD, 200 Washington Square Plaza, Royal Oak, MI 48067.

products have proven hazardous to an individual's health," Benson added.

The Inspection Service investigates other schemes which also find the elderly an easy target. These include:

- *Business opportunities*, such as worthless distributorships, franchises, and vending machine operations, all of which promise high profits and unrealistic guarantees of success;

- *Chain referral schemes*, which entice customers into signing contracts for items they probably cannot afford by assurances of high commissions on items sold to friends and acquaintances;

- *Chain letters*, which demand immediate payment and promise high profits to be realized from an unbroken chain of letters sold to people who in turn must sell even more letters;

- *Land frauds*, which enable unscrupulous land promoters to sell retirement homesites which are nothing more than swamp land, barren desert plots, low quality structures in unfinished developments, or even nonexistent;

- *Home improvement frauds*, or schemes aimed at elderly citizens unable to accomplish home improvements for themselves and who later suffer from paying inflated prices for work of substandard quality; and

- *Work-at-home schemes*, such as stuffing and addressing envelopes, which exaggerate expected earnings to supplement the fixed income of retired persons and invalids.

The Inspection Service reports that in a 12-month period from July 1974 to June 1975, the Postal Service received a total of 127,044 complaints from customers who experienced unsatisfactory mail-order transactions. The following year the figure rose to 135,717. Benson said that often these complaints can be traced to either poor

business practices on the part of the offending firm, or a simple lack of communication between buyer and seller.

If a full investigation does not appear to be warranted the Inspection Service offers to contact the mail-order firm directly. Of the approximately 36,000 complaints handled under the Consumer Protection Program last year, 90% were satisfactorily resolved through a direct contact of this kind.

For further information, contact: C. Neil Benson, Chief Inspector, U.S. Postal Service, Washington, D.C. 20260. Telephone (202) 245-5304.

News Notes

- The federal government is becoming increasingly concerned with the growing misuse of computers to steal, defraud, embezzle, sabotage and blackmail people in private and public agencies. According to a study by the General Accounting Office, 69 computer crimes defrauded federal agencies of \$2 million over the last two years. In addition, more than 400 crimes-by-computer cases have been documented over the last eight years with victims losing \$200 million.
Washington Post, December 6, 1976.

- California's death penalty law was recently overturned by that state's highest court. In a ruling that saved 65 men and 2 women on death row, the court said that the law was unconstitutional because it didn't allow consideration of mitigating circumstances as required by the U.S. Supreme Court.

Wall Street Journal, December 8, 1976.

- A study on presentencing procedures is underway in Philadelphia, Pennsylvania, courts aimed at improving the quality of presentence investigations. When the study is completed, the court's adult probation department which is responsible for providing judges with presentence investigation reports before adjudication is expected to be aided in its capacity to issue presentence reports. Contact: J. Denis Moran, Esq., Director, Exemplary Court Project, Room 370, City Hall, Philadelphia, Pennsylvania 19107.

- Juveniles age 13 and older charged with assaults on persons over 60 may soon be processed as adults through the New York state court system. The New York state legislature is currently considering a proposal to switch jurisdiction over such youngsters from Family Court to Criminal Court and to allow police to fingerprint and photograph suspects regardless of age.

Juvenile Justice Digest, December 17, 1976.



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• As a measure to guard against the misuse of private information, LEAA recently issued standards to protect the confidentiality of personal information gathered during government research and statistical programs. These standards clarify the responsibilities of personnel connected with LEAA funded projects and research and

require that any application for LEAA research assistance be accompanied by a privacy certification to ensure compliance with the regulations. Contact: Harry Bratt or Carol Kaplan, LEAA, National Criminal Justice Information and Statistics Service, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

