

State of New York
Department of Correctional Services

Building Number 2
Harriman Office Campus
Albany, New York 12226

**NEW YORK STATE'S VICTIM
NOTIFICATION PROGRAM:
A STATISTICAL SUMMARY
2006**



**Eliot Spitzer
Governor**



**Brian Fischer
Commissioner**

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EXECUTIVE SUMMARY

This is the ninth report issued by the Department of Correctional Services on New York State's Victim Notification Program.

- Thirteen percent (N = 7,926) of the inmate population on January 1, 2007 had at least one victim notification request on file. This is the same proportion of the January 1, 2006 inmate population who had a victim notification on file (see Charts C and D, page 13).
- Of the 7,926 inmates with notifications on file, 6,768 (85%) were committed for violent felony offenses (See Table 2, page 7).
- Women offenders constituted 253 (3%) of the 7,926 inmates with victim notifications on file, including 200 committed for violent felony offenses (See Table 3B, page 10).
- Fifty-seven percent (N=4,497) of the offenders under custody on January 1, 2007 with victim notification requests were committed to prison from the five counties of New York City, nine percent (N=747) from suburban New York, 21 percent (N=1,660) from Upstate Urban Counties, and 13 percent (N=1,018) from other upstate counties (See Table 4, page 11).
- **Nineteen percent (19%) of the violent felons** under custody as of January 1, 2007 had at least one notification request on file (see Charts A and B, page 12). The 19% figure recorded for January 1, 2007 is the same percent as last year.
- There were 2,850 certified notification letters sent to victims in calendar year 2006, upon the release of the inmate for whom they had registered (see Table 1, page 5).
- The number of new registrations for phone notification on the Victim Information and Notification Everyday (VINE) system was 2,389 during 2006. The number of new registrations has been over 1,100 new registrations per year for the last seven years (see Table 5B, page 15).
- The number of confirmed notifications on the VINE system in 2006 (N= 1,678) was more than 10 times the level in 1999 (N=164). The number of confirmed notifications has increased each year since its inception in 1999 (see Table 5B, page 15).

NEW YORK STATE'S VICTIM NOTIFICATION PROGRAM: A STATISTICAL SUMMARY: 2006

This report provides information on the Victim Notification Program of the New York State Department of Correctional Services (DOCS), which is mandated by Criminal Procedure Law (CPL) Section 380.50, Subdivisions 4 and 5. Amendments to the Criminal Procedure Law pertaining to victim notification were enacted as part of Chapter 1, Laws of 1998, also referred to as Jenna's Law. This report presents a brief summary of the legislative history of victim notification and statistical data on the extent of the utilization of the program.¹

Legislative History of New York State's Victim Notification Program

New York State's victim notification legislation was initially passed by the Legislature and signed into law as Chapter 504, Laws of 1985, effective as of November 21, 1985. The 1985 law gave victims of violent crime the opportunity to be notified by certified mail when the offender was released from the custody of the Department of Correctional Services due to parole, other discharge of the sentence, conditional release, escape, or abscondance from temporary release. The 1985 Law stated that:

"Victim notice" means a form prescribed by the commissioner and distributed by the district attorney, prior to sentencing, on which a victim or a family member of a victim may indicate a demand that he or she be advised of the escape or absconding, discharge or parole, of any inmate convicted of a crime of which he or she or a family member was a victim. (Correction Law 149A)

In 1991, Correction Law 149A was amended to add the additional requirement that a victim be notified when an inmate was placed into the Department's temporary release program (i.e. work release).

In 1998, Correction Law 149A was repealed and the laws pertaining to victim notification were placed in Criminal Procedure Law Section 380.50 (CPL 380.50). In addition, two new sections were added to CPL 380.50 which strengthen victim notification. In the first important change, the 1998 legislation requires the District Attorney's Office to furnish the victim with a form for demanding notification of the release of the offender. This option is available to the victim even if the victim elects not to make a statement to the court at the time of sentencing. Subdivisions 4 and 5 of CPL 380.50 state:

¹ Earlier Department reports in the series were prepared for 1994, and each year from 1996 through 2005. All were entitled "New York State's Victim Notification Program: A Statistical Summary", NY DOCS, Albany, NY 12226.

4. Regardless of whether the victim requests to make a statement with regard to the defendant's sentence, where the defendant is committed to the custody of the Department of Correctional Services upon a sentence of imprisonment for conviction of a violent felony offense as defined in section 70.02 of the penal law or a felony defined in article one hundred twenty-five of such law, within sixty days of the imposition of sentence the prosecutor shall provide the victim with a form, prepared and distributed by the Commissioner of the Department of Correctional Services, on which the victim may indicate a demand to be informed of the escape, absconding, discharge, parole, conditional release or release to post-release supervision of the person so imprisoned. If the victim submits a completed form to the prosecutor, it shall be the duty of the prosecutor to mail promptly such form to the Department of Correctional Services. (Criminal Procedure Law 380.50 (4)).
5. Following the receipt of such form from the prosecutor, it shall be the duty of the Department of Correctional Services, at the time such person is discharged, paroled, conditionally released or released to post-release supervision, to notify the victim of such occurrence by certified mail directed to the address provided by the victim... (CPL 380.50 (5)).

Further, where an inmate has escaped from custody or absconded from work release, it shall be the duty of the Department of Correctional Services to "notify immediately the victim of such occurrence at the most current address or telephone number provided by the victim in the most reasonable and expedient possible manner (CPL 380.50 (5)).

CPL 380.50 requires the state to offer victim notification for "violent felony offenses" as defined in Section 70.02 of the Penal Law; criminal offenses in which the victim "has suffered a direct adverse effect consisting of death, physical injury, rape, sodomy or aggravated sexual abuse". Also included are all Penal Law Section 125 homicide class offenses (e.g. Murder 1st, Murder 2nd, Vehicular Manslaughter 1st and 2nd, and Manslaughter 2nd). The Department's guidelines for the victim notification program, however, go beyond the statutory requirement. The Department's policy is to honor all victim notification requests received from a District Attorney or a victim even if the underlying crime does not meet the statutory definition of a violent crime.

Besides the victim of a violent crime, family members of the victim have been eligible for notification and continue to be eligible by Department policy. The repealed Correction Law 149A defined a family member as "any person related to a victim within the third degree of consanguinity or affinity or any person residing in the same household with a victim." This language has also been incorporated into DOCS Directive 4036, entitled "Notification to Victim of Inmate Release or Damages Award" (attached as Appendix D).

Subdivisions 4 and 5 of CPL 380.50, covering Correctional Services Victim Notification, only utilize the word “victim” and do not include the previously specified Correction Law 149A statutory definition of a family member. The pre-existing CPL 380.50 within which these subdivisions have been added is entitled “Statements at Time of Sentence.” In this section, the following statutory language on victims exists:

2a. For purposes of this section, “victim” shall mean:
 (1) the victim as indicated in the accusatory instrument; or (2) if such victim is a child unable or unwilling to express himself or herself before the court or a person so mentally or physically disabled as to make it impracticable to appear in court in person or the charge was one of homicide, a member of the family of such victim, or the legal guardian or representative of the legal guardian of the victim where such guardian or representative has personal knowledge of and a relationship with the victim, unless the court finds that it would be inappropriate for such person to make a statement on behalf of the victim. (CPL 380.50 (2) (a).)

The second important change in the 1998 legislation is the mandate that the Department

establish an automated telephone system that a victim, family member of a victim, a witness or any member of the general public may call to obtain information relating to the crime and sentence of an inmate who is serving a determinate or indeterminate sentence of imprisonment...the Division of Parole, in cooperation with the Department of Correctional Services, shall implement a program to provide a victim, family member of a victim, a witness, or any member of the general public with access to information concerning the community of residence of a person who has been paroled, conditionally released or released to post-release supervision and the address and telephone number of the regional parole office to which such person has been assigned.

This section of CPL 380.50 has resulted in the establishment of the VINE system (“Victim Information and Notification Everyday”) which is discussed in further detail later in this report.

Department’s Written Victim Notification Program

Department Directive #4036 (see Appendix D) specifies the procedures by which this statutory Victim Notification Program has been implemented. The Directive was most recently reissued in August 2003, with a revision in August of 2005 to bring it into accordance with Chapter 1 of the Laws of 1998.

