

2017 - 2020 Implementation Plan
State of New Mexico Crime Victims Reparation Commission



A comprehensive statewide plan that outlines funding priorities and strategies for the Services, Training, Officers and Prosecutors Violence Against Women grant program, Victims of Crime Act Victim Assistance grant program and the Sexual Assault Services Program grant program to enhance responses to victims of domestic violence, sexual assault, stalking, dating violence and victims of crime throughout New Mexico.

Adopted: June 19, 2017

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State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	Willard Eastman Director
Agency:	Battered Families Services, Inc.
Address:	207 So. Strong Gallup NM 87301
E-mail:	519deckert@gmail.com

Planning Meeting Date(s): Please select the meeting you attended in person.

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Housing	To get certain housing complex in an agreement - where they might bypass the credit checks for DV survivors
Civil Legal services	The need for attorney & may be divide the state where one attorney covers a certain area, for court purposes appearances.
ALCOHOL /SUBSTANCE Abuse & Counseling.	Training or having on staff who is a certified license counselor.

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Lori A. Vigil

Agency: _____

Address: 1101 Georgiana Ave. Grants, NM 87020

E-mail: loriavigil1965@gmail.com

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How should these be addressed in the Implementation Plan?	Primary Needs/Issues Discussed

Summary of Issues Raised

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Name/Title: Kathy Robbins - lead advocate

Agency: Roberta's Place

Address: P.O. Box 7204 - Grants NM

E-mail: shelter1@robertasplace.nmef

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Name/Title: Debra Hicks, RN SANE Sexual Assault Prog. Coordinator
 Agency: Indian Health Services Gallup
 Address: 516 E Nizhoni Blvd Gallup, NM 87301
 E-mail: debra.hicks@ihs.gov

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If so, please provide their name, agency and contact information:

Amber Crotty Council Delegate UN
928-871-6380

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Transportation issues to SA Victims for initial Exam and Follow up	Different for Different areas of State.
Primary Prevention	Where is funding going to come from?
Training/Retention All Services	Need to work on Retention Programs for Staff
Childrens Services continuation of services when child has moved	Angel Flight - Liability Insurance Issues - How can this be funded
Lack of Resources Especially NN	Work with leaders that are working on Tribal Action Plan
Law Enforcement More Training	Training on how to work with victims one to one

State of New Mexico Crime Victims Reparation Commission
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Name/Title: D. Wonda Johnson, Program Coordinator

Agency: SAS NW NM

Address: 111 S 1st Street, Gallup, NM 87301

E-mail: Wondaj@sasnwnm.org

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Judge Howard
Gallup District Court

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Primary Prevention 0-3, K-12, post secondary	Life Skills
Courts @ Tribal, District levels	Educate the Courts - get them out to the communities, rural.
Mental Health Access	Wholistic Approach
Substance Abuse Counseling/Rehabs	Maybe the way and type of SA Counseling needs to be re-evaluated for the under- serve NA/AN/NH pop - it needs to work better.
Cross Training	Provide curriculum and training
Transitional Housing Access	Salpex has a lack of housing for the working population much less transitional
Tribal Police	Encourage youth provide incentive to pursue Tribal

PD + Courts careers

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Name/Title: Lynn Cannon Executive Director

Agency: Youth Visions Inc

Address: 310 W. High Street. Ste D Grants NM 87020

E-mail: admin@youthvisionsnm.org

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How should these be addressed in the Implementation Plan?	Primary Needs/Issues Discussed
	Prevention of future abuse.

Summary of Issues Raised

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	Aileen Evans Criminal Investigator
Agency:	Ramah Navajo Police Department
Address:	HCA 601 Box #13 Ramah NM 87321
E-mail	aevens@ramahnavajo.org

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If so, please provide their name, agency and contact information:

Jerrilisa Raphaelito, SW/FC Ramah Navajo Social Service P.O. Box 250 Pine Hill NM 87357	Phebe Maria Behavior Health Pine Hill NM
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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Funding	Sounds like y'all are asking the correct question. Keep it as a state plan to help area that really needs
Attorneys	Training
Transportation	on having funds allocated for it.
Jurisdiction	work within the area and surrounding areas

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Jessica Casper Administrative Coordinator
 Agency: Roberta's Place Inc
 Address: 807 E. Roosevelt Ave.
 E-mail: robertas16@robertasplace.net

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Law enforcement, CYFD, DA's office, Compliance mental Health Agencies, Transportation, Courts (judges/clerks)

