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Department of Correctional Services

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**NEW YORK STATE'S VICTIM  
NOTIFICATION PROGRAM:  
A STATISTICAL SUMMARY  
2007**



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## EXECUTIVE SUMMARY

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

- Twelve percent (N = 7,715) of the inmate population on January 1, 2008 had at least one victim notification request on file.
- Of the 7,715 inmates with notifications on file, 6,640 (86%) were committed for violent felony offenses (See Table 2, page 7).
- Women offenders constituted 257 (3%) of the 7,715 inmates with victim notifications on file, including 197 committed for violent felony offenses (See Table 3B, page 10).
- Fifty-six percent (N=4,354) of the offenders under custody on January 1, 2008 with victim notification requests were committed to prison from the five counties of New York City, nine percent (N=716) from Suburban New York, 21 percent (N=1,629) from Upstate Urban counties, and 13 percent (N=1,015) from Other Upstate counties (See Table 4, page 11).
- Eighteen percent (18%) of the violent felons under custody as of January 1, 2008 had at least one notification request on file (Table 2, page 7).
- There were 3,122 certified notification letters sent to victims in calendar year 2007, 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 2,185 during 2007. The number of new registrations for phone notifications has been over 2,000 new registrations per year for the last eight years (see Table 5, page 16).
- The number of new registrations utilizing [www.vinelink.com](http://www.vinelink.com) to register for telephone and/or e-mail notification was 325 during 2007 (see Table 5, page 15).
- The number of confirmed telephone notifications on the VINE system in 2007 (N =1,880). The number of confirmed notifications has increased each year since its inception in 1999 (see Table 5, page 15).
- The number of confirmed e-mail notifications on the VINE system in 2007 was 69 (see Table 5, page 15).

## **NEW YORK STATE'S VICTIM NOTIFICATION PROGRAM: A STATISTICAL SUMMARY: 2007**

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.<sup>1</sup>

### **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:

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<sup>1</sup> Earlier Department reports in the series were prepared for 1994, and each year from 1996 through 2006. 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 1<sup>st</sup>, Murder 2<sup>nd</sup>, Vehicular Manslaughter 1<sup>st</sup> and 2<sup>nd</sup>, and Manslaughter 2<sup>nd</sup>). 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 E).

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 E) specifies the procedures by which this statutory Victim Notification Program has been implemented. The Directive was most recently revised in August 2005 to bring it into accordance with Chapter 1 of the Laws of 1998.

The procedures set forth in Chapter 1 of the Laws of 1998 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 old 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. The old Department Form 3617 is attached as Appendix E (see page 26). Although this old form will still be accepted, the more current form is attached as Appendix D. It is available at [www.docs.state.ny.us](http://www.docs.state.ny.us) and everyone is encouraged to utilize the current form.)

If using the old form, 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. Mailing instructions for the new form are included on the form.

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 E).

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 2007, the Department sent 3,122 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: 2007**

January	233
February	212
March	286
April	263
May	239
June	273
July	270
August	246
September	258
October	301
November	266
December	275
<b>Total</b>	<b>3,122</b>

**Number of Victim Notification Requests on File: January 1, 2008**

As of January 1, 2008, a total of 7,715 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 7,715 inmates with notifications on file, 86% (N=6,640) were committed for violent felony offenses (VFO's) (see Table 2).

Besides the 6,640 inmates committed for VFO's who had a victim notification on file, there were another 156 offenders committed for Section 125 homicide crimes that have victim notifications on file. There were also 919 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, offenders committed for Manslaughter 2<sup>nd</sup> were most likely to have a notification request (32%). The next highest proportion of offenders with notification requests on file was Other Homicide (31%), which includes both criminally negligent homicide and vehicular manslaughter. Twenty percent (20%) or more of the offenders committed for seven VFO's also had notification requests on file: Assault 1<sup>st</sup>, Rape 1<sup>st</sup>, Manslaughter 1<sup>st</sup>, Attempted Murder, Sodomy 1<sup>st</sup>, Burglary 1<sup>st</sup>, and Sexual Abuse 1<sup>st</sup>.

TABLE 2.  
 COMMITMENT CRIME BY VICTIM NOTIFICATION STATUS OF INMATE  
 UNDER CUSTODY POPULATION ON JANUARY 1, 2008

CRIME AND COMMITMENT OFFENSE TYPE	VICTIM REGISTERED		NOT REGISTERED		TOTAL NUMBER
	NUMBER	PERCENT	NUMBER	PERCENT	
<b>VIOLENT FELONY OFFENSE</b>					
MURDER	1,489	19.5%	6,162	80.5%	7,651
ATTEMPTED MURDER	353	23.1%	1,178	76.9%	1,531
MANSLAUGHTER 1ST	597	24.5%	1,838	75.5%	2,435
RAPE 1ST	469	24.9%	1,416	75.1%	1,885
ROBBERY 1ST	1,091	19.1%	4,617	80.9%	5,708
ROBBERY 2ND	492	13.9%	3,036	86.1%	3,528
ASSAULT 1ST	490	25.0%	1,469	75.0%	1,959
ASSAULT 2ND	218	14.3%	1,304	85.7%	1,522
BURGLARY 1ST	222	22.4%	769	77.6%	991
BURGLARY 2ND	438	13.1%	2,915	86.9%	3,353
ARSON 1ST,2ND	20	10.6%	169	89.4%	189
SODOMY 1ST	273	22.7%	929	77.3%	1,202
SEX AB 1ST,AG.2	258	21.3%	956	78.7%	1,214
WEAPONS OFFENSES	153	5.8%	2,466	94.20%	2,619
KIDNAPPING 1ST,2ND	73	17.6%	341	82.40%	414
OTHER VIOLENT	4	9.5%	38	90.50%	42
<b>TOTAL</b>	<b>6,640</b>	<b>18.3%</b>	<b>29,603</b>	<b>81.8%</b>	<b>36,243</b>
<b>NON VFO HOMICIDES</b>					
MANSLAUGHTER 2ND	128	32.3%	268	67.7%	396
OTHER HOMICIDE	28	30.8%	63	69.2%	91
<b>SUBTOTAL</b>	<b>156</b>	<b>32.0%</b>	<b>331</b>	<b>68.0%</b>	<b>487</b>
<b>ALL OTHER OFFENSES</b>					
ROBBERY 3RD	134	9.7%	1,249	90.3%	1,383
ATT ASSAULT 2ND	26	5.9%	417	94.1%	443
CONSPIRACY 2,3,4	20	6.9%	271	93.1%	291
OTHER WEAPONS	15	2.5%	588	97.5%	603
OTHER SEX OFFENSES	193	16.3%	991	83.7%	1,184
OTHER COERCIVE	31	6.2%	467	93.8%	498
DRUG OFFENSES	110	0.8%	13,318	99.2%	13,428
BURGLARY 3RD	112	5.3%	2,015	94.7%	2,127
GRAND LARCENY	63	4.4%	1,361	95.6%	1,424
FORGERY	19	2.8%	654	97.2%	673
STOLEN PROPERTY	17	3.2%	519	96.8%	536
DRIVE INTOXICATED	4	0.4%	905	99.6%	909
YOUTHFUL OFFENDER	44	4.6%	923	95.4%	967
JUVENILE OFFENDER	34	16.4%	173	83.6%	207
CONTEMPT 1ST	47	14.1%	287	85.9%	334
ALL OTHER FELONIES	50	5.8%	812	94.2%	862
<b>SUBTOTAL</b>	<b>919</b>	<b>3.6%</b>	<b>24,950</b>	<b>96.4%</b>	<b>25,869</b>
<b>GRAND TOTAL</b>	<b>7,715</b>	<b>12.3%</b>	<b>54,884</b>	<b>87.7%</b>	<b>62,599</b>

## Gender of Offender

While the offenders with a victim notification request on file were typically male (see Table 3A, page 9), 257 female offenders (or 3% of the 7,715 cases with notifications) had such a request on file (see Table 3B, page 10). It appears that the gender of the offender does not affect whether a victim notification is likely to be demanded.