CONFERENCE CALENDAR

- **Law Enforcement Leadership Seminar in Labor Relations**, February 2-4, Charleston, South Carolina. Designed for police chiefs and city managers (See ICMA Newsletter, December 20, 1976). Contact: Philip Singer, ICMA, 1140 Connecticut Ave., N.W., Washington, D.C. 20036. Telephone: (202) 293-2200.
- **Trial Techniques Seminar**, February 13-17, Salt Lake City, Utah. General instruction in basic and intermediate areas of criminal law for prosecutors. Contact: Registrar, National College of District Attorneys, College of Law, University of Houston, Houston, Texas 77004. Telephone (713) 749-1571.
- **Advanced Latent Fingerprint Course**, February 14-18, St. Petersburg, Florida. Fee: \$15. Contact: Robert B. Tegarden, Director, Florida Institute for Law Enforcement, P.O. Box 13489, St. Petersburg, Florida 33733. Telephone (813) 546-0011.
- **Crime Analysis Course**, February 16-18, Dallas, Texas. Designed for patrol commanders, investigators, and planning and research personnel. Tuition: \$225. Contact: Michael E. O'Neill, Vice President, Theorem Institute, 1737 North First Street, Suite 590, San Jose, California 95112. Telephone (408) 294-1427.
- **Western Society of Criminology — Annual Meeting**, February 16-18, Las Vegas, Nevada. Contact: Geoffrey P. Alpert, The University of Texas at Dallas, P.O. Box 688, Richardson, Texas 75080. Telephone (214) 690-2015.
- **Geographic Base Files for Law Enforcement Agencies Workshop**, February 22-25, Columbus, Ohio. Designed for police personnel active in those agency operations related to geographic base file applications, communications, resource-manpower allocation, crime analysis, data processing or planning. Tuition free. Contact: Robert I. Macfarlane, GBF Project Manager, International Association of Chiefs of Police, Eleven Firstfield Road, Gaithersburg, Maryland 20760. Telephone: (301) 948-0922.
- **Fourth National Conference on Juvenile Justice**, March 20-24, Orlando, Florida. Registration fee: \$160. Contact: National Conference of Juvenile Court Judges, University of Nevada, P.O. Box 8000, Reno, Nevada 89507. Telephone (702) 784-6012.
- **Association of Police Planning and Research Officers — First Annual Conference**, March 31 - April 2, San Diego, California. Contact: A.P.P.R.O., P.O. Box 5907, Santa Monica, California 90405. Attn. Conference Chairman.

61214

X Summary of the Final Report on Victims and Witnesses: The Impact of Crime and Their Experience with the Criminal Justice System.
(Marquette University, 75-NI-99-0018).

Fred Heinzelmann
Community Crime Prevention Division

Purpose

A well functioning criminal justice system must be responsive to the experiences of citizens as clients in order to dispense justice effectively and to promote public participation in the criminal justice process. This study examined the needs and problems of citizens in their roles as victim and witness both in relation to the criminal act and citizen participation in the criminal justice system. The purpose of the study was to define how needs of victims and witnesses can be met more effectively through the development of improved programs, policies, and procedures.

Methods

This research project was conducted in Milwaukee, Wisconsin and focused on two major study groups. One group consisted of victims and witnesses actually involved in the criminal justice process in the Milwaukee County court system. Respondents were contacted at the court house as their cases were considered at one of four stages in the criminal justice process: the screening conference in the district attorney's office; the preliminary hearing; the misdemeanor trial; or the felony trial. Interviews lasting 15-20 minutes were carried out with approximately 2000 victims and 1000 witnesses between December, 1974 and November, 1975. The overall refusal rate was 17.8 percent.

The second study group consisted of victims in the community who had originally been identified in the U.S. Bureau of Census National Crime Survey in Milwaukee in 1974. Some 1600 victims (12 years or older) were re-interviewed in their homes which represented about 90% of the sample that has been selected.

In general, the criminal justice system sample and the community sample found that males, blacks, and youth were overrepresented among crime victims in Milwaukee. This finding is similar to that reported by LEAA in its national victimization studies.