The procedures set forth in the law are as follows. The prosecuting District Attorney “shall provide the victim with a form, prepared and distributed by the Commissioner of the Department of Correctional Services, on which the victim may indicate a demand to be informed

of the escape, absconding, discharge, parole, conditional release or release to post-release supervision of the person so imprisoned” (CPL 380.50 (4)). It is the responsibility of the District Attorney’s office to promptly mail the form to the Department of Correctional Services.

The form, entitled VICTIM*DEMAND – NOTICE OF INMATE’S RELEASE, which is available in both English and Spanish, was distributed by the Commissioner of the Department of Correctional Services to all District Attorneys. (Department Form 3617 is attached as Appendix D and can be copied for immediate use in District Attorney Offices per the requirements of CPL 380.50).

The mailing included instructions to mail the completed forms to the Office of Victim Services at the New York State Department of Correctional Services, 1220 Washington Avenue, Building 2, Albany, NY 12226.

Upon receipt, the Office of Victim Services confirms that the offender is in the custody of the Department of Correctional Services and updates the Department’s computer records to reflect the existence of a demand for victim notification. A letter acknowledging receipt of the demand for notification is sent to the victim(s). This acknowledgement letter includes additional information on services available to the victim in the post-sentencing phase of the criminal justice process including Crime Victim Board compensation, the “Victim Information and Notification Everyday” (VINE) automated telephone notification system (described below), and the parole victim impact process.

All victim demands for notification are maintained in the Department of Correctional Services’ Office of Victim Services, not the individual Correctional Facilities. The forms are confidential and unavailable to inmates. The form is exempt from Freedom of Information Law requests “as it would constitute an unwarranted invasion of personal privacy” (Public Officers Law, Article 6, Section 87 (b) (2), see also Departmental Directive #4036, attached as Appendix D).

Based on the Department’s computerized information system, the Office of Victim Services sends the appropriate notification to the victim by certified mail. Notification letters are sent in the language preference of the victim, either English or Spanish, based on the original demand for notification being completed on either the English or Spanish version of form 3617. The Office of Victim Services maintains a log of all notifications sent by certified mail. Any unsuccessful notifications are noted in this log and a diligent effort is undertaken by the Office of Victim Services to locate the victim(s). During calendar year 2006, the Department sent 2,850 notifications to victims. See Table 1 on page 5 for the monthly distribution of notifications sent.

If an offender is returned to the Department of Correctional Services as a parole violator or for violating post release supervision with no new term, the Office of Victim Services reactivates any demands for victim notification.

Although the law specifies that victims are to demand notification of an offender’s release with the assistance of the prosecutor, the Department also accepts a request for notification directly from the victim provided that the victim contacts the Office of Victim Services requesting notification of the offender’s release. In addition, the Department also accepts requests for notification of the release of inmates committed for crimes that are not mandated by the governing statute.

TABLE 1:
Number of Certified Notification Letters Sent Each Month
By the Office of Victims' Services: 2006

January	209
February	197
March	279
April	215
May	262
June	258
July	266
August	252
September	233
October	220
November	212
December	247
Total	2,850

Number of Victim Notification Requests on File: January 1, 2007

As of January 1, 2007, a total of 7,926 under custody inmates had at least one victim notification request on file according to the Department's computer system. This designation on the computer system simply indicates that a request is on file. It is possible for an inmate to have multiple victim notification requests on file.

Commitment Crime

Of the 7,926 inmates with notifications on file, 85% (N=6,768) were committed for violent felony offenses (VFO's) (see Table 2).

Besides the 6,768 inmates committed for VFO's who had a victim notification on file, there were another 155 offenders committed for Section 125 homicide crimes that have victim notifications on file. There were also 1,003 other offenders who had victim notifications on file although their offenses are not specified in Criminal Procedure Law Section 380.50 as requiring notification.

Offenders who were the most likely to have a victim notification lodged against them were those committed for assaultive or sexual offenses. When commitment offenses are considered individually, proportionally, the greatest number of offenders with notification requests were those committed for Manslaughter 2nd (31%). The next largest category of offenders with notification requests on file was Other Homicide (28%), which includes both criminally negligent homicide and vehicular manslaughter. Twenty percent (20%) or more of the offenders committed for eight other VFO's also had notification requests on file: Assault 1st, Rape 1st, Sodomy 1st, Manslaughter 1st, Attempted Murder 1st, Burglary 1st, Sexual Abuse 1st, and Robbery 1st.

TABLE 2.
 COMMITMENT CRIME BY VICTIM NOTIFICATION STATUS OF INMATE
 UNDER CUSTODY POPULATION ON JANUARY 1, 2007

CRIME AND COMMITMENT OFFENSE TYPE	VICTIM REGISTERED		NOT REGISTERED		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
VIOLENT FELONY OFFENSE						
MURDER	1,391	18.0%	6,330	82.0%	7,721	100.0%
ATTEMPTED MURDER	359	22.8%	1,218	77.2%	1,577	100.0%
MANSLAUGHTER 1ST	587	23.4%	1,919	76.6%	2,506	100.0%
RAPE 1ST	467	25.1%	1,396	74.9%	1,863	100.0%
ROBBERY 1ST	1,183	19.8%	4,795	80.2%	5,978	100.0%
ROBBERY 2ND	507	14.4%	3,005	85.6%	3,512	100.0%
ASSAULT 1ST	530	26.6%	1,464	73.4%	1,994	100.0%
ASSAULT 2ND	237	15.3%	1,317	84.7%	1,554	100.0%
BURGLARY 1ST	225	22.8%	761	77.2%	986	100.0%
BURGLARY 2ND	478	14.8%	2,747	85.2%	3,225	100.0%
ARSON 1ST,2ND	31	14.6%	181	85.4%	212	100.0%
SODOMY 1ST	275	23.6%	889	76.4%	1,164	100.0%
SEX AB 1ST,AG.2	269	22.5%	928	77.5%	1,197	100.0%
WEAPONS OFFENSES	150	6.3%	2,216	93.7%	2,366	100.0%
KIDNAPPING 1ST,2ND	76	18.1%	344	81.9%	420	100.0%
OTHER VIOLENT	3	8.1%	34	91.9%	37	100.0%
SUBTOTAL	6,768	18.6%	29,544	81.4%	36,312	100.0%
NON VFO HOMICIDES						
MANSLAUGHTER 2ND	123	30.7%	278	69.3%	401	100.0%
OTHER HOMICIDE	32	27.6%	84	72.4%	116	100.0%
SUBTOTAL	155	30.0%	362	70.0%	517	100.0%
ALL OTHER OFFENSES						
ROBBERY 3RD	146	10.7%	1,214	89.3%	1,360	100.0%
ATT ASSAULT 2ND	33	7.3%	420	92.7%	453	100.0%
CONSPIRACY 2,3,4	22	7.7%	262	92.3%	284	100.0%
OTHER WEAPONS	28	5.0%	532	95.0%	560	100.0%
OTHER SEX OFFENSES	191	17.0%	931	83.0%	1,122	100.0%
OTHER COERCIVE	36	7.0%	479	93.0%	515	100.0%
DRUG OFFENSES	136	1.0%	13,792	99.0%	13,928	100.0%
BURGLARY 3RD	113	5.5%	1,927	94.5%	2,040	100.0%
GRAND LARCENY	78	5.5%	1,352	94.5%	1,430	100.0%
FORGERY	18	2.5%	700	97.5%	718	100.0%
STOLEN PROPERTY	21	3.6%	569	96.4%	590	100.0%
DRIVE INTOXICATED	5	0.5%	1,010	99.5%	1,015	100.0%
YOUTHFUL OFFENDER	46	5.0%	882	95.0%	928	100.0%
JUVENILE OFFENDER	36	15.3%	200	84.7%	236	100.0%
CONTEMPT 1ST	46	14.4%	274	85.6%	320	100.0%
ALL OTHER FELONIES	48	5.4%	839	94.6%	887	100.0%
SUBTOTAL	1,003	3.8%	25,383	96.2%	26,386	100.0%
GRAND TOTAL	7,926	12.5%	55,289	87.5%	63,215	100.0%

Gender of Offender

While the offenders with a victim notification request on file were typically men (see Table 3A, page 9), 253 women offenders (or 3% of the 7,926 cases with notifications) had such a request on file (see Table 3B, page 10). It appears that the gender of offender does not affect whether a victim notification is likely to be demanded.