Of the 1,056 females convicted of Violent Felony Offenses who were under custody on January 1, 2008, 19% (or 197) had victim notification requests on file. This percent is roughly the same as the 18% (6,443) of the males convicted of a Violent Felony Offense who had a victim notification on file. Among homicide offenses that are not designated by the Legislature as violent felony crimes (Non-VFO homicides), 33% (N=17) of female offenders had a victim notification on file as compared to 32% for males.

## Region and County of Commitment

Fifty-six percent (N=4,354) 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=1,629) 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=1,015) while nine percent were from Suburban New York counties (N=716).

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 2007 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, 2008

COMMITMENT CRIME	MALE				TOTAL NUMBER	PERCENT
	VICTIM REGISTERED		NOT REGISTERED			
	NUMBER	PERCENT	NUMBER	PERCENT		
<b>VIOLENT FELONY OFFENSE</b>						
MURDER	1,446	19.4%	5,990	80.6%	7,436	100.0%
ATTEMPTED MURDER	345	23.0%	1,158	77.0%	1,503	100.0%
MANSLAUGHTER 1ST	558	24.6%	1,713	75.4%	2,271	100.0%
RAPE 1ST	468	24.9%	1,408	75.1%	1,876	100.0%
ROBBERY 1ST	1,066	19.1%	4,520	80.9%	5,586	100.0%
ROBBERY 2ND	481	14.1%	2,936	85.9%	3,417	100.0%
ASSAULT 1ST	459	25.0%	1,375	75.0%	1,834	100.0%
ASSAULT 2ND	207	14.3%	1,236	85.7%	1,443	100.0%
BURGLARY 1ST	220	22.7%	751	77.3%	971	100.0%
BURGLARY 2ND	423	13.0%	2,830	87.0%	3,253	100.0%
ARSON 1ST,2ND	17	10.2%	150	89.8%	167	100.0%
SODOMY 1ST	269	22.5%	925	77.5%	1,194	100.0%
SEX AB 1ST,AG.2	256	21.3%	945	78.7%	1,201	100.0%
WEAPONS OFFENSES	152	5.9%	2,443	94.1%	2,595	100.0%
KIDNAPPING 1ST,2ND	72	18.0%	328	82.0%	400	100.0%
OTHER VIOLENT	4	10.0%	36	90.0%	40	100.0%
<b>SUBTOTAL</b>	<b>6,443</b>	<b>18.3%</b>	<b>28,744</b>	<b>81.7%</b>	<b>35,187</b>	<b>100.0%</b>
<b>NONVFO HOMICIDES</b>						
MANSLAUGHTER 2ND	111	31.7%	239	68.3%	350	100.0%
OTHER HOMICIDE	28	32.6%	58	67.4%	86	100.0%
<b>SUBTOTAL</b>	<b>139</b>	<b>31.9%</b>	<b>297</b>	<b>68.1%</b>	<b>436</b>	<b>100.0%</b>
<b>ALL OTHER OFFENSES</b>						
ROBBERY 3RD	130	9.7%	1,210	90.3%	1,340	100.0%
ATT ASSAULT 2ND	25	5.9%	397	94.1%	422	100.0%
CONSPIRACY 2,3,4	19	7.0%	254	93.0%	273	100.0%
OTHER WEAPONS	15	2.5%	579	97.5%	594	100.0%
OTHER SEX OFFENSES	191	16.4%	972	83.6%	1,163	100.0%
OTHER COERCIVE	27	5.8%	440	94.2%	467	100.0%
DRUG OFFENSES	105	0.8%	12,418	99.2%	12,523	100.0%
BURGLARY 3RD	109	5.3%	1,965	94.7%	2,074	100.0%
GRAND LARCENY	50	4.1%	1,178	95.9%	1,228	100.0%
FORGERY	18	3.4%	517	96.6%	535	100.0%
STOLEN PROPERTY	17	3.4%	489	96.6%	506	100.0%
DRIVE INTOXICATED	4	0.5%	846	99.5%	850	100.0%
YOUTHFUL OFFENDER	41	4.4%	893	95.6%	934	100.0%
JUVENILE OFFENDER	33	16.5%	167	83.5%	200	100.0%
CONTEMPT 1ST	47	14.3%	282	85.7%	329	100.0%
ALL OTHER FELONIES	45	5.7%	739	94.3%	784	100.0%
<b>SUBTOTAL</b>	<b>876</b>	<b>3.6%</b>	<b>23,346</b>	<b>96.4%</b>	<b>24,222</b>	<b>100.0%</b>
<b>GRAND TOTAL</b>	<b>7,458</b>	<b>12.5%</b>	<b>52,387</b>	<b>87.5%</b>	<b>59,845</b>	<b>100.0%</b>

**TABLE 3B.**  
**COMMITMENT CRIME BY VICTIM NOTIFICATION STATUS FOR FEMALE**  
**OFFENDERS; FEMALE OFFENDERS UNDER CUSTODY ON JANUARY 1, 2008**