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>⊗ Lack of Transportation, Mental health services, transitional housing.</p>	<p>\$ for agencies to expand & add these services for?</p>
<p>quality vs. quantity - inability to compensate staff fairly to keep them on board</p>	<p>More \$ for Administrative Service Providers to keep folks that are good / well trained from leaving for jobs w/ better compensation. This is typical in our field & only adds to the feeling of always working in crisis.</p>
<p>Allways working in a crisis / scarcity of providing crisis services while in crisis</p>	<p>our field & only adds to the feeling of always working in crisis.</p>
<p>5% under VAWA is available for prevention.</p>	<p>Hard to take \$ from direct services - prevention is could come out of a separate pot?</p>
<p>Prevention → direct services</p>	<p>We need to find a way to provide preventative services now, yet still be able to provide core service w/o interruption</p>
<p>Wrap around services</p>	<p>fill the gaps w/ lack of transportation / MH issues / transitional housing.</p>

folks that are good / well trained from leaving for jobs w/ better compensation. This is typical in our field & only adds to the feeling of always working in crisis.

Maybe a progressive scale?

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Sally K Sanchez

Agency: Robertas Place, Inc.

Address: PO Box 7304 Grants NM 87020

E-mail: robertas@robertasplace.net

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Civil Legal	
Transitional Housing	
Substance Abuse Treatment	
Mental Health Treatment	
Self Sufficiency Services	
Prevention	

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: Lisa Weisenfeld

Agency: New Mexico Coalition Against Domestic Violence

Address: _____

E-mail: lisa.w@nmcadv.org

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Tribal victim advocate

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How should these be addressed in the Implementation Plan?	Primary Needs/Issues Discussed
built in to funding plan	Increasing salaries for DV advocates Comprehensive services for survivors Employment services for survivors (physical)
	Transitional housing for DV survivors Licensed substance abuse DV counselors within DV agencies
	Transportation in trial communities

Summary of Issues Raised

State of New Mexico Crime Victims Reparation Commission
 2017-2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Kathy Hawkem
 Agency: BIA/OJS - VAP
 Address: 1001 Indian School Rd, NW, Albuquerque, NM - 87104 -
 E-mail: Kathy.hawkem@bia.gov

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- tribal: federal law enforcement
 - tribal leaders -
 - federal organizations ICE/FBI/AUSA
 - tribal Casinos Management

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Marie Schow, Administrative & Development Coordinator

Agency: IMPACT Personal Safety

Address: PO Box 8350, Santa Fe, NM 87504

E-mail: ips@IMPACTPersonalSafety.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Serving marginalized communities	- Don't prioritize projects that serve more people; working w/ marginalized communities costs more \$ due to systemic barriers
	and various transportation needs, etc. And marginalized communities need more time & resources and often progress more slowly or
	differently than "mainstream" clients. - More flexibility \$ in outcomes for projects!
	- Provide training on social justice/anti-oppression principles (eg. distrust of systems, barriers to service, etc.) for staff of
	funded projects ↳ Service providers need to have the perspective so they don't project biases onto
	clients regarding what the clients should do (whether they should go to the police, go through the legal system, etc.)
	Choices for ^{victims} advocates need to <u>feel</u> like choices

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Jaymee Bird / Community Prevention Coordinator
 Agency: ENIPC Inc. Peacekeepers Domestic Violence Program
 Address: 705C. La Joya St. Espanola, NM 87532
 E-mail: jbird@enipc.org

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aromero@enipc.org
msalazar@enipc.org
CTM@enipc.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
We need more training	Systematic training

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Name/Title: Alena Schain

Agency: IMPACT

Address: PO Box 8350 SF NM 87504

E-mail: alena@impactpersonalsafety.org

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Would you like to provide feedback on draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to receive a copy of the finalized plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Is there an agency or individual you feel is missing from the process and should be invited?
 If so, please provide their name, agency and contact information:

None that weren't ~~be~~ invited, some that weren't present.

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
	looking at how systems help heal historical/ generational trauma
	(& systems of oppression that contribute to violence) instead of just stopping
	that moment of individual violence.

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Rod KASKALLA, DV. Prevention Coordinator

Agency: NAMBE PUEBLO HEALTHY FAMILY SERVICES

Address: RT1 Box 120-F, SANTA FE, NM, 87504

E-mail: rkaskalla@nambepueblo.org

Planning Meeting Date(s): Please select the meeting you attended in person.

- Tuesday, October 18, 2016 in Farmington, New Mexico
- Tuesday, October 25, 2016 in Las Cruces, New Mexico
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- Monday, November 14, 2016 Albuquerque, New Mexico

Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to receive a copy of the draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to review the draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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Would you like to receive a copy of the finalized plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Is there an agency or individual you feel is missing from the process and should be invited?
 If so, please provide their name, agency and contact information:

CYFD - NMCADV - MEMBERS

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
LAW Enforcement	TRAUMA Informed Care ?
Restorative Justice	How Can We Bring it Back .
children	SERVICES ?