Of the 1,073 women convicted of Violent Felony Offenses, 19% (or 200) had victim notification requests on file. This percent is the same as the 19% (6,568) of the men convicted of a Violent Felony Offense who had a victim notification on file. Among homicide offenses that were not specifically designated by the Legislature as violent felony crimes (Non-VFO homicides), 29% (N=16) of women offenders had a victim notification on file which was one percentage point lower than the 30% for men.

Region and County of Commitment

Fifty-seven percent (N=4,497) of under custody inmates with victim notification requests on file were committed from the five counties of New York City (New York, Bronx, Kings, Queens and Richmond). (See Table 4).

Twenty-one percent (N=1,660) of offenders with notifications on file were from Upstate Urban counties (Albany, Broome, Erie, Monroe, Niagara, Oneida, Onondaga, Rensselaer and Schenectady), all of these counties have cities with populations over 50,000 residents.

Another thirteen percent of cases with victim notification on file were committed from other upstate counties (N=1,018) while nine percent were from Suburban New York counties (N=747).

Table 8 in Appendix B presents the percentage of **all inmates** committed by each county who have demands for notification on file, while Table 9 in Appendix C shows the percentage of **violent felons under custody** from each county who have demands for notification on file. Table 10 in Appendix C shows the percentage of **violent felons admitted** from each county during 2006 who have demands for notification on file.

TABLE 3A.
COMMITMENT CRIME BY VICTIM NOTIFICATION STATUS FOR MALE OFFENDERS
MALE OFFENDERS UNDER CUSTODY ON JANUARY 1, 2007

COMMITMENT CRIME	MEN					
	VICTIM REGISTERED		NOT REGISTERED		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
VIOLENT FELONY OFFENSE						
MURDER	1,347	18.0%	6,152	82.0%	7,499	100.0%
ATTEMPTED MURDER	351	22.6%	1,200	77.4%	1,551	100.0%
MANSLAUGHTER 1ST	548	23.5%	1,787	76.5%	2,335	100.0%
RAPE 1ST	466	25.1%	1,390	74.9%	1,856	100.0%
ROBBERY 1ST	1,155	19.7%	4,703	80.3%	5,858	100.0%
ROBBERY 2ND	501	14.8%	2,894	85.2%	3,395	100.0%
ASSAULT 1ST	498	26.6%	1,374	73.4%	1,872	100.0%
ASSAULT 2ND	226	15.5%	1,229	84.5%	1,455	100.0%
BURGLARY 1ST	220	22.8%	744	77.2%	964	100.0%
BURGLARY 2ND	464	14.8%	2,675	85.2%	3,139	100.0%
ARSON 1ST,2ND	26	14.1%	159	85.9%	185	100.0%
SODOMY 1ST	272	23.5%	884	76.5%	1,156	100.0%
SEX AB 1ST,AG.2	267	22.5%	919	77.5%	1,186	100.0%
WEAPONS OFFENSES	149	6.3%	2,198	93.7%	2,347	100.0%
KIDNAPPING 1ST,2ND	75	18.5%	330	81.5%	405	100.0%
OTHER VIOLENT	3	8.3%	33	91.7%	36	100.0%
SUBTOTAL	6,568	18.6%	28,671	81.4%	35,239	100.0%
NONVFO HOMICIDES						
MANSLAUGHTER 2ND	109	30.3%	251	69.7%	360	100.0%
OTHER HOMICIDE	30	29.4%	72	70.6%	102	100.0%
SUBTOTAL	139	30.1%	323	69.9%	462	100.0%
ALL OTHER OFFENSES						
ROBBERY 3RD	140	10.8%	1,162	89.2%	1,302	100.0%
ATT ASSAULT 2ND	33	7.7%	393	92.3%	426	100.0%
CONSPIRACY 2,3,4	20	7.4%	249	92.6%	269	100.0%
OTHER WEAPONS	28	5.1%	523	94.9%	551	100.0%
OTHER SEX OFFENSES	189	17.0%	920	83.0%	1,109	100.0%
OTHER COERCIVE	32	6.6%	451	93.4%	483	100.0%
DRUG OFFENSES	131	1.0%	12,854	99.0%	12,985	100.0%
BURGLARY 3RD	110	5.6%	1,857	94.4%	1,967	100.0%
GRAND LARCENY	69	5.6%	1,164	94.4%	1,233	100.0%
FORGERY	18	3.1%	554	96.9%	572	100.0%
STOLEN PROPERTY	21	3.8%	533	96.2%	554	100.0%
DRIVE INTOXICATED	5	0.5%	951	99.5%	956	100.0%
YOUTHFUL OFFENDER	45	5.0%	847	95.0%	892	100.0%
JUVENILE OFFENDER	36	15.5%	196	84.5%	232	100.0%
CONTEMPT 1ST	46	14.5%	272	85.5%	318	100.0%
ALL OTHER FELONIES	43	5.3%	763	94.7%	806	100.0%
SUBTOTAL	966	3.9%	23,689	96.1%	24,655	100.0%
GRAND TOTAL	7,673	12.7%	52,683	87.3%	60,356	100.0%

TABLE 3B.
COMMITMENT CRIME BY VICTIM NOTIFICATION STATUS FOR FEMALE
OFFENDERS; FEMALE OFFENDERS UNDER CUSTODY ON JANUARY 1, 2007

COMMITMENT CRIME	WOMEN					
	VICTIM REGISTERED		NOT REGISTERED		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
VIOLENT FELONY OFFENSE						
MURDER	44	19.8%	178	80.2%	222	100.0%
ATTEMPTED MURDER	8	30.8%	18	69.2%	26	100.0%
MANSLAUGHTER 1ST	39	22.8%	132	77.2%	171	100.0%
RAPE 1ST	1	14.3%	6	85.7%	7	100.0%
ROBBERY 1ST	28	23.3%	92	76.7%	120	100.0%
ROBBERY 2ND	6	5.1%	111	94.9%	117	100.0%
ASSAULT 1ST	32	26.2%	90	73.8%	122	100.0%
ASSAULT 2ND	11	11.1%	88	88.9%	99	100.0%
BURGLARY 1ST	5	22.7%	17	77.3%	22	100.0%
BURGLARY 2ND	14	16.3%	72	83.7%	86	100.0%
ARSON 1ST,2ND	5	18.5%	22	81.5%	27	100.0%
SODOMY 1ST	3	37.5%	5	62.5%	8	100.0%
SEX AB 1ST,AG.2	2	18.2%	9	81.8%	11	100.0%
WEAPONS OFFENSES	1	5.3%	18	94.7%	19	100.0%
KIDNAPPING 1ST,2ND	1	6.7%	14	93.3%	15	100.0%
OTHER VIOLENT	0	0.0%	1	100.0%	1	100.0%
SUBTOTAL	200	18.6%	873	81.4%	1,073	100.0%
NONVFO HOMICIDES						
MANSLAUGHTER 2ND	14	34.1%	27	65.9%	41	100.0%
OTHER HOMICIDE	2	14.3%	12	85.7%	14	100.0%
SUBTOTAL	16	29.1%	39	70.9%	55	100.0%
ALL OTHER OFFENSES						
ROBBERY 3RD	6	10.3%	52	89.7%	58	100.0%
ATT ASSAULT 2ND	0	0.0%	27	100.0%	27	100.0%
CONSPIRACY 2,3,4	2	13.3%	13	86.7%	15	100.0%
OTHER WEAPONS	0	0.0%	9	100.0%	9	100.0%
OTHER SEX OFFENSES	2	15.4%	11	84.6%	13	100.0%
OTHER COERCIVE	4	12.5%	28	87.5%	32	100.0%
DRUG OFFENSES	5	0.5%	938	99.5%	943	100.0%
BURGLARY 3RD	3	4.1%	70	95.9%	73	100.0%
GRAND LARCENY	9	4.6%	188	95.4%	197	100.0%
FORGERY	0	0.0%	146	100.0%	146	100.0%
STOLEN PROPERTY	0	0.0%	36	100.0%	36	100.0%
DRIVE INTOXICATED	0	0.0%	59	100.0%	59	100.0%
YOUTHFUL OFFENDER	1	2.8%	35	97.2%	36	100.0%
JUVENILE OFFENDER	0	0.0%	4	100.0%	4	100.0%
CONTEMPT 1ST	0	0.0%	2	100.0%	2	100.0%
ALL OTHER FELONIES	5	6.2%	76	93.8%	81	100.0%
SUBTOTAL	37	2.1%	1,694	97.9%	1,731	100.0%
GRAND TOTAL	253	8.8%	2,606	91.2%	2,859	100.0%