COMMITMENT CRIME	FEMALE					
	VICTIM REGISTERED		NOT REGISTERED		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
<b>VIOLENT FELONY OFFENSE</b>						
MURDER	43	20.0%	172	80.0%	215	100.0%
ATTEMPTED MURDER	8	28.6%	20	71.4%	28	100.0%
MANSLAUGHTER 1ST	39	23.8%	125	76.2%	164	100.0%
RAPE 1ST	1	11.1%	8	88.9%	9	100.0%
ROBBERY 1ST	25	20.5%	97	79.5%	122	100.0%
ROBBERY 2ND	11	9.9%	100	90.1%	111	100.0%
ASSAULT 1ST	31	24.8%	94	75.2%	125	100.0%
ASSAULT 2ND	11	13.9%	68	86.1%	79	100.0%
BURGLARY 1ST	2	10.0%	18	90.0%	20	100.0%
BURGLARY 2ND	15	15.0%	85	85.0%	100	100.0%
ARSON 1ST,2ND	3	13.6%	19	86.4%	22	100.0%
SODOMY 1ST	4	50.0%	4	50.0%	8	100.0%
SEX AB 1ST,AG.2	2	15.4%	11	84.6%	13	100.0%
WEAPONS OFFENSES	1	4.2%	23	95.8%	24	100.0%
KIDNAPPING 1ST,2ND	1	7.1%	13	92.9%	14	100.0%
OTHER VIOLENT	0	0.0%	2	100.0%	2	100.0%
<b>SUBTOTAL</b>	<b>197</b>	<b>18.7%</b>	<b>859</b>	<b>81.3%</b>	<b>1,056</b>	<b>100.0%</b>
<b>NONVFO HOMICIDES</b>						
MANSLAUGHTER 2ND	17	37.0%	29	63.0%	46	100.0%
OTHER HOMICIDE	0	0.0%	5	100.0%	5	100.0%
<b>SUBTOTAL</b>	<b>17</b>	<b>33.3%</b>	<b>34</b>	<b>66.7%</b>	<b>51</b>	<b>100.0%</b>
<b>ALL OTHER OFFENSES</b>						
ROBBERY 3RD	4	9.3%	39	90.7%	43	100.0%
ATT ASSAULT 2ND	1	4.8%	20	95.2%	21	100.0%
CONSPIRACY 2,3,4	1	5.6%	17	94.4%	18	100.0%
OTHER WEAPONS	0	0.0%	9	100.0%	9	100.0%
OTHER SEX OFFENSES	2	9.5%	19	90.5%	21	100.0%
OTHER COERCIVE	4	12.9%	27	87.1%	31	100.0%
DRUG OFFENSES	5	0.6%	900	99.4%	905	100.0%
BURGLARY 3RD	3	5.7%	50	94.3%	53	100.0%
GRAND LARCENY	13	6.6%	183	93.4%	196	100.0%
FORGERY	1	0.7%	137	99.3%	138	100.0%
STOLEN PROPERTY	0	0.0%	30	100.0%	30	100.0%
DRIVE INTOXICATED	0	0.0%	59	100.0%	59	100.0%
YOUTHFUL OFFENDER	3	9.1%	30	90.9%	33	100.0%
JUVENILE OFFENDER	1	14.3%	6	85.7%	7	100.0%
CONTEMPT 1ST	0	0.0%	5	100.0%	5	100.0%
ALL OTHER FELONIES	5	6.4%	73	93.6%	78	100.0%
<b>SUBTOTAL</b>	<b>43</b>	<b>2.6%</b>	<b>1,604</b>	<b>97.4%</b>	<b>1,647</b>	<b>100.0%</b>
<b>GRAND TOTAL</b>	<b>257</b>	<b>9.3%</b>	<b>2,497</b>	<b>90.7%</b>	<b>2,754</b>	<b>100.0%</b>

TABLE 4.  
REGION AND COUNTY BY VICTIM NOTIFICATION STATUS OF INMATE  
UNDER CUSTODY POPULATION ON JANUARY 1, 2008

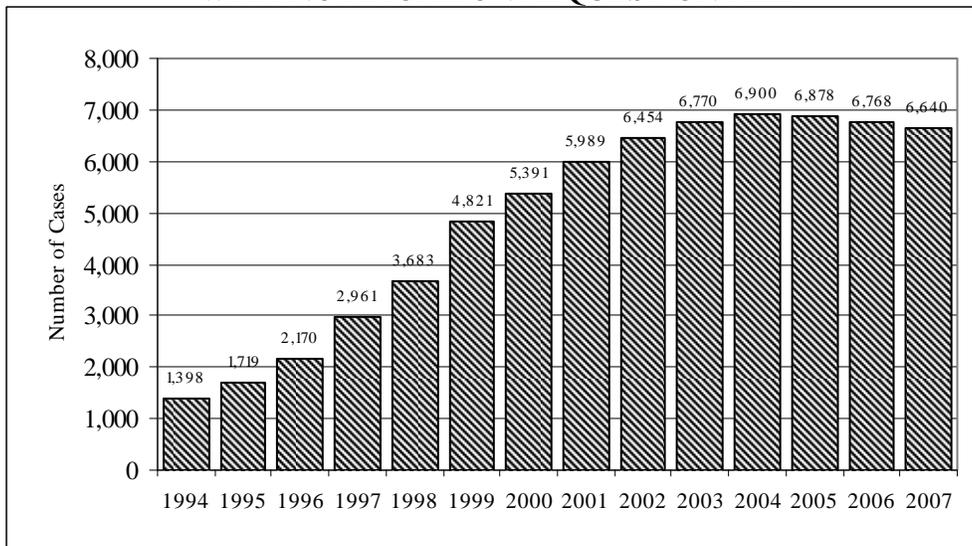
REGION AND COUNTY	VICTIM REGISTERED	NOT REGISTERED	TOTAL
NEW YORK CITY			
KINGS	835	7,954	8,789
NEW YORK	807	10,844	11,651
QUEENS	664	4,572	5,236
RICHMOND	86	713	799
BRONX	1,962	4,190	6,152
TOTAL	4,354	28,273	32,627
	56.4%	51.5%	52.1%
SUBURBAN NEWYORK			
NASSAU	345	1,633	1,978
ROCKLAND	32	565	597
SUFFOLK	201	2,683	2,884
WESTCHESTER	138	1,524	1,662
TOTAL	716	6,405	7,121
	9.3%	11.7%	11.4%
UPSTATE URBAN			
ALBANY	92	1,749	1,841
BROOME	27	763	790
ERIE	169	2,647	2,816
MONROE	749	2,275	3,024
NIAGARA	174	453	627
ONEIDA	39	978	1,017
ONONDAGA	197	1,753	1,950
RENSSELAER	113	405	518
SCHENECTADY	69	796	865
TOTAL	1,629	11,819	13,448
	21.1%	21.5%	21.5%
UPSTATE OTHER			
ALLEGANY	5	44	49
CATTARAUGUS	12	224	236
CAYUGA	15	235	250
CHAUTAUQUA	35	283	318
CHEMUNG	15	331	346
CHENANGO	7	88	95
CLINTON	18	132	150
COLUMBIA	5	136	141
CORTLAND	30	125	155
DELAWARE	5	81	86
DUTCHESS	58	496	554
ESSEX	6	66	72
FRANKLIN	12	107	119
FULTON	15	115	130
GENESEE	4	221	225
GREENE	4	119	123
HAMILTON	2	10	12
HERKIMER	12	168	180
JEFFERSON	27	218	245
LEWIS	1	35	36
LIVINGSTON	6	184	190
MADISON	11	84	95
MONTGOMERY	9	156	165
ONTARIO	77	451	528
ORANGE	167	1,176	1,343
ORLEANS	23	119	142
OSWEGO	27	276	303
OTSEGO	9	103	112
PUTNAM	10	77	87
ST LAWRENCE	45	148	193
SARATOGA	23	191	214
SCHOHARIE	6	50	56
SCHUYLER	7	32	39
SENECA	9	62	71
STEUBEN	41	286	327
SULLIVAN	13	435	448
TIOGA	5	102	107
TOMPKINS	9	137	146
ULSTER	90	360	450
WARREN	28	227	255
WASHINGTON	21	172	193
WAYNE	53	211	264
WYOMING	14	75	89
YATES	24	39	63
TOTAL	1,015	8,387	9,402
	13.2%	15.3%	15.0%
GRAND TOTAL	7,714	54,884	62,598
	100.0%	100.0%	100.0%

County of commitment data is unavailable for 1 registered case.