STATE OF NEW MEXICO CRIME VICTIMS REPARATION COMMISSION
Implementation Planning Sign-In Sheet: Roswell, New Mexico
November 7, 2016

Name	Title	Agency	Phone	E-Mail
David River	Dept. Director	NMCAOV	505-220-6582	dbriver@gmail.com
Laura Lucero	Director	The Oasis	575-769-7732	llucero ⁵⁹ @outlook.com
Richard Lucero				
Edwina Leal	Grant mgr	Assurance Home	575-624-1700	edwinalcal@guestoffice.net
Lesli Carrera	Operation Mgr	Roswell Refuge	575-624-3222	lcarrera@roswellrefuge.org
Willynne McNeil	D.V. Counselor	mescajero, NM	575-464-4433	wsmn.t45@mti.sp.net
Angela Sexton	Finance Director	CASA	575-625-0112	asexton@casakids.org
Mary Colby	AD	CASA	625-0112	mcolby@casakids.org
Angelia Parent	CACSANE	Cavern City CAC	575)200-3929	cac-sane@outlook.com
Celina Bryant	Exec. Direct	Grammy's House	575-748-1195	celinagerese@gmail.com
Stedad Aguirre	Victim Advocate	5th Judicial DA	575-631-9188	SAguirre@da.state.nm.us
Romana Zamora	Legal Advocate	Grammy's House	748-1198	rp2frog@yahoo.com

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: David River

Agency: NM CADV

Address: 1000 Cordova Pl. #82, Santa Fe, NM 87503

E-mail: David@nmcadv.org

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Would you like to review the draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to provide feedback on draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to receive a copy of the finalized plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Is there an agency or individual you feel is missing from the process and should be invited?
 If so, please provide their name, agency and contact information:

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Mental Health incl. substance use disorders	Funding for dedicated staff in programs + statewide specialized training and supervision
Salaries ↑↑	<u>Encouragement</u> to apply for living + wages.
Civil legal services	Dedicated attorneys who specialize in family law and domestic/sexual violence
Transitional Housing	
Legal legal advocates	Funding for staff <u>and</u> development / deployment of standardized legal advocacy training
LGBTQ	We need some dedicated staff time for assessment, training, and assistance to providers statewide

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: *Executive Director*
Agency: *The Oasis Children's Advocacy Center*
Address: *15230 W. 13th, Clovis, NM 88101*
E-mail: *luceero59@outlook.com*

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the the population(s) you were representing?

Yes

No

Would you like to receive a copy of the draft plan?

Yes

No

Would you like to review the draft plan?

Yes

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Would you like to provide feedback on draft plan?

Yes

No

Would you like to receive a copy of the finalized plan?

Yes

No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Prevention	The need for the program as to why it is needed.
Law Enforcement Family Justice Center	Really interested in producing a team for our community. Law what can we do to apply or start one.
Funding for an expert witness to testify in court instead of us as forensic interviewers	An expert witness to be paid instead here some one to come from another state.

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: *Richard Lucero PSR Coordinator*
 Agency: *Mental Health Resources*
 Address: *300 E 5th Clovis, N.M. 88101*
 E-mail: *rlucero@mhrnewmexico.com*

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the the population(s) you were representing?

Yes

No

Would you like to receive a copy of the draft plan?

Yes

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Would you like to review the draft plan?

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Would you like to provide feedback on draft plan?

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Would you like to receive a copy of the finalized plan?

Yes

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Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: *Edwina Leal - Grant mgr*
Agency: *Assurance Home Inc.*
Address: *1000 E. 18th St. Roswell, NM 88201*
E-mail: *edwinalcal@guestoficenet*

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing?

Yes

No

Would you like to receive a copy of the draft plan?

Yes

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Would you like to review the draft plan?

Yes

No

Would you like to provide feedback on draft plan?

Yes

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Would you like to receive a copy of the finalized plan?

Yes

No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Prevention outreach	
Law Enforcement training- collaboration	
Hispanic culture language barriers (Clovis)	
Domestic Violence culture	
Lack of Mental Health Providers- Recruitment Access to Providers	
Counselors Regional - (Rural)	
more victim advocates	

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Lesli Carrera Operations Manager
Agency: The Roswell Refuge
Address: 1215 N. Garden Ave
E-mail lcarrera@roswellrefuge.org

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Yes

No

Would you like to receive a copy of the draft plan?