Both study groups were interviewed in terms of the person's experience as a victim and/or witness with special attention given to the problems they had experienced and the resources and services they found available to meet their needs. The impact of the crime on the victim and those persons close to him was addressed as well as the particular concerns of persons who were involved in various stages of the criminal justice process. In addition, attention was given to the reasons why victims did or did not report the crime to the police, the actions that victims

had taken to reduce their vulnerability to crime, and reactions to various proposed programs and services for victims including those involving victim compensation.

Findings

A. Needs and Problems of Victims and Witnesses

- 1) The most commonly experienced problems of crime victims are mental or emotional suffering and property loss. In terms of perceived seriousness, however, income and property loss are rated highest. In general, time loss and physical-emotional suffering are the most serious problems for the greatest number of people. However, victims who get involved in the criminal justice system experience additional problems. Added time loss and associated income loss are the most commonly experienced problems and are also regarded as the most serious.
- 2) Neither crime-related nor criminal justice system - related problems are unique to any one group. These findings do not support the view that certain groups such as the elderly experience these problems more frequently than others. The general conclusion of this study is that any program designed to assist victims and witnesses should not focus on subgroups within the population but should be directed at and made accessible to all.
- 3) The study also revealed the extent to which the impact of crime extends beyond the victim and witness to others close to them personally. This secondary victimization was noted by one-third of the victims and one-fifth of the witnesses. The secondary impact is reflected in mental-emotional suffering, loss of time and inconvenience and financial consequences experienced by family members, relatives and friends. This highlights the need to consider the impact of crime in terms of the total social network of persons that are affected by the crime.
- 4) A variety of groups and agencies in the community may already provide some of the services and resources that victims and witnesses need. These include information and referral services, various forms of counseling, transportation and legal aid. However, greater efforts must be made to publicize the assistance that is available since public knowledge of such services is not high. Victims are generally unaware of community services and even when they are aware that some help is available, they make little effort to receive these services.
- 5) Within the criminal justice system, new efforts are needed to deal with important problems such as time and related financial loss of victims and witnesses who participate in the criminal justice process, along with mental-emotional consequences of

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victimization and fear of offender retaliation. These problems require changes in the policies, programs, and operating procedures of the criminal justice system in order to provide remedies that are effective and meaningful. Procedures that can be used to notify witnesses when they will not be needed and to make scheduling more efficient may have the greatest effect. Programs to deal with fear of offender retaliation also deserve special attention.

- 6) Victim compensation laws and programs usually respond to victim needs in areas of physical injury, income loss and medical expenses but do not address time loss, property loss/damage or costs that occur as a result of participation in the criminal justice process.

This study found that the median dollar costs for physical injury among victims in the two study groups was \$75 and \$98. Median income loss for victims in the two groups \$54 and \$85. Median time loss was 1.8 days and 1.4 days for victims in the two groups. Median unreimbursed costs for property damage or loss was \$196 and \$138 for the two groups of victims.

Lower income persons seem to experience special problems relating to acquisition of medical and property insurance, maintenance of insurance coverage at adequate levels and/or program eligibility. Victim compensation laws may help to rectify this situation for such victims.

- 7) Overall, the problems which victims experienced were not found to be strongly associated with any victim characteristics such as age, sex, race, or educational level, with the exception being that lower income individuals are less likely to be compensated for medical expenses. This suggests that the characteristics of victims are not major factors that need to be addressed in planning programs for victims although special attention should be given to the problems encountered by lower income groups.
- 8) Serious losses due to victim or witness entrance into the criminal justice system tend to focus on income and time loss. The study found that median income loss was \$49 for victims and \$36 for witnesses. These losses increased with participation in subsequent stages of the criminal justice process. Median time loss was 1.2 days for both victims and witnesses. Time loss also increased with participation in subsequent stages of the criminal justice process.
- 9) A comparison of existing victim compensation programs with the needs and problems of victims indicate that these programs generally provide support for only a portion of those victimized by the crime event and ignore totally the in-system costs in-