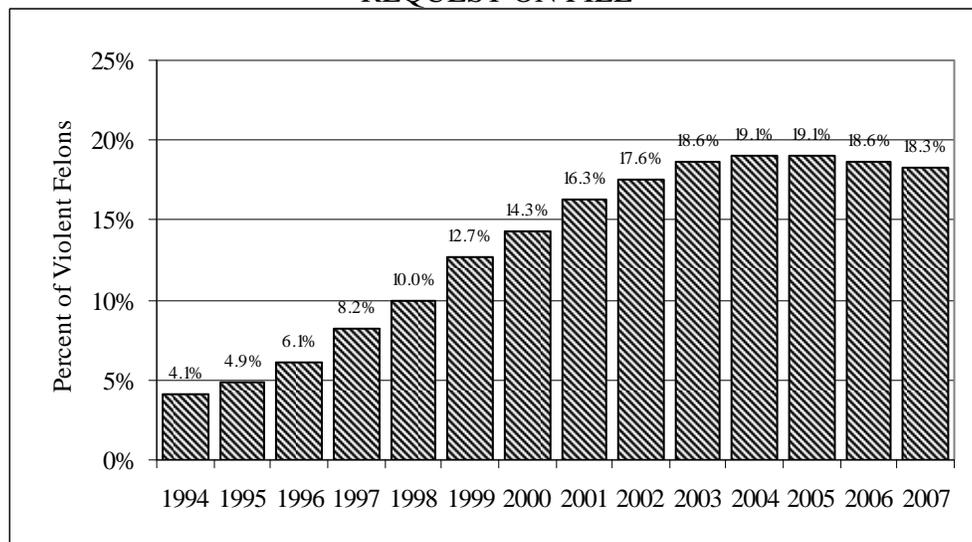
## Percent of Violent Felons Under Custody with a Notification Request: 1994-2007

Since 1994, there has been a significant 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 6 in Appendix A). As of the end of December 2007, 18% (N=6,640) of the 36,243 inmates under custody for violent felonies had a notification request on file. After 10 years of increasing from 1995 through 2004, the number of VFO's under DOCS custody with at least one victim notification has been dropping incrementally each year from 2005-2007.

**CHART A  
NUMBER OF VIOLENT FELONS  
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 2007)

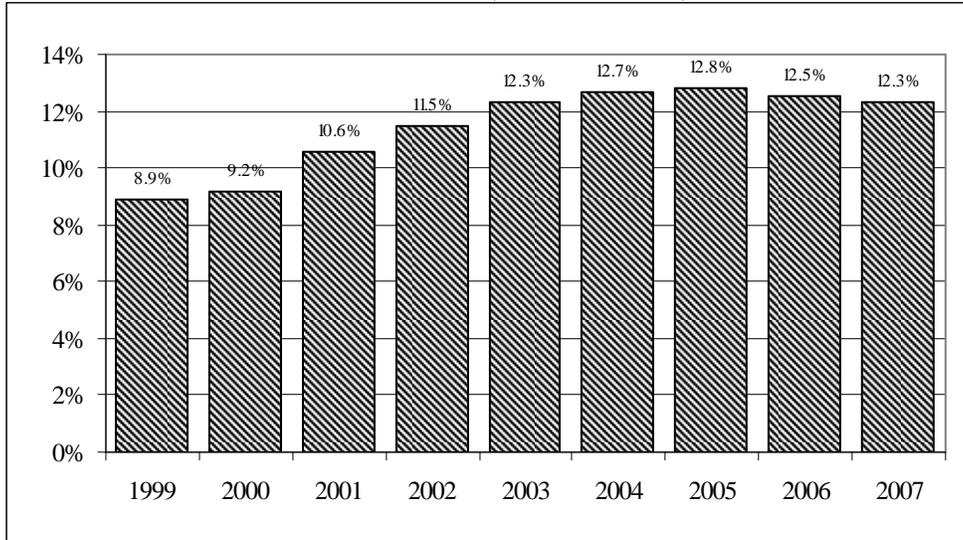
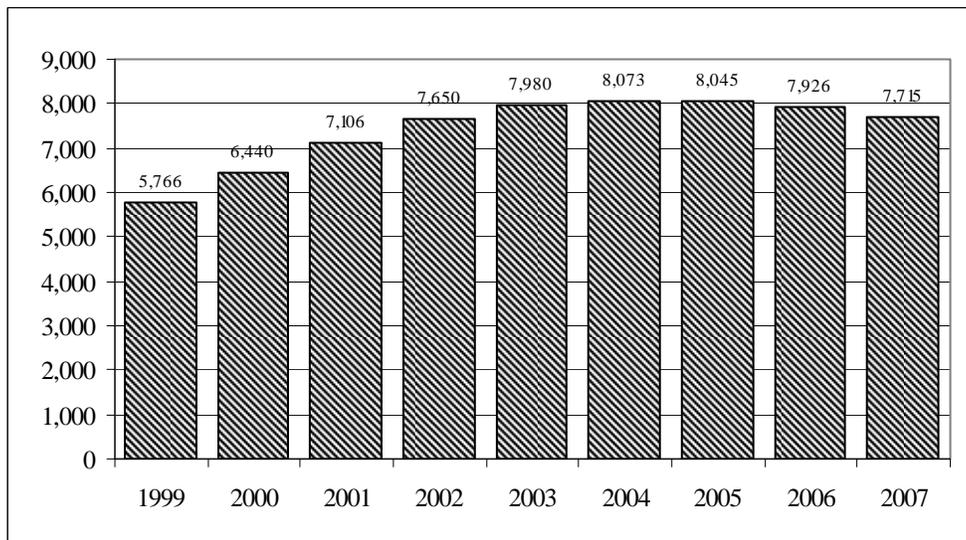


CHART D.  
 NUMBER OF UNDERCUSTODY INMATES AT END OF YEAR  
 FOR WHOM VICTIMS HAVE  
 REQUESTED WRITTEN NOTIFICATIONS  
 OF RELEASE (1999 TO 2007)



## **Notification Services**

### **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, or the 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.

Since April 1, 1999, specific information on the inmate’s release has included the county of release and area supervising parole office.

The number of new registrations for telephone notification of an offender’s release was 2,185 for calendar year 2007 (see Table 5), approximately the same level recorded in the seven prior years. (See Table 5).

The number of confirmed telephone notifications to victims was 1,880 for calendar year 2007 (see Table 5), which was the highest total since the program began, (see Table 5).

### **E-mail Notification**

Beginning in 2007 victims and other concerned citizens could also register to be notified via e-mail notification through the VINELink (the National Victim Notification Network) when an offender's custody status changes. This service allows crime victims to obtain timely and reliable information about criminal cases and the custody status of offenders 24 hours a day nationwide. Access to this is [www.vinelink.com](http://www.vinelink.com).

The number of new registrations on VINELINK was 325 for calendar year 2007. The number of confirmed e-mail notifications was 69 for calendar year 2007.