TABLE 4.
REGION AND COUNTY BY VICTIM NOTIFICATION STATUS OF INMATE
UNDER CUSTODY POPULATION ON JANUARY 1, 2007

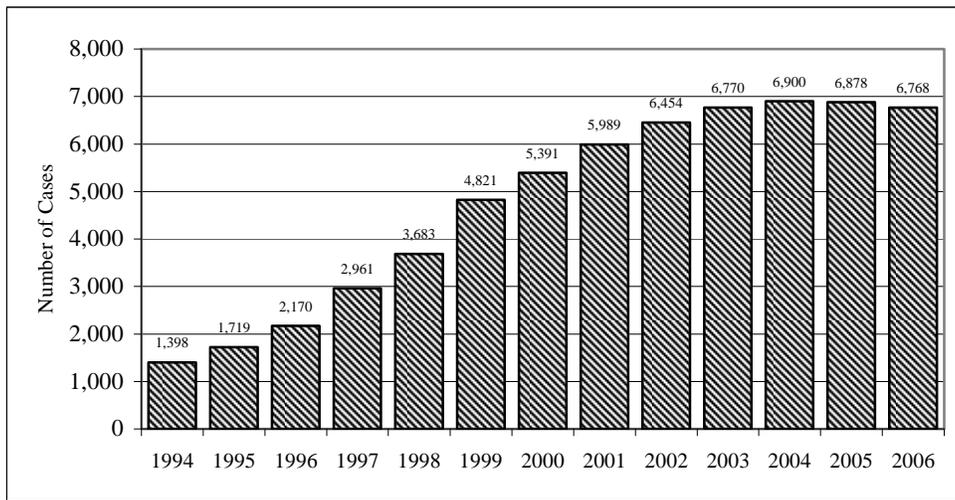
REGION AND COUNTY	VICTIM REGISTERED	NOT REGISTERED	TOTAL
NEW YORK CITY			
KINGS	919	8,363	9,282
NEW YORK	853	11,249	12,102
QUEENS	629	4,662	5,291
RICHMOND	93	662	755
BRONX	2,003	4,454	6,457
TOTAL	4,497	29,390	33,887
	56.8%	53.2%	53.6%
SUBURBAN NEWYORK			
NASSAU	371	1,649	2,020
ROCKLAND	31	588	619
SUFFOLK	200	2,516	2,716
WESTCHESTER	145	1,549	1,694
TOTAL	747	6,302	7,049
	9.4%	11.4%	11.2%
UPSTATE URBAN			
ALBANY	77	1,776	1,853
BROOME	28	716	744
ERIE	164	2,455	2,619
MONROE	778	2,115	2,893
NIAGARA	190	390	580
ONEIDA	39	959	998
ONONDAGA	209	1,648	1,857
RENSSELAER	122	444	566
SCHENECTADY	53	849	902
TOTAL	1,660	11,352	13,012
	21.0%	20.5%	20.6%
UPSTATE OTHER			
ALLEGANY	5	45	50
CATTARAUGUS	10	233	243
CAYUGA	16	220	236
CHAUTAUQUA	30	273	303
CHEMUNG	16	333	349
CHENANGO	7	94	101
CLINTON	17	140	157
COLUMBIA	4	151	155
CORTLAND	28	126	154
DELAWARE	4	79	83
DUTCHESS	60	503	563
ESSEX	5	49	54
FRANKLIN	11	96	107
FULTON	12	125	137
GENESEE	4	243	247
GREENE	5	123	128
HAMILTON	2	9	11
HERKIMER	14	177	191
JEFFERSON	28	194	222
LEWIS	1	29	30
LIVINGSTON	7	168	175
MADISON	7	92	99
MONTGOMERY	9	125	134
ONTARIO	81	420	501
ORANGE	186	1,202	1,388
ORLEANS	25	116	141
OSWEGO	28	246	274
OTSEGO	8	108	116
PUTNAM	11	72	83
ST LAWRENCE	39	120	159
SARATOGA	19	197	216
SCHOHARIE	4	46	50
SCHUYLER	0	26	26
SENECA	7	57	64
STEBEN	35	269	304
SULLIVAN	14	446	460
TIOGA	6	91	97
TOMPKINS	7	120	127
ULSTER	93	369	462
WARREN	32	213	245
WASHINGTON	14	159	173
WAYNE	64	203	267
WYOMING	17	77	94
YATES	26	47	73
TOTAL	1,018	8,231	9,249
	12.9%	14.9%	14.6%
GRAND TOTAL	7,922	55,275	63,197
	100.0%	100.0%	100.0%

County of commitment data is unavailable for 4 registered cases and 103 non-registered cases.

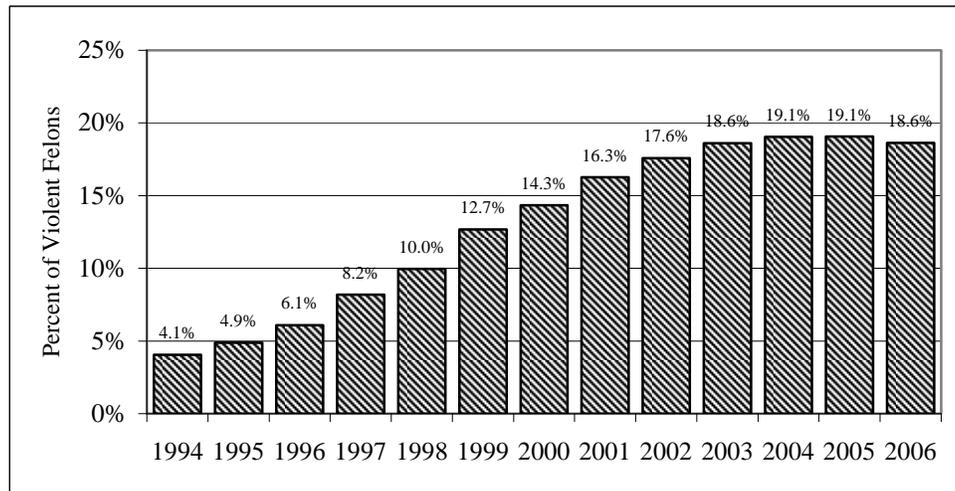
Increase in Percent of Violent Felons Under Custody with a Notification Request: 1994-2006

Since 1994, there has been a steady increase in the percent of Violent Felony Offenders under custody with a victim notification request on file. As of the end of December 1994, only 4% (N=1,398) of the 34,478 Violent Felony Offenders under custody had a victim notification request on file (see Charts A, B and Table 1 in Appendix A). As of the end of December 2006, 19% (N=6,768) of the 36,295 inmates under custody for violent felonies had a notification request on file.

**CHART A
NUMBER OF VIOLENT FELONY
WITH NOTIFICATION REQUEST ON FILE**



**CHART B.
PERCENT OF TOTAL VIOLENT FELONS
UNDERCUSTODY AT END OF YEAR WITH NOTIFICATION
REQUEST ON FILE**



Charts C and D show the number and percent of **all offenders** under custody at end of year (not just violent felons) for which a victim notification is on file.