curred by victims. Consequently, these issues must be addressed through changes in the policies and operational procedures of the criminal justice system. These findings have important implications for improving court administration and calendaring, more effective use of police and prosecuting attorney time, the provision of useful information for victims and witnesses on the process and procedures of the criminal justice system, changes in the court's acceptance of legal delay tactics, and more efficient service of subpoenas. Better cooperation among law enforcement, prosecution and defense and court personnel must be achieved if victim and witness concerns are to be faced realistically.

B. Victim and witness views concerning crime and criminal justice

More positive assessments of the performance of criminal justice personnel were found among victims who had seen results in the sense that an offender had been arrested and was being processed by the criminal justice system - in contrast to victims who reported the crime to police without any action occurring subsequently.

A definite positive relationship was found between citizen satisfaction with criminal justice performance in terms of perceived effort, effectiveness and courteousness and citizen intentions regarding future co-operation with the criminal justice system.

Respondents in the study were also asked about their attitudes toward victim compensation programs. They generally supported such programs for all income groups and expressed a willingness to pay increased state taxes to fund such activities. While tending to support reduction in an offender's sentence if he participated in restitution programs, a majority of victims (80%) said they would decline the opportunity to deal directly with offenders in matters regarding restitution or repayment.

About half of the victims in the study said that it was likely that they would be a victim of a crime in the next year. Property crime victimization was seen as more likely than victimization involving violence or injury. In general, persons who had been victims of more than one crime tended to view victimization as more likely and were more somewhat likely to have reported the crimes to the police.

Victim and witness views regarding the punishment of offenders suggest that victims are not more punitive toward offenders than witnesses. An important factor affecting punitive reactions is the perceived seriousness of the act and victims and witnesses do not differ in terms of this dimension.

In general, respondents expressed considerable faith in the rehabilitative effect of social or psychiatric treatment of offenders with 70% agreeing that this approach was desirable while about one-third of the respondents agreed that protection of society necessitates incapacitation of offenders.

The findings linking attitudes of victims and witnesses to their intentions to report crime in the future, indicate that the nature of the incident and its perceived seriousness is a major determinant of citizen response. Little association was found between intentions to report and previous reporting behavior.

C. Precautionary behavior of victims and witnesses

In general, victims are twice as likely as nonvictims to take at least one precaution to deal with the threat of crime. The most common precautions generally taken by victims include an increased use of locks and alarms, purchase of insurance, watching for suspicious persons or things and making requests for better police service. The most frequent specific response to the crime incident that the victim had experienced was to procure a weapon while a significant number of victims also indicated that they had moved as a result of their experience with the crime.

This study found only limited evidence to support the position that persons who view their chances of victimization as high take more specific precautions than persons who do not consider themselves very vulnerable. In addition, the study found no evidence that persons who report crime compared to non-reporters or that the elderly compared to others differ in the actions taken to protect themselves from crime. These findings run counter to the view that the elderly take greater precautions than other age groups to prevent victimization.

D. Factors influencing crime reporting

Attention was given to the reasons why persons did or did not report the crime they had experienced. The primary factor associated with reporting was perceived seriousness of the crime event. The most important reasons for reporting crime were fear of offender retaliation; need for help because of injury or desire to recover property; a desire to have the offender punished; and the view that reporting would keep the crime from happening to others.

The major reasons listed by victims for not reporting the crime dealt with the belief that nothing could be done due to lack of proof; the matter could be handled privately; or the view that incident was unimportant or of little consequence.

The study found that property crime is more likely to be reported than serious personal crime primarily because the act of reporting in the first instance may be more likely to produce useful results.