### **Internet Based Forms**

Victims can now get notification forms from the DOCS’s website. The DOCS homepage (<http://www.docs.state.ny.us>) has a link in the left margin for victim services. There is a form (<http://www.docs.state.ny.us/VictimSvc/VictimNotification.pdf>) that can be printed and filled out by the victim. Mailing instructions are on the form. This new form is shared with the Division of Parole and can also be accessed on the Division of Parole website

(<http://www.parole.state.ny.us>) The form also allows victims to register to be notified of upcoming parole hearings; to submit a written, video-taped or audio-taped victim impact statement; to meet with a Parole Commissioner to provide a face-to-face victim impact statement. More information about this can be obtained on the Division of Parole website (<http://www.parole.state.ny.us/VICTIMimpact.asp>).

**TABLE 5. ANNUAL DATA 1999 - 2007  
NUMBER OF REGISTRATIONS AND NOTIFICATIONS THROUGH VINE**

Calendar Year	Number of new registrations for phone notifications	Number of new registrations for phone/e-mail notifications	Total new registrations for notifications	Number of confirmed telephone notifications	Number of confirmed e-mail notifications	Total confirmed notifications
1999	1,438		1,438	164		164
2000	2,156		2,156	520		520
2001	2,196		2,196	850		850
2002	2,146		2,146	986		986
2003	2,228		2,228	1,238		1,238
2004	2,158		2,158	1,247		1,247
2005	2,332		2,332	1,312		1,312
2006	2,389		2,389	1,678		1,678
2007	2,185	325	2,510	1,880	69	1,949
Total	19,228	325	19,553	9,875	69	9,944

## Conclusion

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. In an effort to ensure that victims are aware of the services offered by the Office, community outreach and training about the Department's services are provided to other criminal justice and crime victim programs. The services provided by the Office are victim driven. Victims can contact the Office toll-free at 1-800-783-6059. Additional information on services to victims is available on the Department's webpage [www.docs.state.ny.us](http://www.docs.state.ny.us).

While it is true that not all victims wish to be notified of the offender's release from the Department's custody, the fact that over 2,000 victims register for notification on an annual basis clearly indicates that victims are interested in exercising their notification rights granted them in Criminal Procedure Law 380.50 (Jenna's Law).

As a result of the amended "Son of Sam" Law, a victim or his/her representative may commence a civil lawsuit against the 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 perpetrator of a money damages award. Moreover, the law provides a mechanism to employ a provisional remedy to freeze the damage award sum before the funds are received and dissipated by the 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 by collecting court-ordered restitution from inmates. A total of \$268,133.32 in restitution was collected in 2007 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 victims.

There has been a continued interest among victims in participating in the notification program, as demonstrated by the over 2,000 registrations for notification in each of the past seven years. During calendar year 2007, the Department sent 3,122 notifications to victims. Unfortunately, for a wide variety of reasons, only 41% of the notifications were successfully delivered. Continued community support and the Department's efforts to locate and successfully notify victims is ongoing. It is imperative victims update their address with the Office of Victim Services to insure successful notification. Allowing victims to complete a notification form available on the Department's webpage [www.docs.state.ny.us](http://www.docs.state.ny.us) should also improve the successful delivery of notification letters.

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 the high rate of victim notification requests on file. The Department's Office of Victim Services staff are available to coordinate training and community education efforts so that the successes of the past years continue.

# **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%
2007	6,640	36,243	18.3%

**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%
2007	7,715	12.3%

## APPENDIX B

TABLE 8.

REGION AND COUNTY BY VICTIM NOTIFICATION STATUS OF INMATE (ROW PCT)  
UNDER CUSTODY POPULATION ON JANUARY 1, 2008

REGION AND COUNTY	VICTIM REGISTERED		NOT REGISTERED		TOTAL NUMBER
	NUMBER	PERCENT	NUMBER	PERCENT	
<b>NEW YORK CITY</b>					
KINGS	835	9.5%	7,954	90.5%	8,789
NEW YORK	807	6.9%	10,844	93.1%	11,651
QUEENS	664	12.7%	4,572	87.3%	5,236
RICHMOND	86	10.8%	713	89.2%	799
BRONX	1,962	31.9%	4,190	68.1%	6,152
SUBTOTAL	4,354	13.3%	28,273	86.7%	32,627
<b>SUBURBAN NEWYORK</b>					
NASSAU	345	17.4%	1,633	82.6%	1,978
ROCKLAND	32	5.4%	565	94.6%	597
SUFFOLK	201	7.0%	2,683	93.0%	2,884
WESTCHESTER	138	8.3%	1,524	91.7%	1,662
SUBTOTAL	716	10.1%	6,405	89.9%	7,121
<b>UPSTATE URBAN</b>					
ALBANY	92	5.0%	1,749	95.0%	1,841
BROOME	27	3.4%	763	96.6%	790
ERIE	169	6.0%	2,647	94.0%	2,816
MONROE	749	24.8%	2,275	75.2%	3,024
NIAGARA	174	27.8%	453	72.2%	627
ONEIDA	39	3.8%	978	96.2%	1,017
ONONDAGA	197	10.1%	1,753	89.9%	1,950
RENSSELAER	113	21.8%	405	78.2%	518
SCHENECTADY	69	8.0%	796	92.0%	865
SUBTOTAL	1,629	12.1%	11,819	87.9%	13,448
<b>UPSTATE OTHER</b>					
ALLEGANY	5	10.2%	44	89.8%	49
CATTARAUGUS	12	5.1%	224	94.9%	236
CAYUGA	15	6.0%	235	94.0%	250
CHAUTAUQUA	35	11.0%	283	89.0%	318
CHEMUNG	15	4.3%	331	95.7%	346
CHENANGO	7	7.4%	88	92.6%	95
CLINTON	18	12.0%	132	88.0%	150
COLUMBIA	5	3.5%	136	96.5%	141
CORTLAND	30	19.4%	125	80.6%	155
DELAWARE	5	5.8%	81	94.2%	86
DUTCHESS	58	10.5%	496	89.5%	554
ESSEX	6	8.3%	66	91.7%	72
FRANKLIN	12	10.1%	107	89.9%	119
FULTON	15	11.5%	115	88.5%	130
GENESEE	4	1.8%	221	98.2%	225
GREENE	4	3.3%	119	96.7%	123
HAMILTON	2	16.7%	10	83.3%	12
HERKIMER	12	6.7%	168	93.3%	180
JEFFERSON	27	11.0%	218	89.0%	245
LEWIS	1	2.8%	35	97.2%	36
LIVINGSTON	6	3.2%	184	96.8%	190
MADISON	11	11.6%	84	88.4%	95
MONTGOMERY	9	5.5%	156	94.5%	165
ONTARIO	77	14.6%	451	85.4%	528
ORANGE	167	12.4%	1,176	87.6%	1,343
ORLEANS	23	16.2%	119	83.8%	142
OSWEGO	27	8.9%	276	91.1%	303
OTSEGO	9	8.0%	103	92.0%	112
PUTNAM	10	11.5%	77	88.5%	87
ST LAWRENCE	45	23.3%	148	76.7%	193
SARATOGA	23	10.7%	191	89.3%	214
SCHOHARIE	6	10.7%	50	89.3%	56
SCHUYLER	7	17.9%	32	82.1%	39
SENECA	9	12.7%	62	87.3%	71
STEBEN	41	12.5%	286	87.5%	327
SULLIVAN	13	2.9%	435	97.1%	448
TIOGA	5	4.7%	102	95.3%	107
TOMPKINS	9	6.2%	137	93.8%	146
ULSTER	90	20.0%	360	80.0%	450
WARREN	28	11.0%	227	89.0%	255
WASHINGTON	21	10.9%	172	89.1%	193
WAYNE	53	20.1%	211	79.9%	264
WYOMING	14	15.7%	75	84.3%	89
YATES	24	38.1%	39	61.9%	63
SUBTOTAL	1,015	10.8%	8,387	89.2%	9,402
<b>GRAND TOTAL</b>	<b>7,714</b>	<b>12.3%</b>	<b>54,884</b>	<b>87.7%</b>	<b>62,598</b>

County of commitment data is unavailable for 1 case.