Yes

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Would you like to review the draft plan?

Yes

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Would you like to provide feedback on draft plan?

Yes

No

Would you like to receive a copy of the finalized plan?

Yes

No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: Law Enforcement

RPD, Sheriff

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Transitional Housing	
Inclusion & implementation of the LGBTQ community Better ability to reach their community	
Salaries to be able to offer needed raises as well as offer adequate beginning salaries & to fund onsite counseling.	
Better working relations & training between agencies DVT, SANE, Law Enforcement, etc	

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: *Willymae Smith-McNeal*
 Agency: *Mescalero Violence Against Women Program*
 Address: *P.O. Box 228 Mescalero, NM 88340*
 E-mail: *WSmith45@mti.org.net*

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the the population(s) you were representing?	<u>Yes</u>	No
Would you like to receive a copy of the draft plan?	<u>Yes</u>	No
Would you like to review the draft plan?	<u>Yes</u>	No
Would you like to provide feedback on draft plan?	<u>Yes</u>	No
Would you like to receive a copy of the finalized plan?	<u>Yes</u>	No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

no one @ this time - Thank you

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

NANA = Is prevention Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<i>People are not (victim) accessing services</i>	
<i>FUNDING -</i>	
<i>LGBTQ = needs assessment</i>	
<i>Lack of services and professionals</i>	
<i>Transitional Housing</i>	
<i>Increasing Salaries</i>	

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Angela Sexton / Chaves County CASA
Agency: Finance Director
Address: 500 n. main, Roswell, NM 88201
E-mail: asexton@casakids.org
Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Would you like to receive a copy of the draft plan?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Would you like to review the draft plan?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Would you like to provide feedback on draft plan?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Would you like to receive a copy of the finalized plan?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Data Manager & Finance Director	How to have funding for administrative staffing needs, due to complex grant requirements.

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: *Mary Colby Assistant Director*
Agency: *Chaves County CASA*
Address: *500 N. Main #30*
E-mail: *MColby@CASAkids.org*

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing?	Yes	No
Would you like to receive a copy of the draft plan?	Yes	No
Would you like to review the draft plan?	Yes	No
Would you like to provide feedback on draft plan?	Yes	No
Would you like to receive a copy of the finalized plan?	Yes	No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: Angelia Parent - SANE
 Agency: Cavern City Child Advocacy Center
 Address: P.O. Box 1441 Carlsbad, NM 88221
 E-mail: cac_sane@outlook.com

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the the population(s) you were representing?	<u>Yes</u>	No
Would you like to receive a copy of the draft plan?	<u>Yes</u>	No
Would you like to review the draft plan?	<u>Yes</u>	No
Would you like to provide feedback on draft plan?	<u>Yes</u>	No
Would you like to receive a copy of the finalized plan?	<u>Yes</u>	No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: Law Enforcement

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: Celina Bryant, Executive Director
 Agency: Grammy's House
 Address: P.O. Box 654 Artesia, NM 88211
 E-mail: Celina.gerese@gmail.com

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the the population(s) you were representing?

Yes

No

Would you like to receive a copy of the draft plan?

Yes

No

Would you like to review the draft plan?

Yes

No

Would you like to provide feedback on draft plan?

Yes

No

Would you like to receive a copy of the finalized plan?

Yes

No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: Don Raley - Artesia

Chief of Police 575-513-2008

Deputy Epic Threlkheld - Eddy County Sheriff
Dept. 575-302-7579

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Mental Health	Not sure
more training for Law Enforcement	Perhaps mandate "specific core" training for Law Enforcement and help agencies become "qualified" to assist in these trainings

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Soledad Aguirre, Victim Advocate Coord.
 Agency: 5th Judicial District Atty's Office
 Address: 301 N. Dalmont Hobbs, NM 88240
 E-mail: S.Aguirre@da.state.nm.us

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the the population(s) you were representing?

Yes No

Would you like to receive a copy of the draft plan?

Yes No

Would you like to review the draft plan?

Yes No

Would you like to provide feedback on draft plan?

Yes No

Would you like to receive a copy of the finalized plan?

Yes No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information:

(for knowledge)

School Personnel
Court administrators, Medical Personnel, Probation & Parole
City Mayors, School Coaches, different Ethnical
Chambers & Offices (state, County, city).
Religious Admin (Church Admin), Mental Health

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

*Personnel
(EMT, ER, Doctors, Nurses)*

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Continued training for law enforcement	
Building trust with in community & law enforcement	
Language ACCESS training (Interp) for VA's	
DV training for law enforcement	

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: ROMANA ZAMORA, BSW / Legal Advocate
Agency: GRAMMY'S HOUSE
Address: 811 W TEXAS, Artesia NM 88210
E-mail: rp2frog@yahoo.com

Planning Meeting Date(s): Please select the meeting you attended in person.