An examination of the reasons for reporting crime as well as the reasons for not reporting highlights the importance of upgrading the image and perceived effectiveness of the police. The two reporting reasons most highly associated with intentions of future co-operation with police are the views that the police are effective and "on my side." Being pro-police or having a good experience with the police is associated with reporting while negative attitudes toward the police and the view that they are ineffective or can't do anything about the crime is related to non-reporting. This suggests that efforts to

to upgrade police-community relations should be useful in dealing with citizen crime reporting.

Research Implications for Programs, Policies and Procedures

A. Costs of crime for the victim

This study found that victims incur a number of financial costs not reimbursed by insurance. For example, the average non-reimbursed medical costs for a subset of 300 victims who had experienced physical injury was about \$200. The average non-insured costs for property replacement and repairs for 867 victims was \$432. Average income loss for 438 victims was \$373 as a result of the crime incident.

While nearly two-thirds of victims are likely to have some insurance protection, one-third, largely in the lower income population do not. These are the persons commonly victimized by crime as well as by the lack of insurance support.

B. Meeting victim costs by compensation

In only a relatively few categories of victim need do victim compensation laws and programs actually serve the victim. Such legislation is generally designed to assist a small targeted group of serious personal crime victims. The findings in this study tend to support a federal victim compensation bill designed along the lines of the "Victims of Crime Act of 1976," (H.R. 13157-13158) which allows the flexibility and coverage necessary to respond to crime victim needs. Federal or state legislation in this area should give particular attention to the problems encountered by lower income persons.

C. Meeting the needs of victims and witnesses within the criminal justice system

The primary focus of assistance to victims and witnesses here should be to reduce the losses relating to time and income. These loss areas, together with emotional suffering and property loss constitute the most important areas of victim concern. Time and income loss and emotional suffering can be ameliorated with imaginative programming and administrative adjustments. Simple modifications here can greatly assist victims and witnesses. For example, administrative reforms can save victim-witness time; waiver or other procedures can free victim property from the requirement of having to be presented as evidence at a court trial; greater police follow-through on subpoena processing can greatly assist the case flow; better allocation of person-power in a district attorney's office can lessen witness frustration, and the like.

Because there is evidence that the orientation and practices of law enforcement personnel have an effect upon the decision of the victim to report the crime, police and sheriffs departments should give more attention to their role in effective prosecutorial and judicial activity. This means that more attention should be placed upon police-citizen relationships. Of utmost importance is that each police officer be his own public relations specialist since he has the

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capacity to influence the future course of citizen involvement in the criminal justice case process.

- ° It is also important to emphasize that the criminal justice system should not bear the entire responsibility for meeting victim/witness needs. Inter-agency cooperation should be encouraged in the establishment of any local victim assistance program. Because useful programs have to be multifaceted and inter-organizational, efforts must be taken at the outset of program development to secure the cooperation of representative private agencies and public social control personnel.
- ° A greater effort should be made to publicize community agencies which may already provide many of the services needed by victims and witnesses. Each jurisdiction should provide brochures or other documents which give potential victims and witnesses not only information as to what to expect within the criminal justice system but also where they can go for services within the local community. These brochures and other informational booklets should be made available at the entrances of public buildings, courtrooms, and other appropriate facilities, and also distributed to designated public and private service agents. The mailing or serving of such brochures with a subpoena can do much to ease problems caused by victim and witness entrance into the criminal justice system.
- ° It is clear that system-related problematic experiences are often cumulative. Persons who have problems in one area are likely to have problems and needs in other areas as well. It is also obvious that no one set of individuals or group of persons appears to have a monopoly on problematic experiences. While some individuals or groups are more likely than others to perceive their problems as serious, seriousness is not allied to type of offense or to the experience of that offense. The data suggest that the development of programs oriented to one particular age, sex, or racial group may actually undermine the potential value of the service offered.

