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March 15, 2013

The Honorable Andrew M. Cuomo  
New York State Capitol Building  
Albany, NY 12224

Re: A196 / S3034

Dear Governor Cuomo:

I write in connection with A196/S3034 (Weinstein, Nozzolio), which has been transmitted to you and awaits your signature. As you may be aware, this bill is a companion to Chapter 476 of 2012, which expanded the duty of the Commissioner of Mental Health and the Commissioner of the Office for People with Developmental Disabilities to notify victims upon the discharge from custody of persons found incapacitated to stand trial. A196/S3034 amends various statutes to require that "the district attorney shall immediately transmit to the commissioner, in a manner intended to protect the confidentiality of the information, a list of names and contact information of persons who may reasonably be expected to be the victim of any assault or any violent felony offense, as defined in the penal law, or any offense listed in section 530.11 of this chapter which would be carried out by the committed person." This, we understand, is to ensure that the agencies required to notify victim of a defendant's release have the information to do so.

We appreciate the importance of notifying victims of stalking, harassment and other crimes by providing notice when a committed person is released from custody. I write to outline the District Attorneys Association's understanding of precisely what it is the bill will require. As we understand the bill, "persons who may reasonably be expected to be the victim of any assault or any violent felony offense, as defined in the penal law, or any offense listed in section 530.11 of this chapter" refers to those individuals in whose favor orders of protection may have been issued in connection with the prosecution underlying the issuance of the final order of observation.

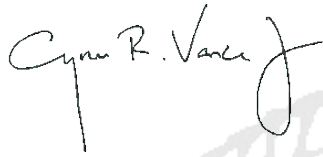
We further understand the bill's emphasis that any disclosure be made "in a manner intended to protect the confidentiality of the information" to mean that any such disclosure must be made consistent with the strictures of Civil Rights Law Section 50-b, and that the contact information may be limited in a fashion that will not reveal the whereabouts or other information about a victim that may put that individual in danger. In addition, and consistent with this understanding, in circumstances in which the victim believes s/he would be endangered or otherwise is concerned for his/her safety and/or privacy, the District Attorney's Office may serve as the contact to be notified by the

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Commissioner.

We appreciate efforts to ensure the safety of victims who may be concerned for their security upon the release of a defendant who is the subject of a final order of observation under CPL Article 730. We look forward to working with the Commissioners of Mental Health and the Office for People with Developmental Disabilities in adopting an effective notification system that will further this goal.

Sincerely,



Cyrus R. Vance, Jr.  
President, District Attorneys Association  
of the State of New York