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Yes

No

Would you like to receive a copy of the draft plan?

Yes

No

Would you like to review the draft plan?

Yes

No

Would you like to provide feedback on draft plan?

Yes

No

Would you like to receive a copy of the finalized plan?

Yes

No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Training - Legal Advocacy Immigration Victims	

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: *Samantha Reed, LCSW Therapist/Clinician*
 Agency: *Assurance Home*
 Address: *1000 E. 18th St., Roswell NM 88201*
 E-mail: *Samantha.reed@cai-nm.com*

Planning Meeting Date(s): Please select the meeting you attended in person.

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Yes

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Would you like to review the draft plan?

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Would you like to receive a copy of the finalized plan?

Yes

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Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Prevention	Make money available for agencies to be able to provide parenting and other services in homes with domestic violence.
Law enforcement training and collaboration.	Provide something that is useful to them so that they buy in. i.e. 1/2 salary for an officer.
Lack of community mental health services.	Continued funding for mental health providers within targeted service areas.

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: *Cindy Wilson, Executive Director*
 Agency: *The Roswell Refuge*
 Address: *1215 N. Garden Ave., Roswell, NM 88201*
 E-mail: *cawilson@roswellrefuge.org*

Planning Meeting Date(s): Please select the meeting you attended in person.

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the the population(s) you were representing?	<u>Yes</u>	No
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Would you like to review the draft plan?	<u>Yes</u>	No
Would you like to provide feedback on draft plan?	<u>Yes</u>	<u>No</u>
Would you like to receive a copy of the finalized plan?	<u>Yes</u>	No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: *Phil Smith (Chief of RFD)*
Britt Snyder (Sheriff)

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Cultural aspects & 2GBTO	Methods for approach & Broad conversations.
Cost of living & raises	NANA & waiting for funding, pointers to Alternative funding
MST & cooperative ventures	Such as Real Men DON'T Hit, outreach. Pool of speakers?
DV law enforcement	Waiting for salary, Pool of speakers & organizers

State of New Mexico Crime Victims Reparation Commission
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Name/Title:

Agency:

Address:

E-mail

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Would you like to review the draft plan?	Yes	No
Would you like to provide feedback on draft plan?	Yes	No
Would you like to receive a copy of the finalized plan?	Yes	No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: Law Enforcement, other

service providers that deal w/social problems

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Monies to create family counseling .	Consider when making monies available
Construction monies to bring all stake holders together.	"
transitional Housing for tribal families off the reservation.	"

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Sarah Johnson / DATA Manager
 Agency: Chaves County CASA
 Address: 500 N Main, Roswell, NM
 E-mail: sjohnson@casakids.org

Planning Meeting Date(s): Please select the meeting you attended in person.

Tuesday, October 18, 2016 in Farmington, New Mexico

Tuesday, October 25, 2016 in Las Cruces, New Mexico

Tuesday, November 1, 2016 in Grants, New Mexico

Monday, November 7, 2016, Roswell, New Mexico

Thursday, November 3, 2016 Española Area, New Mexico

Monday, November 14, 2016 Albuquerque, New Mexico

Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Would you like to receive a copy of the draft plan?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Would you like to review the draft plan?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Would you like to provide feedback on draft plan?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Would you like to receive a copy of the finalized plan?	<input checked="" type="radio"/> Yes	<input type="radio"/> No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: Sheriff, Police

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Zelma Lopez, Director

Agency: Cavern City CAC

Address: PO Box 1441, Carlsbad, NM 88221

E-mail: CavernCityCAC@outlook.com

Planning Meeting Date(s): Please select the meeting you attended in person.

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Yes

No

Would you like to receive a copy of the draft plan?

Yes

No

Would you like to review the draft plan?

Yes

No

Would you like to provide feedback on draft plan?

Yes

No

Would you like to receive a copy of the finalized plan?