D. New approaches to serving victim and witness needs

- ° A number of recommendations are made in this area. These include the possible use of victim reporting fees in order to promote more effective reporting and citizen case follow-through. Such fees might be based on a time spent basis plus a set amount for transportation costs. Experimentation in the area of more equitable witness fees is also discussed in order to promote greater citizen response to court subpoenas and procedures.
- ° An Office of Citizen Justice Advocate is proposed which could serve as a constant representative of victim, witness and juror interests within the criminal justice system. Staff would have responsibility for the establishment of guidelines important to victim-witness concerns, negotiation of new administrative and court procedures, develop-

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ment of new concepts and services, coordination of criminal justice activity, and the creation of new or ameliorative legislation.

It is recommended that the Office be established by law in a manner which mandates full attention to the problems of victims, witnesses, and also jurors. As conceived, it would have the same legal foundation as the police, the prosecutor, the courts and corrections. Having a legal equality, it would serve to balance the criminal justice equation and provide needed victim and witness (and juror) influence within the criminal justice system.

Since the most strategic point at which to impact upon victim and witness concerns is immediately following victimization, it is suggested that the operations of the Office of Citizen Justice Advocate would be most effective by following up cases as soon as they are reported to the police as official crimes.

- With regard to victim non-reporting of crime, more effort should be made to determine whether failure to report is a rational response on the part of citizens to cut their losses due to the criminal event. In general, victim compensation programs are unlikely to lead to major changes in crime reporting. Rather some other motivation based on self-interest but which is more broadly applicable should be devised.
- Probably the most economic model of victim services is that which is closely related to the conviction of offenders. In this model victim services are provided in order to bring about increased and more successful prosecution. Because victim service programs are given low priority in most public budgets, it is likely that such services will have to be justified in terms of more apparent priority needs. For example, victims and witnesses may be served by computerizing court calendaring, subpoena recall, and judicial assignment procedures, and by lessening the monetary and time losses experienced by system personnel.

Conclusion

The findings from this research suggest that extensive victim/witness service programs are not needed by most victims and witnesses. What is needed is greater knowledge about and coordination of already existing community services, increased public and private agency willingness to service these client groups, designation of responsibility to some person or group for victim/witness concerns (probably with legal power), modifications in criminal justice administrative and operational procedures for dealing with victims and witnesses, and increased desire by system personnel to respond to victim/witness problems. In addition, public agencies need to encourage and expand steps taken to make citizens more aware of their responsibility for their own vulnerability to crime. The data in this study suggest that a large percentage of victims are not protecting themselves as well as they can or should. This means that an increased emphasis needs to be placed upon actions that citizens can take (preferably with other persons in their neighborhood) to protect themselves and their property.

UNITED STATES DEPARTMENT OF JUSTICE

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LEAA
Law Enforcement Assistance Administration

Public Information Office
Telephone (202) 376-3820

Washington, D.C. 20531

ADVANCE FOR RELEASE AT 6:30 P.M. EST
SUNDAY, FEBRUARY 6, 1977

An LEAA News Feature

A 40-year-old burglar who has spent half his life behind bars is caught breaking into a minister's home. But instead of going back to jail he goes to work for the minister. Three years later the minister is performing the marriage ceremony for the former burglar and his bride.

A young man steals a car and wrecks it. He doesn't go to jail but goes to work for the insurance company to pay for the damages. Two years later he is still working for the insurance company as a regular employee and has had a promotion.

A self-employed businessman begins drinking heavily and starts passing bad checks. He is caught but is not sent to jail. He goes to work for the state's department of corrections where he eventually becomes a regular staff member counseling alcoholics and others.

Success stories like these--which are actual cases--are possible because of a new emphasis on rehabilitating offenders through restitutive justice instead of merely punishing them.

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Restitution by the offender is being implemented in many states.

The Law Enforcement Assistance Administration is a prime mover in the concept and is spending nearly \$2 million to help fund and evaluate seven projects.