## APPENDIX C

TABLE 9. VICTIM NOTIFICATION STATUS FOR VIOLENT FELONS BY COUNTY  
INMATES UNDER DOCS CUSTODY ON JANUARY 1, 2008 (VIOLENT FELONS ONLY)

REGION AND COUNTY	VICTIM REGISTERED		NOT REGISTERED		TOTAL NUMBER
	NUMBER	PERCENT	NUMBER	PERCENT	
NEW YORK CITY					
KINGS	754	11.8%	5,644	88.2%	6,398
NEW YORK	743	12.3%	5,283	87.7%	6,026
QUEENS	620	16.6%	3,107	83.4%	3,727
RICHMOND	77	17.1%	374	82.9%	451
BRONX	1,639	43.9%	2,098	56.1%	3,737
SUBTOTAL	3,833	18.8%	16,506	81.2%	20,339
SUBURBAN NEWYORK					
NASSAU	311	25.5%	909	74.5%	1,220
ROCKLAND	28	9.8%	259	90.2%	287
SUFFOLK	166	11.2%	1,310	88.8%	1,476
WEST CHESTER	127	11.2%	1,008	88.8%	1,135
SUBTOTAL	632	15.3%	3,486	84.7%	4,118
UPSTATE URBAN					
ALBANY	62	6.9%	834	93.1%	896
BROOME	21	5.7%	350	94.3%	371
ERIE	142	7.5%	1,755	92.5%	1,897
MONROE	690	34.7%	1,296	65.3%	1,986
NIAGARA	142	40.9%	205	59.1%	347
ONEIDA	30	5.7%	499	94.3%	529
ONONDAGA	179	18.5%	791	81.5%	970
RENSSELAER	89	32.1%	188	67.9%	277
SCHENECTADY	58	13.7%	364	86.3%	422
SUBTOTAL	1,413	18.4%	6,282	81.6%	7,695
UPSTATE OTHER					
ALLEGANY	4	16.0%	21	84.0%	25
CATTARAUGUS	8	11.9%	59	88.1%	67
CAYUGA	13	12.4%	92	87.6%	105
CHAUTAUQUA	28	27.2%	75	72.8%	103
CHEMUNG	9	5.2%	165	94.8%	174
CHENANGO	4	7.0%	53	93.0%	57
CLINTON	14	25.0%	42	75.0%	56
COLUMBIA	2	3.6%	54	96.4%	56
CORTLAND	19	30.2%	44	69.8%	63
DELAWARE	5	11.1%	40	88.9%	45
DUTCHESS	51	19.0%	217	81.0%	268
ESSEX	4	16.0%	21	84.0%	25
FRANKLIN	9	19.1%	38	80.9%	47
FULTON	14	23.0%	47	77.0%	61
GENESEE	1	1.0%	100	99.0%	101
GREENE	3	6.0%	47	94.0%	50
HAMILTON	2	40.0%	3	60.0%	5
HERKIMER	11	12.4%	78	87.6%	89
JEFFERSON	15	13.9%	93	86.1%	108
LEWIS	1	6.7%	14	93.3%	15
LIVINGSTON	2	2.4%	83	97.6%	85
MADISON	8	14.5%	47	85.5%	55
MONTGOMERY	7	9.9%	64	90.1%	71
ONTARIO	62	26.4%	173	73.6%	235
ORANGE	126	22.4%	437	77.6%	563
ORLEANS	14	30.4%	32	69.6%	46
OSWEGO	20	19.2%	84	80.8%	104
OTSEGO	6	14.3%	36	85.7%	42
PUTNAM	8	17.0%	39	83.0%	47
ST LAWRENCE	25	25.8%	72	74.2%	97
SARATOGA	15	19.2%	63	80.8%	78
SCHOHARIE	5	15.2%	28	84.8%	33
SCHUYLER	5	26.3%	14	73.7%	19
SENECA	7	21.2%	26	78.8%	33
STEUBEN	28	26.7%	77	73.3%	105
SULLIVAN	10	4.8%	197	95.2%	207
TIOGA	4	7.8%	47	92.2%	51
TOMPKINS	9	12.9%	61	87.1%	70
ULSTER	69	32.1%	146	67.9%	215
WARREN	26	28.6%	65	71.4%	91
WASHINGTON	17	14.4%	101	85.6%	118
WAYNE	41	32.8%	84	67.2%	125
WYOMING	11	26.2%	31	73.8%	42
YATES	18	58.1%	13	41.9%	31
SUBTOTAL	760	18.6%	3,323	81.4%	4,083
GRAND TOTAL	6,639	18.3%	29,597	81.7%	36,236

County of commitment data is unavailable for 1 case.

TABLE 10.  
VICTIM NOTIFICATION STATUS FOR VIOLENT FELONY ADMISSIONS BY COUNTY  
NEW COURT COMMITMENTS 2007 (VIOLENT FELONS ONLY)