Yes

No

Is there someone you feel is missing from the process and should be invited? If so, please provide their name and/or contact information: _____

Shila Jordan - Carlsbad Battered Families Shelter - 575-885-4615

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Child Sexual Assault } Adult Sexual Assault } Prevention DV } Programs	Create Prevention RFPs
LE DV/GH Abuse Investigator] target those agencies working toward Family Justice Centers

R₀

STATE OF NEW MEXICO CRIME VICTIMS REPARATION COMMISSION
 Implementation Planning Sign-In Sheet: Albuquerque, New Mexico
 November 14, 2016

Name	Title	Agency	Phone	E-Mail
Rachel Greenstein	Director of Development	Solace	505 988 1951	rgreenstein@findsolace.org
Josie Jaramillo	TAD Member	Solace	505 988 1951	jaramillo@findsolace.org
Caitlin Henke	Director of UNM's WRC	UNM	505 2773716	crhenke@unm.edu
Lauren Minkoff	Victim Services Specialist	MADD	856 261 7534	lauren.minkoff@madd.org
Kay Bontee	Exec Dir	NMAFC	717-2877	kay@nmafc.org
Adele Wiers	Victim Liaison	APD	924-6043	adlucero@cabq.gov
Barbara Gray	Program Director	NMAFC	717-2877	barbara@nmafc.org
Gwen Packard	T/TA spec	NIWRC	321-6532	gwenpackard@gmail.com
Downe Bradford	SA	CSVANW	2439199	dbradford@csvanw.org
Alexis Santariga	victim Advocate	RRPD	505-891-5961	asantariga@rrnm.gov
Joshua Bell	victim Advocate	Wend Health Family Care	435-5595	Jbell@wendhealthpubl.org
Patricia Galindo	Atty	AUC	670-2656	aucpmg@nmcourts.gov

STATE OF NEW MEXICO CRIME VICTIMS REPARATION COMMISSION

Implementation Planning Sign-In Sheet: Albuquerque, New Mexico

November 14, 2016

Name	Title	Agency	Phone	E-Mail
Mary Beth	Director	QJara	277-2749	mail@brack@gmail.com
Laura Bassler	Attorney	UNM - Institute of Public Law	277-1083	basslein@law.unm.edu
ED MARKS	Exec Director	NM Legal Aid	505-768-6182	edmarks@nmlegalaid.org
Lebelle Brickman	Finance Mgr	S.A.F.E. House	505-247-4119	lbrickman@safehouse.org
Russ Landman	SET APP	ATA	514-6052	R.LANDMAN@ATA-GO.V
Skip Wardlaw	JAP Director	Wambe Pueblo	505-670-0835	wardlaw@wambe Pueblo.org
GRE CAMPS	FR	COA	766-4589	GCAMPS@PRRSO.GOV
Gene Yeasen	Coordinator	State Judicial DA	575-412	gyeager@da.state.nm.us
Delores Shroud	COO	All Faiths	271-0329	dshroud@allfaiths.org
M. Selms	ED	Engric Comm	480-248	asloper@engr.com
Brandie White	Coordinator	MV CASA	575-527-0035	brandie.white@mvallycasa.org

STATE OF NEW MEXICO CRIME VICTIMS REPARATION COMMISSION

Implementation Planning Sign-In Sheet: Albuquerque, New Mexico

November 14, 2016

Name	Title	Agency	Phone	E-Mail
Roberta Padilla	ED	Haven House	896-4869	roberta@havenhouseinc.org
Dorothy Padilla	(FO)	CVRQ	849-1432	dorothyd.padilla@...
Arene Arriaga	Victim Specialist	BVA	503-3812	arenearriaga@bia.gov
Esperanza Garcia	Asst. Director Finance & Operations	Solace	505-988-1951	accountingmanager@solace.org
MARIA JOSE RODRIGUEZ	ED	Solace	988-1951x101	mjrdriguez@findsolace.org
LINDA ATKINSON	ED	DWI Resources	881-684	LATKINSON@DWIFRC.ORG
Lynnette Wood	ED	DVRC, Inc	542-6304	lgenetywood@DVRCNM.ORG
Andrusia Worth	ADA	District Attorney's office	425-6903	amartin@da.state.nm.us
Zane Stephens	Co-Director	T&RCNM	363-4318	zane@tgrcnm.org
Cecily Barker	Sgt. APD	APD	924-4003	cbarker@cabq.gov
Arlene Duran	Social Service Director	NM Asian Family	934-2710	ANH@NMAFC.ORG
Alexandra Tam	ED	VSS	505-3100	alexandrat@valenciastrecher
Petra Siemens	Victim Advocate	State Judicial DA's office	505-885-8822	psiemens@da.state.nm.us
Toei Heaton	CVAM Coordinator	RRPD	252-0505	theaton@RRNM.GOV

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: [#] RACHEL GREENSTEIN Director of Development

Agency: SALACE CRISIS TREATMENT Center / 6601 Valentine Way

Address: Santa Fe, NM 87507

E-mail: RGreenstein@FindSalace.org

Planning Meeting Date(s): Please select the meeting you attended in person.