Grants awarded for LEAA's current experimental restitution programs include: California (\$220,496); Georgia (\$356,195); Colorado (\$250,000); Connecticut (\$288,000); Oregon (\$215,000); Massachusetts (\$97,435); and Maine (\$169,104).

Funding for LEAA's seven programs began October 1, 1976, and will run for a two-year period.

A planning conference, attended by the seven project directors, was held in Washington, D. C., last December.

Joe Hudson, chief of the Office of Planning, Department of Corrections, Minnesota, outlined some of the problems with implementing restitution.

Mr. Hudson said the role of the victim should be determined in advance, raising the following questions: Should the victim be involved in making determinations about the form, amounts and schedule of restitution payments? Should the victim be involved directly with the offender in negotiating those types of issues? Should the victim have veto power over the restitution agreement? Should restitution be limited to situations in which the victim is an individual as compared to a business or insurance company? Should victim culpability be taken into consideration?

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Richard W. Velde, LEAA administrator, stressed that the LEAA is interested in at least two types of results from the restitution projects:

"First," Mr. Velde said, "LEAA wants to find some substantive answers about the particular approaches to restitution that will be successful. We want to examine the differences in the seven projects to find out which factors are the most significant in influencing the success of this alternative.

"Second, LEAA would like to see how the research is organized and how the results of the research can be sold to practitioners throughout the country, so that they can benefit from the consequences of the project work."

Mr. Velde added: "Restitution as opposed to jail sentencing and heavy fines is a much more positive approach to rehabilitation.

"Not only does it help rehabilitate the offender, it saves taxpayers large sums of money and helps ease overcrowding in jails and prisons."

Restitution can take the form of repayment for damages or losses directly to the victim by the offender or it can be in the form of work or service to the community.

Offenders have performed restitution by working in mental hospitals, with civic and environmental groups, or working directly for the victim in some capacity to pay for damages or losses.

Marlene Beckman, LEAA's project monitor for the programs, said it is hoped the projects will reveal whether or not restitution can be an effective corrections tool in large cities and metropolitan jurisdictions.

"The high costs of warehousing offenders in jails where they perform no real service and are often further corrupted makes the restitution programs a viable alternative," Ms. Beckman said.

"Costs of keeping offenders in jail continue to rise and space for the offenders becomes a problem in itself. With restitutive justice the offender can benefit the victim, society as a whole, and give himself a greater sense of worth."

The LEAA programs focus on several issues vital to successful implementation of restitution:

What is considered fair restitution; what types of offenders should qualify; how a restitution plan should be negotiated; should there be a direct contact between the victim and the offender; and what effect restitution will have on recidivism rates.

The Criminal Justice Research Center in Albany, New York, will evaluate the programs receiving the LEAA grants.

"The aim of restitutive justice," said Mr. Velde, "is to compensate victims of crime while aiding in the rehabilitation of the offender. Making restitution becomes

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part of the offender's actual sentence, as well as becoming an important factor in his rehabilitative process."

According to Ms. Beckman, the LEAA also views restitution as offering a more comprehensive justice system in that it concerns itself with the rights and interests of the victims.

"If restitution programs become operable in enough jurisdictions many of the direct dollar costs of crime could be transferred from the taxpayer and the victim to the offender," Ms. Beckman said.

Ms. Beckman pointed out that while many states have programs for aiding crime victims, the restitution programs require offenders to pay for the crime themselves.

"Offenders arrested and convicted of violent crimes usually are not eligible for restitution programs," Ms. Beckman said. "However, LEAA's project to evaluate these programs will extend the concept to some persons convicted of violent crimes."

Ms. Beckman said so far there has been little attempt to systematically collect, analyze and disseminate the existing knowledge on current restitution programs.

"The historical, legal and theoretical perspective of restitution; the significant issues involved in implementing the concept; and the practical applications of restitutive justice; and evaluations of results are the main areas of concern of the LEAA program," Ms. Beckman said.