REGION AND COUNTY	VICTIM NOTIFICATION FLAG				
	VICTIM REGISTERED		NOT REGISTERED		TOTAL
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER
NEW YORK CITY					
KINGS	14	2.1%	667	97.9%	681
NEW YORK	32	3.9%	786	96.1%	818
QUEENS	80	15.3%	442	84.7%	522
RICHMOND	1	1.0%	96	99.0%	97
BRONX	263	60.0%	175	40.0%	438
SUBTOTAL	390	15.3%	2,166	84.7%	2,556
SUBURBAN NEW YORK					
NASSAU	21	10.3%	182	89.7%	203
ROCKLAND	1	2.1%	46	97.9%	47
SUFFOLK	12	5.1%	223	94.9%	235
WESTCHESTER	6	3.6%	161	96.4%	167
SUBTOTAL	40	6.1%	612	93.9%	652
UPSTATE URBAN					
ALBANY	5	3.9%	124	96.1%	129
BROOME	2	3.0%	64	97.0%	66
ERIE	8	2.7%	286	97.3%	294
MONROE	14	4.4%	303	95.6%	317
NIAGARA	10	18.9%	43	81.1%	53
ONEIDA	4	5.9%	64	94.1%	68
ONONDAGA	10	6.4%	146	93.6%	156
RENSSELAER	4	13.8%	25	86.2%	29
SCHENECTADY	21	22.3%	73	77.7%	94
SUBTOTAL	78	6.5%	1,128	93.5%	1,206
UPSTATE OTHER					
ALLEGANY	0	0.0%	4	100.0%	4
CATTARAUGUS	0	0.0%	10	100.0%	10
CAYUGA	0	0.0%	10	100.0%	10
CHAUTAUQUA	4	25.0%	12	75.0%	16
CHEMUNG	0	0.0%	30	100.0%	30
CHENANGO	0	0.0%	7	100.0%	7
CLINTON	1	11.1%	8	88.9%	9
COLUMBIA	1	10.0%	9	90.0%	10
CORTLAND	3	37.5%	5	62.5%	8
DELAWARE	0	0.0%	7	100.0%	7
DUTCHESS	5	10.6%	42	89.4%	47
ESSEX	1	25.0%	3	75.0%	4
FRANKLIN	0	0.0%	2	100.0%	2
FULTON	2	25.0%	6	75.0%	8
GENESEE	0	0.0%	11	100.0%	11
GREENE	0	0.0%	4	100.0%	4
HERKIMER	1	6.7%	14	93.3%	15
JEFFERSON	1	4.5%	21	95.5%	22
LEWIS	0	0.0%	3	100.0%	3
LIVINGSTON	0	0.0%	17	100.0%	17
MADISON	1	16.7%	5	83.3%	6
MONTGOMERY	0	0.0%	16	100.0%	16
ONTARIO	2	4.7%	41	95.3%	43
ORANGE	3	3.8%	76	96.2%	79
ORLEANS	0	0.0%	4	100.0%	4
OSWEGO	0	0.0%	29	100.0%	29
OTSEGO	0	0.0%	3	100.0%	3
PUTNAM	0	0.0%	7	100.0%	7
ST LAWRENCE	4	18.2%	18	81.8%	22
SARATOGA	2	33.3%	4	66.7%	6
SCHOHARIE	1	20.0%	4	80.0%	5
SCHUYLER	4	66.7%	2	33.3%	6
SENECA	0	0.0%	4	100.0%	4
STEUBEN	3	17.6%	14	82.4%	17
SULLIVAN	0	0.0%	26	100.0%	26
TIOGA	0	0.0%	9	100.0%	9
TOMPKINS	0	0.0%	14	100.0%	14
ULSTER	2	7.1%	26	92.9%	28
WARREN	1	7.1%	13	92.9%	14
WASHINGTON	1	5.6%	17	94.4%	18
WAYNE	1	7.1%	13	92.9%	14
WYOMING	0	0.0%	2	100.0%	2
YATES	3	100.0%	0	0.0%	3
SUBTOTAL	47	7.6%	572	92.4%	619
GRAND TOTAL	555	11.0%	4,478	89.0%	5,033

## APPENDIX D – NEW INTERNET FORMS

## CONFIDENTIAL

REQUEST FOR VICTIM NOTIFICATION SOLICITUD PARA NOTIFICACION A LA VICTIMA (PLEASE PRINT/FAVOR DE USAR LETRA DE MOLDE) (The NYS Department of Correctional Services (DOCS) and the NYS Division of Parole (Parole)) (El Departamento de Servicios Correccionales (DOCS) y la División de Libertad Bajo Palabra del Estado de Nueva York)																						
<p><b>Complete this form IF</b> you would like to request notification from DOCS that an inmate from a state correctional facility has been released, <b>OR</b> if you would like PAROLE to inform you of an inmate's upcoming parole hearing date, thereby giving you the option of submitting a victim impact statement.</p> <p>Completed forms may be mailed to: <b>NYS Division of PAROLE, Victim Impact Unit, 97 Central Avenue, Albany, NY 12214-6131</b>. You may also register ON-LINE at <a href="http://parole.state.ny.us">parole.state.ny.us</a>.</p> <p>If you have questions, you may contact the <b>Parole Victim Impact Unit at 1-800-639-2650 (or 518-486-4400)</b>, or the <b>DOCS Office of Victim Services at 1-800-783-6059, (or 518-402-6600)</b>.</p>						<p>Llene este formulario si quiere recibir notificación del Departamento de Servicios Correccionales cuando un recluso haya salido de una institución correccional estatal o si quiere que la Junta de Libertad Bajo Palabra le informe cuando un recluso vaya a comparecer delante la Junta de Libertad Bajo Palabra, proveyéndole la opción de someter una declaración del impacto en la víctima.</p> <p>Una vez que llene el formulario, envíelo a: <b>NYS Division of PAROLE, Victim Impact Unit, 97 Central Avenue, Albany, NY 12214-6131</b>. También puede registrarse electrónicamente en la página del Internet "<a href="http://parole.state.ny.us">parole.state.ny.us</a>".</p> <p>Si tiene preguntas puede comunicarse con la <b>unidad de Impacto a la Víctima de la Junta de Libertad Bajo Palabra llamando al 1-800-639-2650 o 518-486-4400</b> o con la <b>Oficina de Servicios para las Víctimas del Departamento de Servicios Correccionales llamando al 1-800-786-6059 o 518-402-6600</b>.</p>																
<b>INMATE INFORMATION (INFORMACION DEL RECLUSO/PRESO)</b> <i>(Please work with your district attorney's office to provide as much information as possible.)</i> <i>(Si necesita ayuda para conseguir esta informacion, favor de consultar con la oficina del Fiscal del Distrito)</i>																						
First Name (Primer nombre)				MI (Inicial)		Last Name (Apellido)																
DATE OF BIRTH / Fecha de nacimiento to	Month (Mes)	Day (Día)	Year (Año)	County of Conviction (Condado de la convicción)				NYS JUDGE DATE / Fecha de condena	Month (Mes)	Day (Día)	Year (Año)											
Indictment # (número de la acusación)				DIN #		<table border="1"> <tr> <td>NYS</td> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td>6</td> <td>7</td> <td>8</td> <td>9</td> <td>10</td> </tr> </table>						NYS	1	2	3	4	5	6	7	8	9	10
NYS	1	2	3	4	5	6	7	8	9	10												
<b>PERSON REQUESTING INFORMATION (SOLICITANTE)</b> <i>("Person Requesting Information" refers to an adult party who is capable of receiving communication. DO NOT complete this form with the name of a deceased person, minor, or otherwise, compromised person.)</i> <i>("Solicitante" se refiere a una persona adulta, capacitada para recibir comunicaciones. No llene este formulario con el nombre de una persona muerta, menor de edad o de alguna manera incapaz de representarse a si misma)</i>																						
<b>I am a /Soy</b> <input type="checkbox"/> new applicant (for the offender listed above)/ Nuevo solicitante (para el recluso enumerado arriba) <input type="checkbox"/> current registrant, updating my information /Solicitante corriente, actualización de información																						
Title: <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input type="checkbox"/> Mr. <input type="checkbox"/> Other: _____						Phone Numbers (Numeros de Telefono)																
First Name (Primer nombre)			MI (Inicial)		Last Name (Apellido)			HOME / Su casa	Area code (Prefijo local)													
Street # (Calle)			Name of Street or PO Box # <i>(Your mailing address is needed)/(Domicillio)</i>				APT #/Unidad	WORK / Trabajo	Area code (Prefijo local)													
City (Ciudad)			State (Estado)		Zip (Código postal)			CELL / Celular	Area code (Prefijo local)													
<b>I prefer notification in/ Prefiero la notificación en</b> <input type="checkbox"/> English/Inglés <input type="checkbox"/> Spanish/Español <i>(Please work with a victim advocate if you need additional translation services/Por favor trabaje con un consejero de victima si usted necesita servicios de traducción adicionales.)</i>																						
<b>Applicant's relationship to victim/La relación del solicitante a víctima</b> <input type="checkbox"/> I am not a victim; I was a witness to a crime/No soy la víctima; Soy un testigo a un crimen) <input type="checkbox"/> Self/Uno mismo <input type="checkbox"/> Partner/Spouse or Ex (Compañero/Cónyuge/Espos(a) o ExCompañero/Cónyuge/Espos(a) <input type="checkbox"/> Parents/Padre/Madre <input type="checkbox"/> Son/Daughter/Hijo/a <input type="checkbox"/> Legal Representative/Representante Legal <input type="checkbox"/> Other/Otro: _____																						
<b>Is the victim a minor (under 18 years of age)/ Es la víctima menor de edad (menos de 18 años) ?</b> <input type="checkbox"/> Yes/Sí <input type="checkbox"/> No																						
<b>I would like to/Me gustaria:</b> <i>(check ALL that apply/Marque todos lo que aplican)</i> <input type="checkbox"/> ... be notified of an offender's release from a New York state-level correctional facility/Ser notificado cuando un recluso salga de una institución correccional estatal del estado de Nueva York. <input type="checkbox"/> ... be notified of NYS Parole Board interviews with an offender, and the results of those interviews. <i>(Note that this right only applies to crime victims and their families.)</i> / Ser notificado cuando un recluso vaya a comparecer delante de la Junta de Libertad Bajo Palabra y el resultado de la entrevista (este derecho aplica solamente para las víctimas de crimen y sus familiares.) <input type="checkbox"/> ... provide or update a VICTIM IMPACT STATEMENT to Parole. <i>(This right only applies to crime victims and their families. If you select this option, you will be provided with more information about impact statements at a later date.)</i> / Proveer o actualizar la declaración del impacto en la víctima para la Junta de Libertad Bajo Palabra (este derecho aplica solamente para las víctimas de crimen y sus familiares. Si selecciona esta opción se le proveerá en el futuro con información adicional sobre la declaración del impacto a la víctima.)																						
<p>I understand that any information I give to the NYS DOCS and the NYS Parole Board will be kept strictly confidential. I understand that it is <b>my responsibility to notify DOCS and Parole</b> of any changes in the contact information I provided above, OR any changes in my request for information, by completing and submitting a new "REQUEST FOR VICTIM NOTIFICATION" registration form.</p> <p>Entiendo que cualquier información que le provea a Departamento de Servicios Correccionales y a la Junta de Libertad Bajo Palabra del Estado de Nueva York, será mantenida estrictamente confidencial. Entiendo que es mi responsabilidad notificarle al Departamento de Servicios Correccionales y a la Junta de Libertad Bajo Palabra si hay cambios de dirección o teléfono o de alguna otra información en mi solicitud. En tal caso debo llenar un formulario nuevo de "SOLICITUD PARA LA NOTIFICACION A LA VICTIMA".</p> <p>Signature/Firma: _____ Date/Fecha _____</p>																						