CHART C.
 PERCENT OF UNDERCUSTODY INMATES
 AT END OF YEAR FOR WHOM VICTIMS HAVE
 REQUESTED WRITTEN NOTIFICATIONS
 OF RELEASE (1999 TO 2006)

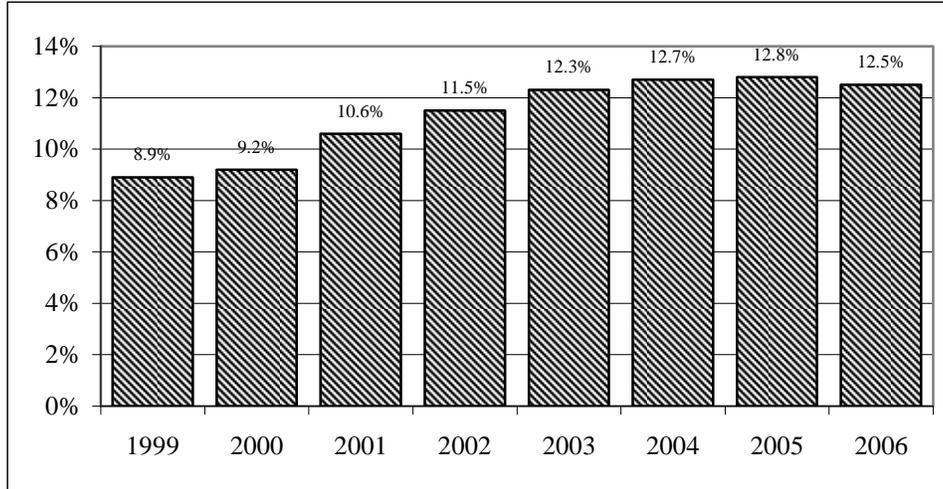
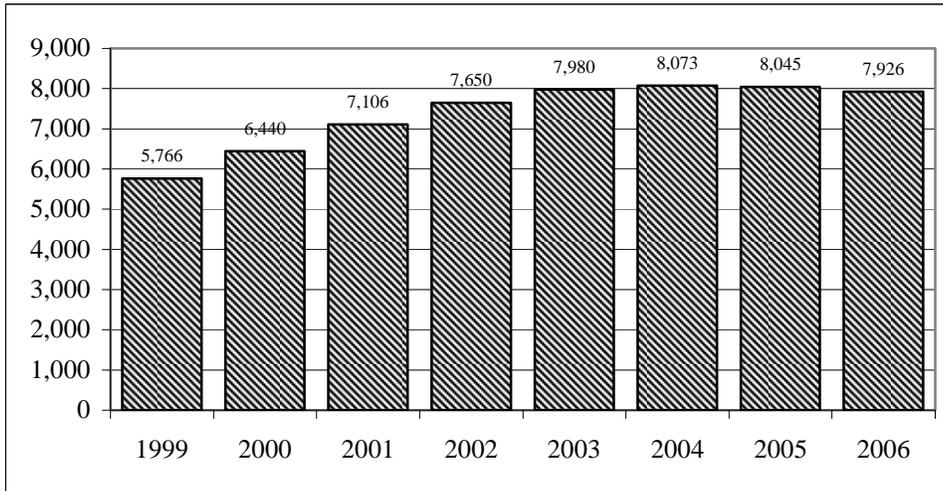


CHART D.
 NUMBER OF UNDERCUSTODY INMATES AT END OF YEAR
 FOR WHOM VICTIMS HAVE
 REQUESTED WRITTEN NOTIFICATIONS
 OF RELEASE (1999 TO 2006)



Automated Telephone Notification Service

The Department established an automated toll free telephone information and notification system on January 1, 1999. The VINE system (“Victim Information and Notification Everyday”) is available around the clock in both English and Spanish to any member of the general public wishing to obtain information relating to the crime and sentence of an inmate serving a sentence in a New York State correctional facility. VINE provides these data on all New York State prison inmates with the exception of Youthful Offenders (Y.O.’s), for whom release of case information is prohibited by statute. To use the VINE system, the caller must use a touch tone telephone and dial 1-888-VINE-4-NY (1-888-846-3469). The caller must provide the Department Identification Number (DIN) of the offender, New York State Identification Number (NYSID) of the offender, or the name and date of birth of the offender in order to obtain information on custody status. When using the system to register for notification, the caller is asked to provide the telephone number at which they wish to be notified and a four-digit Personal Identification Number (PIN) to confirm receipt of the notification call.

Effective April 1, 1999, specific information on the inmate’s release was expanded to include county of release and area supervising parole office.

The number of new registrations for telephone notification of an offender’s release stood at 2,389 for calendar year 2006 (see Table 5A), approximately the same level recorded in the six prior years and up from 1,438 in 1999 (see Table 5B).

The number of confirmed notifications of victims was 1,678 for calendar year 2006 (see Table 5A), which was 366 higher than the previous year and more than 10 times the level of confirmed notifications in 1999 (see Table 5B).

TABLE 5A
NUMBER OF REGISTRATIONS AND NOTIFICATIONS AS A RESULT OF
IMPLEMENTING THE “VICTIM INFORMATION AND NOTIFICATION
EVERYDAY” (VINE) TOLL FREE SYSTEM
2006

Year/Month	2006 - Number of new registrations for phone notifications	Number of confirmed notifications
January	323	115
February	202	128
March	206	152
April	186	117
May	185	147
June	301	231
July	170	143
August	173	130
September	139	129
October	183	121
November	163	119
December	158	146
Total	2,389	1,678

TABLE 5B
ANNUAL NUMBER OF REGISTRATIONS AND NOTIFICATIONS
1999 – 2006

Calendar Year	Number of new registrations for phone notifications	Number of confirmed notifications
1999	1,438	164
2000	2,156	520
2001	2,196	850
2002	2,146	986
2003	2,228	1,238
2004	2,158	1,247
2005	2,332	1,312
2006	2,389	1,678
Since Inception	17,043	7,995

Conclusion

While not all victims wish to be notified of the offender's release from the Department's custody, the over 2000 victims who register for release notification on an annual basis clearly indicate that victims are interested in exercising their notification rights as granted in Criminal Procedure Law 380.50 (Jenna's Law).

In response to this statute, the Department created the Office of Victim Services. Victims can contact the Office toll-free at 1-800-783-6059.

Although initially responsible for the development of the automated telephone notification system (VINE), the Office of Victim Services now has the additional responsibility for the mandated written notification services and acts as the primary contact for victims with questions regarding the Department's policies and procedures. The mission of the Office of Victim Services is to work in partnership with other criminal justice agencies and victim service providers to represent, protect and advance the interests of crime victims. The services provided by the Office are victim driven.

As a result of an amendment to the State's "Son of Sam" Law, a victim or his/her representative may commence a civil lawsuit against the inmate perpetrator to recover monetary damages for injuries suffered during the commission of the crime. The lawsuit may be commenced within three (3) years of the victim or his/her representative becoming aware of the anticipated receipt by the inmate perpetrator of a money damage award. Moreover, the law provides a mechanism to employ a provisional remedy to freeze the damage award sums before they are actually received and dissipated by the inmate perpetrator. The Department's Office of Victim Services plays a vital role in identifying victims so that victims can be informed by the NYS Crime Victims Board of their rights under the enhanced "Son of Sam" Law.

In addition to civil justice through the "Son of Sam" Law, the Department works to further assist victims in repairing the harm caused them by collecting restitution from inmates. During calendar year 2006, a total of \$226,670.59 in restitution was collected from inmates and disbursed to county probation offices or, in New York City, to Safe Horizon for those programs to disburse the restitution to the victim(s).

There has been a continued interest among victims in participating in the notification program, as demonstrated by the over 2,100 registrations for notification in each of the past seven years. The community outreach efforts of the Department's Office of Victim Services and increased victim advocacy efforts in the county District Attorneys' offices have contributed to a continued high rate of victim notification requests on file. The percent of violent felony offenders under custody with victim notification requests on file has increased from 4% at the end of 1994 to 19% at the end of 2003 and remained at this level in 2006. The collaborative efforts of District Attorneys, victim service organizations, and individual victims, should serve to further increase the utilization of the two victim notification services available through the DOCS.

APPENDICES

APPENDIX A

TABLE 6
PERCENT OF VIOLENT FELONS UNDER CUSTODY FOR WHOM VICTIMS HAVE
REQUESTED WRITTEN NOTIFICATIONS OF RELEASE

End of Year	Violent Felony Notification Cases	Violent Felons Under Custody	Percent of Total Violent Felons Under Custody With Notification On File
1994	1,398	34,478	4.1%
1995	1,719	35,188	4.9%
1996	2,170	35,686	6.1%
1997	2,961	36,181	8.2%
1998	3,683	36,958	10.0%
1999	4,821	38,059	12.7%
2000	5,391	37,592	14.3%
2001	5,989	36,831	16.3%
2002	6,454	36,694	17.6%
2003	6,770	36,379	18.6%
2004	6,900	36,216	19.1%
2005	6,878	36,059	19.1%
2006	6,768	36,295	18.6%

TABLE 7
NUMBER OF ALL INMATES UNDER CUSTODY AT END OF YEAR
FOR WHOM VICTIMS HAVE REQUESTED
WRITTEN NOTIFICATIONS OF RELEASE

End of Year	Number	Percent Under Custody Population
1999	5,766	8.9%
2000	6,440	9.2%
2001	7,106	10.6%
2002	7,650	11.5%
2003	7,980	12.3%
2004	8,073	12.7%
2005	8,045	12.8%
2006	7,926	12.5%

APPENDIX B

TABLE 8.