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Would you like to review the draft plan?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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Is there an agency or individual you feel is missing from the process and should be invited?
 If so, please provide their name, agency and contact information:

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: Josie Jaramillo / EAO Manager

Agency: Solace Crisis Treatment Center

Address: 6601 Valentine Way, Santa Fe, NM 87507

E-mail: jaramillo@findsolace.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Legal Aid for access to civil law cases	Funds to programs that can work w/ attorneys that agree to provide services
Is it possible to ever find main stream / traditional services to its fullest capacity because it does that work like?	

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	Caitlin Henke - Interim Director of UNM's Women's Resource Center
Agency:	UNM'S Women's Resource Center
Address:	1160 Mesa Vista Hall - UNM 87131
E-mail	crhenke@unm.edu

Planning Meeting Date(s): Please select the meeting you attended in person.

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Is there an agency or individual you feel is missing from the process and should be invited?
 If so, please provide their name, agency and contact information:

The University of New Mexico
 Dean of Students Office - Nasha Torrez
 (LRAC & WRC)
 nashatorrez@unm.edu, crhenke@unm.edu

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Lauren Minkoff / Victim Services Specialist
Agency: MAAD
Address: 3411 Candelaria Rd, NE, Suite B, Albuquerque NM
E-mail: lauren.minkoff@MAAD.org

Planning Meeting Date(s): Please select the meeting you attended in person.

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Is there an agency or individual you feel is missing from the process and should be invited?
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Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
auditing services of provided by agencies	
systemic education & educating underserved population	
prevention aspects	

**State of New Mexico Crime Victims Reparation Commission
2017-2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: Kay Bountewa, Executive Director

Agency: NM Asian Family Center

Address: 128 Quincey St NE, Albuquerque, NM 87108

E-mail: kay@nmajc.org

Planning Meeting Date(s): Please select the meeting you attended in person.

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Is there an agency or individual you feel is missing from the process and should be invited?
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undocumented - NM Dream Team
African/Middle Eastern - Women's Global Pathway
refugees - United Voices for Refugee Rights / Refugee Well-being Project

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
place value of cultural approaches	More \$ towards cultural orgs → Native, Asian, African, Middle eastern etc.
provide cultural programs w/ investment as opposed to 1 time funding cycles because doing this sort for those who feel DV/SA services are taboo will take much longer than providing services to more mainstream groups	expand funding cycles when able / don't lose safety at reported #'s.
Increased pay for interpretation & translation of staff members who are bi/multilingual	
Please allocate more \$ towards prevention work	

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings

Documentation of Participation

Name/Title:	Baonam Giang, Program Director
Agency:	New Mexico Asian Family Center
Address:	128 Quince St. NE Albuquerque, NM 87108
E-mail:	Nam@NMVRC.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>45% Mainstream 55% Underserved</p>	<p>It value and app support this break down because Undersome population need more services and capacity building to provide these services. Also and an increase in funding for Underserved</p>
<p>5% of funding to prevention</p>	<p>Use to priority culturally specific prevention efforts that are already happening.</p>
<p>Specialization for language and Trauma informed</p>	<p>There needs to be this to support living wages and the sustainability of the work.</p>
<p>Culturally specific services</p>	<p>There should absolutely be a big funding priority because often these are the victims that need the most help and <u>access</u>.</p>
<p>Funding for self-care</p>	

Shouldn't mean increase in client numbers
Quality of
Quantity especially in culturally specific

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Devona Bradford

Agency: CSVANW

Address: _____

E-mail: dbradford@csvanw.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>① Increased training for service providers on providing culturally-appropriate services & culturally-safe spaces for Native victims to receive care</p>	<p>\$, mandatory training for service providers serving Native victims.</p>
<p>② \$ for supporting victims in all areas including transportation, food, childcare, fees, etc. —</p>	
<p>Increasing support in these areas also increases reporting & access to services/care</p>	

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Alexis Santariga Crime Victim Advocate
 Agency: RR PD
 Address: 500 Quantum Dr Rio Rancho NM 87124
 E-mail: asantariga@rrnm.gov

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Rural Communities getting access to the services + resources they need	
Single men + women of DV need to have access to shelters + transitional housing	

State of New Mexico Crime Victims Reparation Commission
2017-2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Josephine Gallegos

Agency: Nambe Pueblo Healthy Family Services

Address: _____

E-mail: JGallegos@nambePueblo.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

Great dialogue between participants.

Important for continual communication between all agencies.