----- CUT HERE/Corte aquí -----

**YOU HAVE A RIGHT TO KNOW**  
(Para Español, mire en el lado trasero de este formulario)



Victims of crime in New York State, and in certain cases, other interested parties, have several opportunities to access information about incarcerated and released offenders:

- (1) You can access the **NYS DOCS look-up system** to obtain information on prison inmates such as facility location, date admitted, crime, and sentence length. ([www.docs.state.ny.us](http://www.docs.state.ny.us))
- (2) You can use your **touch-tone phone** to make a toll-free call to obtain information about the **custody status** of an adult offender who is in a NYC or county jail, or in a NYS prison. ((1-888-VINE-4NY) (1-888-846-3469).)
- (3) You can register to receive **confidential notification of an inmate's release** from any correctional facility. (To register, call 1-888-VINE-4NY (1-888-846-3469).
- (4) *If you are a victim of a crime*, you can register with PAROLE to be notified when an inmate is scheduled to be interviewed by the **Parole Board**. You also have the option of submitting a **VICTIM IMPACT STATEMENT**. (Use the above form to register. Questions? Call Parole at 1-800-639-2650 or visit [www.parole.state.ny.us](http://www.parole.state.ny.us).)
- (5) You can be **notified by certified mail** from the NYS Department of Correctional Services when an offender is released from a state prison. (Use the above form to register. Questions? Call DOCS at 1-800-783-6059.)

**TIENE EL DERECHO DE SABER**



Las Víctimas de crimen en el Estado de Nueva York, y en algunos casos otras personas, tienen varias maneras de obtener información acerca de personas que están encarcelados y aquellos que han liberados de la prisión:

- (1) Electrónicamente puede entrar a la **página del Internet del Departamento de Servicios Correccionales** ([docs.state.ny.us](http://docs.state.ny.us)) para buscar información sobre los reclusos, como la institución correccional donde están, la fecha en que fueron encarcelados, crimen y sentencia.
- (2) Puede **llamar libre de cargos al teléfono 1-888-VINE-4NY (1-888-639-2650)** para obtener información sobre la **custodia de reclusos adultos** que se encuentran en cárceles de la ciudad de Nueva York (NYC), en una cárcel del condado o en una prisión estatal.
- (3) Puede registrarse para **recibir notificación telefónica confidencial** de cuando un recluso salga de cualquier institución correccional estatal llamando al 1-888-VINE-4NY (1-888-846-3469).
- (4) *Si es una víctima de un crimen* puede registrarse con la Junta de Libertad Bajo Palabra para que le notifiquen cuando un recluso va a comparecer delante de la Junta de Libertad Bajo Palabra. También tiene la opción de someter **una declaración de impacto a la víctima**. Regístrese usando este formulario. Si tiene preguntas llame al 1-800-639-2650 o visite nuestra página en el Internet [parole.state.ny.us](http://parole.state.ny.us).
- (5) DOCS puede **notificarle por correo certificado** cuando un recluso salga de una prisión estatal. Regístrese usando este formulario. Si tiene preguntas llame al 1-800-783-6059.

## APPENDIX E - DIRECTIVE

 <p>STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES</p> <p><b>DIRECTIVE</b></p>	TITLE		NO. 4036
	<b>Notification to Victim of Inmate Release or Damages Award</b>		DATE 08/06/2003
SUPERSEDES DIR# 4036 Dtd. 08/29/01	DISTRIBUTION A	PAGES PAGE 1 OF 3	DATE LAST REVISED 08/04/2005
REFERENCES (Include 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.
- 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.
- 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.

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

NAME OF INMATE: \_\_\_\_\_

one offender/inmate name per form

COUNTY OF COMMITMENT: \_\_\_\_\_ INDICTMENT #: \_\_\_\_\_

NYSID #: \_\_\_\_\_ INMATE DATE OF BIRTH: \_\_\_\_\_

NOTE: if under age 16, will not enter NYSDOCS

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 1-800-639-2650.

FOR ADDITIONAL NOTIFICATION SERVICES BY PHONE, 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**

**June 2008**