REGION AND COUNTY BY VICTIM NOTIFICATION STATUS OF INMATE (ROW PCT)
UNDER CUSTODY POPULATION ON JANUARY 1, 2007

REGION AND COUNTY	VICTIM REGISTERED		NOT REGISTERED		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NEW YORK CITY						
KINGS	919	9.9%	8,363	90.1%	9,282	100.0%
NEW YORK	853	7.0%	11,249	93.0%	12,102	100.0%
QUEENS	629	11.9%	4,662	88.1%	5,291	100.0%
RICHMOND	93	12.3%	662	87.7%	755	100.0%
BRONX	2,003	31.0%	4,454	69.0%	6,457	100.0%
SUBTOTAL	4,497	13.3%	29,390	86.7%	33,887	100.0%
SUBURBAN NEWYORK						
NASSAU	371	18.4%	1,649	81.6%	2,020	100.0%
ROCKLAND	31	5.0%	588	95.0%	619	100.0%
SUFFOLK	200	7.4%	2,516	92.6%	2,716	100.0%
WESTCHESTER	145	8.6%	1,549	91.4%	1,694	100.0%
SUBTOTAL	747	10.6%	6,302	89.4%	7,049	100.0%
UPSTATE URBAN						
ALBANY	77	4.2%	1,776	95.8%	1,853	100.0%
BROOME	28	3.8%	716	96.2%	744	100.0%
ERIE	164	6.3%	2,455	93.7%	2,619	100.0%
MONROE	778	26.9%	2,115	73.1%	2,893	100.0%
NIAGARA	190	32.8%	390	67.2%	580	100.0%
ONEIDA	39	3.9%	959	96.1%	998	100.0%
ONONDAGA	209	11.3%	1,648	88.7%	1,857	100.0%
RENSSELAER	122	21.6%	444	78.4%	566	100.0%
SCHENECTADY	53	5.9%	849	94.1%	902	100.0%
SUBTOTAL	1,660	12.8%	11,352	87.2%	13,012	100.0%
UPSTATE OTHER						
ALLEGANY	5	10.0%	45	90.0%	50	100.0%
CATTARAUGUS	10	4.1%	233	95.9%	243	100.0%
CAYUGA	16	6.8%	220	93.2%	236	100.0%
CHAUTAUQUA	30	9.9%	273	90.1%	303	100.0%
CHEMUNG	16	4.6%	333	95.4%	349	100.0%
CHENANGO	7	6.9%	94	93.1%	101	100.0%
CLINTON	17	10.8%	140	89.2%	157	100.0%
COLUMBIA	4	2.6%	151	97.4%	155	100.0%
CORTLAND	28	18.2%	126	81.8%	154	100.0%
DELAWARE	4	4.8%	79	95.2%	83	100.0%
DUTCHESS	60	10.7%	503	89.3%	563	100.0%
ESSEX	5	9.3%	49	90.7%	54	100.0%
FRANKLIN	11	10.3%	96	89.7%	107	100.0%
FULTON	12	8.8%	125	91.2%	137	100.0%
GENESEE	4	1.6%	243	98.4%	247	100.0%
GREENE	5	3.9%	123	96.1%	128	100.0%
HAMILTON	2	18.2%	9	81.8%	11	100.0%
HERKIMER	14	7.3%	177	92.7%	191	100.0%
JEFFERSON	28	12.6%	194	87.4%	222	100.0%
LEWIS	1	3.3%	29	96.7%	30	100.0%
LIVINGSTON	7	4.0%	168	96.0%	175	100.0%
MADISON	7	7.1%	92	92.9%	99	100.0%
MONTGOMERY	9	6.7%	125	93.3%	134	100.0%
ONTARIO	81	16.2%	420	83.8%	501	100.0%
ORANGE	186	13.4%	1,202	86.6%	1,388	100.0%
ORLEANS	25	17.7%	116	82.3%	141	100.0%
OSWEGO	28	10.2%	246	89.8%	274	100.0%
OTSEGO	8	6.9%	108	93.1%	116	100.0%
PUTNAM	11	13.3%	72	86.7%	83	100.0%
ST LAWRENCE	39	24.5%	120	75.5%	159	100.0%
SARATOGA	19	8.8%	197	91.2%	216	100.0%
SCHOHARIE	4	8.0%	46	92.0%	50	100.0%
SCHUYLER	0	0.0%	26	100.0%	26	100.0%
SENECA	7	10.9%	57	89.1%	64	100.0%
STEUBEN	35	11.5%	269	88.5%	304	100.0%
SULLIVAN	14	3.0%	446	97.0%	460	100.0%
TIOGA	6	6.2%	91	93.8%	97	100.0%
TOMPKINS	7	5.5%	120	94.5%	127	100.0%
ULSTER	93	20.1%	369	79.9%	462	100.0%
WARREN	32	13.1%	213	86.9%	245	100.0%
WASHINGTON	14	8.1%	159	91.9%	173	100.0%
WAYNE	64	24.0%	203	76.0%	267	100.0%
WYOMING	17	18.1%	77	81.9%	94	100.0%
YATES	26	35.6%	47	64.4%	73	100.0%
SUBTOTAL	1,018	11.0%	8,231	89.0%	9,249	100.0%
GRAND TOTAL	7,922	12.5%	55,275	87.5%	63,197	100.0%

APPENDIX C

TABLE 9. VICTIM NOTIFICATION STATUS FOR VIOLENT FELONS BY COUNTY
INMATES UNDER DOCS CUSTODY ON JANUARY 1, 2007 (VIOLENT FELONS ONLY)

REGION AND COUNTY	VICTIM REGISTERED		NOT REGISTERED		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NEW YORK CITY						
KINGS	919	9.9%	8,363	90.1%	9,282	100.0%
NEW YORK	853	7.0%	11,249	93.0%	12,102	100.0%
QUEENS	629	11.9%	4,662	88.1%	5,291	100.0%
RICHMOND	93	12.3%	662	87.7%	755	100.0%
BRONX	2,003	31.0%	4,454	69.0%	6,457	100.0%
SUBTOTAL	4,497	13.3%	29,390	86.7%	33,887	100.0%
SUBURBAN NEWYORK						
NASSAU	371	18.4%	1,649	81.6%	2,020	100.0%
ROCKLAND	31	5.0%	588	95.0%	619	100.0%
SUFFOLK	200	7.4%	2,516	92.6%	2,716	100.0%
WESTCHESTER	145	8.6%	1,549	91.4%	1,694	100.0%
SUBTOTAL	747	10.6%	6,302	89.4%	7,049	100.0%
UPSTATE URBAN						
ALBANY	77	4.2%	1,776	95.8%	1,853	100.0%
BROOME	28	3.8%	716	96.2%	744	100.0%
ERIE	164	6.3%	2,455	93.7%	2,619	100.0%
MONROE	778	26.9%	2,115	73.1%	2,893	100.0%
NIAGARA	190	32.8%	390	67.2%	580	100.0%
ONEIDA	39	3.9%	959	96.1%	998	100.0%
ONONDAGA	209	11.3%	1,648	88.7%	1,857	100.0%
RENSSELAER	122	21.6%	444	78.4%	566	100.0%
SCHENECTADY	53	5.9%	849	94.1%	902	100.0%
SUBTOTAL	1,660	12.8%	11,352	87.2%	13,012	100.0%
UPSTATE OTHER						
ALLEGANY	5	10.0%	45	90.0%	50	100.0%
CATTARAUGUS	10	4.1%	233	95.9%	243	100.0%
CAYUGA	16	6.8%	220	93.2%	236	100.0%
CHAUTAUQUA	30	9.9%	273	90.1%	303	100.0%
CHEMUNG	16	4.6%	333	95.4%	349	100.0%
CHENANGO	7	6.9%	94	93.1%	101	100.0%
CLINTON	17	10.8%	140	89.2%	157	100.0%
COLUMBIA	4	2.6%	151	97.4%	155	100.0%
CORTLAND	28	18.2%	126	81.8%	154	100.0%
DELAWARE	4	4.8%	79	95.2%	83	100.0%
DUTCHESS	60	10.7%	503	89.3%	563	100.0%
ESSEX	5	9.3%	49	90.7%	54	100.0%
FRANKLIN	11	10.3%	96	89.7%	107	100.0%
FULTON	12	8.8%	125	91.2%	137	100.0%
GENESEE	4	1.6%	243	98.4%	247	100.0%
GREENE	5	3.9%	123	96.1%	128	100.0%
HAMILTON	2	18.2%	9	81.8%	11	100.0%
HERKIMER	14	7.3%	177	92.7%	191	100.0%
JEFFERSON	28	12.6%	194	87.4%	222	100.0%
LEWIS	1	3.3%	29	96.7%	30	100.0%
LIVINGSTON	7	4.0%	168	96.0%	175	100.0%
MADISON	7	7.1%	92	92.9%	99	100.0%
MONTGOMERY	9	6.7%	125	93.3%	134	100.0%
ONTARIO	81	16.2%	420	83.8%	501	100.0%
ORANGE	186	13.4%	1,202	86.6%	1,388	100.0%
ORLEANS	25	17.7%	116	82.3%	141	100.0%
OSWEGO	28	10.2%	246	89.8%	274	100.0%
OTSEGO	8	6.9%	108	93.1%	116	100.0%
PUTNAM	11	13.3%	72	86.7%	83	100.0%
ST LAWRENCE	39	24.5%	120	75.5%	159	100.0%
SARATOGA	19	8.8%	197	91.2%	216	100.0%
SCHOHARIE	4	8.0%	46	92.0%	50	100.0%
SCHUYLER	0	0.0%	26	100.0%	26	100.0%
SENECA	7	10.9%	57	89.1%	64	100.0%
STEUBEN	35	11.5%	269	88.5%	304	100.0%
SULLIVAN	14	3.0%	446	97.0%	460	100.0%
TIOGA	6	6.2%	91	93.8%	97	100.0%
TOMPKINS	7	5.5%	120	94.5%	127	100.0%
ULSTER	93	20.1%	369	79.9%	462	100.0%
WARREN	32	13.1%	213	86.9%	245	100.0%
WASHINGTON	14	8.1%	159	91.9%	173	100.0%
WAYNE	64	24.0%	203	76.0%	267	100.0%
WYOMING	17	18.1%	77	81.9%	94	100.0%
YATES	26	35.6%	47	64.4%	73	100.0%
SUBTOTAL	1,018	11.0%	8,231	89.0%	9,249	100.0%
GRAND TOTAL	7,922	12.5%	55,275	87.5%	63,197	100.0%