April 8, 1977

FILE

The Honorable Mario Biaggi
House of Representatives
Washington, D. C. 20515

Dear Congressman Biaggi:

This is in response to your letter to Mr. George Bohlinger of the Law Enforcement Assistance Administration submitting several questions which arose following his appearance before the House Select Committee on Aging in New York on February 16, 1977. We are pleased to respond to your questions, as follows: -

- (1) Under present budgeted funds for the agency, would it be possible to fund a program providing full cost for compensating federal crimes and partial cost for compensating state crimes? If so, would it come under state block grant funds or discretionary funds?
- (2) In your testimony, you indicated that LEAA does not presently provide funds for direct victim compensation payments. Should this be interpreted as a prohibition as written in the law, or rather a policy implemented by LEAA?

LEAA does not have authority to provide direct financial aid to victims of state or federal crimes, either through block or discretionary grants. This is not a policy determination made by LEAA, but the result of an interpretation of the Agency's authorizing legislation, Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

The primary congressional finding behind the establishment of LEAA is stated in the "Declaration and Purpose" section of the Act as follows:

To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

Further, Section 30(b) of the Act provides that the general purpose of law enforcement awards is "...to encourage states and units of general local government to carry out programs and projects to improve and strengthen law enforcement and criminal justice."

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The intent of the Act, as evidenced by the statutory language, is to encourage states and units of government, through the provision of federal technical and financial aid and assistance, to deal more effectively with their crime problems and improve their law enforcement and criminal justice efforts. These provisions and concomitant congressional actions have resulted in a determination by LEAA's General Counsel that direct financial aid to victims of crime was not anticipated by Congress in drafting the Act.

Section 301(b) enumerates 14 broad areas of permissible use of LEAA action funds. Direct victim aid is not specified. Such aid is a sufficiently broad area of funding authority to have required specific enumeration. It is well-established statutory construction that a statute which expresses specific items to the exclusion of others must be construed to exclude from its intent the areas not mentioned. It should additionally be pointed out that funding under the Act is generally restricted to units of government, public agencies, and private nonprofit organizations.

LEAA has interpreted existing provisions to permit use of funds for victim assistance programs which provide such assistance as referral services, emergency aid, and emotional support to victims. Sensitive treatment of victims serves the dual function of aiding the victims while inspiring community confidence in law enforcement and encouraging witnesses to report crime and cooperate with police. This comports with the Agency's legislative mandate to encourage the creation of programs and projects to improve and strengthen law enforcement and criminal justice.

- (3) In your testimony, you made reference to LEAA funding (innovative design) programs, as it relates to victim compensation programs. Could you define the term "innovative design" and give examples of these types of programs?

LEAA funds account for less than five percent of the total national expenditures each year for law enforcement and criminal justice. Since crime is essentially a problem that must be dealt with by state and local governments if it is to be controlled effectively, LEAA uses a "seed money" approach to funding various programs. Federal funds are provided for starting up new programs and developing new methods which a particular state or local government might not have the resources to implement. Once this "innovative" approach has proved worthwhile, the participating jurisdiction is expected to assume the cost, perhaps at the expense of some less successful programs. Thus, the concept of "innovative design" reflects the experimental and exploratory nature of LEAA-supported programs and the emphasis in the Agency's enabling legislation on "the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and criminal justice and reduce crime in public and private places."

Examples of innovative programs supported by LEAA are the victim and witness centers which Mr. Bohlinger described in his testimony, special training for police in crisis

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Intervention and dealing with particular categories of individuals (including how to deal more effectively with elderly citizens), career criminal anti-fencing programs, law-related education for school children, and undercover anti-fencing operations, commonly known as "Sting" operations. All of these, and many other programs and projects, have been favorably received and replicated in many areas. They may not have even been attempted if it were not for the availability of federal resources to initiate them.

The continued interest of the Committee in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

Stephen T. Boyle
Director
Office of Congressional Liaison

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