County of commitment data is unavailable for 17 cases.

TABLE 10.
VICTIM NOTIFICATION STATUS FOR VIOLENT FELONY ADMISSIONS BY COUNTY
NEW COURT COMMITMENTS 2006 (VIOLENT FELONS ONLY)

REGION AND COUNTY	VICTIM NOTIFICATION FLAG					
	VICTIM REGISTERED		NOT REGISTERED		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
NEW YORK CITY						
KINGS	38	4.8%	750	95.2%	788	100%
NEW YORK	59	7.3%	746	92.7%	805	100%
QUEENS	120	23.4%	392	76.6%	512	100%
RICHMOND	3	6.0%	47	94.0%	50	100%
BRONX	256	59.0%	178	41.0%	434	100%
SUBTOTAL	476	18.4%	2,113	81.6%	2,589	100%
SUBURBAN NEW YORK						
NASSAU	34	20.7%	130	79.3%	164	100%
ROCKLAND	4	9.1%	40	90.9%	44	100%
SUFFOLK	12	6.9%	162	93.1%	174	100%
WESTCHESTER	9	4.6%	185	95.4%	194	100%
SUBTOTAL	59	10.2%	517	89.8%	576	100%
UPSTATE URBAN						
ALBANY	5	3.3%	148	96.7%	153	100%
BROOME	0	0.0%	53	100.0%	53	100%
ERIE	8	3.2%	242	96.8%	250	100%
MONROE	46	18.8%	199	81.2%	245	100%
ONEIDA	6	7.7%	72	92.3%	78	100%
ONONDAGA	15	10.7%	125	89.3%	140	100%
RENSSELAER	10	20.4%	39	79.6%	49	100%
SCHENECTADY	2	2.8%	70	97.2%	72	100%
SUBTOTAL	92	8.8%	948	91.2%	1,040	100%
UPSTATE OTHER						
ALLEGANY	0	0.0%	6	100.0%	6	100%
CATTARAUGUS	0	0.0%	13	100.0%	13	100%
CAYUGA	0	0.0%	8	100.0%	8	100%
CHAUTAUQUA	1	4.8%	20	95.2%	21	100%
CHEMUNG	0	0.0%	27	100.0%	27	100%
CHENANGO	1	6.7%	14	93.3%	15	100%
CLINTON	0	0.0%	5	100.0%	5	100%
COLUMBIA	0	0.0%	5	100.0%	5	100%
CORTLAND	1	10.0%	9	90.0%	10	100%
DELAWARE	0	0.0%	7	100.0%	7	100%
DUTCHESS	2	4.8%	40	95.2%	42	100%
ESSEX	0	0.0%	3	100.0%	3	100%
FRANKLIN	1	16.7%	5	83.3%	6	100%
FULTON	5	41.7%	7	58.3%	12	100%
GENESEE	0	0.0%	20	100.0%	20	100%
GREENE	0	0.0%	8	100.0%	8	100%
HAMILTON	0	0.0%	2	100.0%	2	100%
HERKIMER	6	27.3%	16	72.7%	22	100%
JEFFERSON	2	11.8%	15	88.2%	17	100%
LEWIS	0	0.0%	1	100.0%	1	100%
LIVINGSTON	0	0.0%	17	100.0%	17	100%
MADISON	0	0.0%	9	100.0%	9	100%
MONTGOMERY	0	0.0%	10	100.0%	10	100%
NIAGARA	15	45.5%	18	54.5%	33	100%
ONTARIO	5	18.5%	22	81.5%	27	100%
ORANGE	13	14.3%	78	85.7%	91	100%
ORLEANS	1	12.5%	7	87.5%	8	100%
OSWEGO	4	33.3%	8	66.7%	12	100%
OTSEGO	0	0.0%	8	100.0%	8	100%
PUTNAM	0	0.0%	4	100.0%	4	100%
ST LAWRENCE	1	7.1%	13	92.9%	14	100%
SARATOGA	0	0.0%	21	100.0%	21	100%
SCHOHARIE	0	0.0%	4	100.0%	4	100%
SCHUYLER	1	25.0%	3	75.0%	4	100%
SENECA	0	0.0%	3	100.0%	3	100%
STEUBEN	3	20.0%	12	80.0%	15	100%
SULLIVAN	0	0.0%	21	100.0%	21	100%
TIOGA	0	0.0%	8	100.0%	8	100%
TOMPKINS	1	8.3%	11	91.7%	12	100%
ULSTER	11	34.4%	21	65.6%	32	100%
WARREN	1	7.7%	12	92.3%	13	100%
WASHINGTON	0	0.0%	20	100.0%	20	100%
WAYNE	7	23.3%	23	76.7%	30	100%
WYOMING	0	0.0%	6	100.0%	6	100%
YATES	1	25.0%	3	75.0%	4	100%
SUBTOTAL	83	12.3%	593	87.7%	676	100%
GRAND TOTAL	710	14.5%	4,171	85.5%	4,881	100%

APPENDIX D

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>DIRECTIVE</p>	TITLE			No. 4036
	Notification to Victim of Inmate Release or Damages Award			
SUPERSEDES Dir. #4036 dtd. 08/29/01	DISTRIBUTION A	PAGE 1 OF 3 PAGES	DATE 08/06/2003	4 0 3 6
REFERENCES (includes but are not limited to): Criminal Procedure Law §380.50	APPROVING AUTHORITY 			

- I. **POLICY.** In accord with the provisions of Section 380.50 of the Criminal Procedure Law, the Department shall notify, by certified mail, a victim, family member, legal guardian, or legal representative of the legal guardian of an inmate's escape, abscondance, discharge, parole, conditional release or release to post-release supervision when a request for such notification has been received via a district attorney's office.

Notwithstanding the foregoing, the Department's Office of Victim Services will honor a request for notification of an offender's release from any member of the community who expresses safety concerns.

In accord with the provisions of the federal Prisoners Litigation Reform Act of 1995, the Department shall make reasonable efforts to notify crime victims that monetary damages are about to be paid to an inmate pursuant to a civil action against a federal, state or local correctional facility or an official of such facility.

II. DEFINITIONS

- A. "Victim" means the victim as described in the accusatory instrument, where the inmate has been convicted of a violent felony offense as defined in Section 70.02 of the Penal Law or of a homicide offense as defined in Article 125 of the Penal Law or family member, legal guardian or representative of the legal guardian of the victim.
- B. "Family member" means any person related to a victim within the third degree of consanguinity or affinity or any person residing in the same household with a victim.
- C. "Requester", as used in this directive, means the "victim" as defined above.
- D. "Inmate" means a person convicted of a violent felony offense as defined in section 70.02 of the Penal law or a felony as defined in Article 125 of the Penal Law and incarcerated in a state correctional facility.
- E. "Victim demand" means a form prescribed by the Commissioner and distributed by the prosecutor. Such form, may be completed by a victim and should be submitted to the prosecutor. It shall be the duty of the prosecutor to mail promptly such form to the Department of Correctional Services, Office of Victim Services.

III. PROCEDURE - INMATE ESCAPE, ABSCONDANCE, TEMPORARY RELEASE, DISCHARGE OR PAROLE

- A. Receipt of Request. The Office of Victim Services, Central Office, shall receive the "Victim Demand - Notice of Inmate Release," Form 3617 (Attachment "A") from district attorney's offices.
- B. Confidentiality. The "Victim Demand - Notice of Inmate Release" form is confidential. Under no circumstances shall these "requests" be reproduced. If the computer record (F451 program screen #81) is reproduced for or by Guidance or Parole staffs, the field containing victim notification data should be "whited out." Inmates are not to see these requests. Disclosure is not required by the Freedom of Information Act as it would constitute an unwarranted invasion of personal privacy.
- C. Notice of Discharge/Temporary Release/Parole. The Office of Victim Services, upon receipt of automated release data on discharge or temporary release or release to parole supervision or conditional release or placement into post-release supervision, shall notify the requester, by certified mail, of such discharge/temporary release/release at the time it occurs. In the case of temporary release, the notice to the victim shall be sent at the initial release. It is not to be sent on a repeated basis if

the temporary release is part of an on-going program such as work release or day reporting. If the Temporary Release program is not on-going (such as Temporary Release Furlough) the notification must be sent each time.

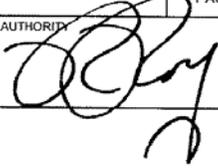
- D. Notice of Removal from On-going Temporary Release Program. If an inmate is removed from work release or another on-going temporary release program, the Office of Victim Services shall notify the requester by certified mail.
- E. Notice of Escape or Absconding. The Office of Victim Services, upon notice of an inmate escape or abscondance, shall notify the requester immediately of such event as expeditiously as possible by telephone or certified mail. If notice is given by telephone, it shall be confirmed in writing by certified mail.
- F. Notice of Recapture. The Office of Victim Services, upon notice of return after recapture, shall notify the requester of the inmate's recapture by certified mail within 48 hours after such regaining of custody.
- G. Notice of Returned Violator (No New Term) From Parole Supervision. The Office of Victim Services, upon notice of a returned parole violator (no new term), shall reactivate any requests for notification of the victim filed in the inmate's inactive record.

IV. PROCEDURE - INMATE COMPENSATORY DAMAGES AWARD. Counsel's Office and the Office of Victim Services shall be responsible for making reasonable efforts to notify crime victims when inmates under Departmental custody are awarded monetary damages.

- A. Counsel's Office will notify the Office of Victim Services of the imminent payment of a federal civil rights compensatory damages award. The notice that Counsel's Office will provide will also list the name and civ. (federal identification) number of the lawsuit. A copy of this notice will also be sent to the superintendent of the facility in which the inmate is housed.
- B. Upon receipt of this notice, the Office of Victim Services shall review the inmate's file to ascertain whether a "victim notice" has been filed in accordance with Criminal Procedure Law Section 380.50. If the requester is a victim, victim's relative or victim's co-resident, the Office of Victim Services shall send the requester a letter notifying him or her of the pending damages award.
- C. If the victim's name and address are not on file as a "victim notice," the Office of Victim Services shall make a reasonable effort to notify the victim by requesting assistance in notifying the victim from the office of the district attorney of the county in which the inmate was prosecuted.

Further, upon receipt of the notice from Counsel's Office, the Office of Victim Services shall review the inmate's commitment paper to determine if a restitution order is in effect. If a restitution order is in effect, Central Office Inmate Accounts will be notified of the pending award.

[Click here for Attachment A- "Victim Demand - Notice of Inmate's Release"](#)

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p>REVISION NOTICE</p>	TITLE		No. 4036
	NOTIFICATION TO VICTIM OF INMATE RELEASE OR DAMAGES AWARD		
REVISES Dir. #4036 dtd. 08/06/2003	DISTRIBUTION A	PAGE 1 OF 1 PAGES	DATE AUG 04 2005
REFERENCES (includes but are not limited to): Criminal Procedure Law §380.50	APPROVING AUTHORITY 		

Section I; add the following new paragraph:

In accord with the provisions of Section 632-a of the Executive Law, the Department shall notify the New York State Crime Victims Board whenever an inmate's account balance exceeds \$10,000. This notification is performed by the Department's Office of Victim Services. It is then the responsibility of the New York State Crime Victims Board to determine if the inmate has been convicted of a "specified crime" as defined in the statute. Further, it is the responsibility of the New York State Crime Victims Board to contact victims and inform them of their rights to bring forward a civil action.

STATE OF NEW YORK – DEPARTMENT OF CORRECTIONAL SERVICES
VICTIM*DEMAND – NOTICE OF INMATE’S RELEASE

NAME OF INMATE: _____

COUNTY OF COMMITMENT: _____ INDICTMENT #: _____

NYSID #: _____ INMATE DATE OF BIRTH: _____

DATE OF SENTENCING: _____

I request to be notified of the release of the above named inmate. I understand this information will be confidential.

NAME OF REQUESTOR: _____

NOTE: requestor cannot be a minor

ADDRESS OF REQUESTOR: _____ APT. # _____

TELEPHONE NUMBER: _____

NAME OF VICTIM: _____

RELATIONSHIP TO VICTIM (circle one): SELF PARENT SPOUSE CHILD SIBLING

LEGAL REPRESENTATIVE LEGAL GUARDIAN OF MINOR CHILD OTHER (specify) _____

*Section 380.50 of the Criminal Procedure Law provides that the victim, as defined below, may receive notification of the release of an inmate where the defendant has been convicted of a violent felony offense as defined in Section 70.02 of the Penal Law or a homicide offense as defined in Article 125 of the Penal Law.

“Victim” means the victim as indicated in the accusatory instrument, or, if such victim is unable or unwilling to express himself or herself before the court or a person so mentally or physically disabled as to make it impracticable to appear in court in person or the victim is deceased, a member of the family of such victim, or the legal guardian or representative of the legal guardian of the victim where such guardian or representative has personal knowledge of and a relationship with the victim, unless the court finds that it would be inappropriate for such person to make a statement on behalf of the victim.

THIS FORM SHOULD BE RETURNED TO THE DISTRICT ATTORNEY’S OFFICE FOR THAT OFFICE TO SUBMIT THE FORM TO THE DEPARTMENT OF CORRECTIONAL SERVICES

WAS THERE AN ORDER OF PROTECTION ISSUED? YES _____ NO _____

IF YES, PLEASE ATTACH A COPY OF THE ORDER OF PROTECTION

The victim or designated representative may provide additional statements and/or information to the Parole Board regarding the impact of the crime. Contact the **Parole Victim Impact Unit** at: 97 Central Avenue, Albany, NY 12214-6131 or (518) 486-4400.

FOR ADDITIONAL NOTIFICATION SERVICES CALL 1-888-VINE-4-NY

My signature below indicates I am demanding written notification of the above named offender’s release from the Department of Correctional Services. I understand it is my responsibility to complete a new form with the District Attorney’s office if my address changes.

Signed: _____

Date: _____

CHECK HERE IF THIS IS A CHANGE OF ADDRESS REQUEST yes _____ no _____

Prepared by:

**Dan Bernstein
Program Research Specialist III
PROGRAM PLANNING, RESEARCH & EVALUATION**

**Janet Koupash, Director
OFFICE OF VICTIM SERVICES**

April 2007