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Patricia Galindo

Agency: ADC

Address: 237 Don Gaspar, Santa Fe NM 87501

E-mail: aocpmg@nmcourts.gov

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Consolidation of Services/Experts to help deliver/model	
services to "mainstream" providers.	
Expansion of civil legal services - including divorce, child custody	
Additional \$ to train judges/hearing officers particularly DVOPs	

State of New Mexico Crime Victims Reparation Commission
 2017-2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	Molly Brack - Director
Agency:	Agona Crisis Center
Address:	UNM 1; MSC 02 1675
E-mail:	mollybrack@gmail.com

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

I'm very sorry I had to leave early, but thank you for including Agora, and I look forward to being involved with this group!

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Laura Bassein
 Agency: UNM School of Law- Institute of Public Law
 Address:
 E-mail: bassein@law.unm.edu

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing?

Yes No

not really, but that's ok we don't fit neatly in the conversation

Would you like to receive a copy of the draft plan?

Yes No

Would you like to review the draft plan?

Yes No

Would you like to provide feedback on draft plan?

Yes No

Would you like to receive a copy of the finalized plan?

Yes No

Is there an agency or individual you feel is missing from the process and should be invited?

If so, please provide their name, agency and contact information:

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Collaboration among various entities to enhance services for all groups - strong network re: best practices	
Conduct needs assessment to determine what people/groups need	Need to cross/cross grps - people are not only one thing
Evaluate processes - intake processes - space for EVERYONE ID best practices	
Multi disciplinary cross training among many professional groups	- Service Providers, LE, Pros, CYFD, CASA, Attorneys, Judges
Self-care workshops/services re: vicarious/secondary trauma	
Training & education for judges + court personnel - need much more depth in the education provided	

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title:	ED MARKS, EXECUTIVE DIRECTOR
Agency:	NEW MEXICO LEGAL AID
Address:	PO BOX 25486, ALBUQUERQUE NM 87125-5486
E-mail	edm@nmlegalaid.org

Planning Meeting Date(s): Please select the meeting you attended in person.

- Tuesday, October 18, 2016 in Farmington, New Mexico
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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Would you like to receive a copy of the draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to review the draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to provide feedback on draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to receive a copy of the finalized plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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SOUTHWEST WOMEN'S LAW CENTER, PAMELYA HERNDON,
EXECUTIVE DIRECTOR pherndon@swwomenlaw.org - for
economic issues that could be preventative regarding domestic
violence

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	Debbie Brickman, Finance Manager
Agency:	S.A.F.E. House Inc
Address:	PO Box 25363, Albuquerque NM 87125
E-mail	dbrickman@safehousenm.org

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Is there an agency or individual you feel is missing from the process and should be invited?
If so, please provide their name, agency and contact information:

Patricia Gonzalez
S.A.F.E. House, Inc.
pgonzales@safehousenm.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
education between collaborating agencies who serve the same population but have conflicting goals/regulations while serving that population.	

State of New Mexico Crime Victims Reparation Commission
2017-2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Skip Wardlow

Agency: Nambe Pueblo

Address: 15A NP 102 West Santa Fe NM

E-mail: S.Wardlow@nambePueblo.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Under Served Native American Women "Victims"	law enforcement "BIA" not making arrest. In rare case arrest is made there is no prosecutor so charges get dropped & violence repeats.

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: GABE CAMPOS DIRECTOR DIVERSITY & HUMAN RIGHTS

Agency: COF ALBUQUERQUE

Address: _____

E-mail: SCAMPOS@CASO.GOV

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Would you like to receive a copy of the draft plan? Yes No

Would you like to review the draft plan? Yes No

Would you like to provide feedback on draft plan? Yes No

Would you like to receive a copy of the finalized plan? Yes No

Is there an agency or individual you feel is missing from the process and should be invited?

If so, please provide their name, agency and contact information:

<ul style="list-style-type: none"> • ELDER ABUSE PROVIDERS • MENTAL HEALTH COMMUNITY • HOMELESS PROVIDERS • CYFD PROVIDERS • GRAND PARENTS CARING FOR GRAND KIDS 	<ul style="list-style-type: none"> • NAACP • MEDICAL PROVIDERS/ER • PROBATION / PAROLE • RELIGIOUS PROVIDERS
---	--

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Gina Yeager - Courthouse Dog Coordinator
 Agency: 5th Judicial D.A. Office
 Address: 400 N. Virginia, Ste 6-2
 E-mail: gyeager@da.state.nm.us

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Courtroom Depo handlers - Training Additional Tool to work w/ Victims	Successor Depo: Continued training And working with multi agencies

State of New Mexico Crime Victims Reparation Commission
 2017-2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Delores D. Stroud "Deedee" CEO
 Agency: All Faiths
 Address: 1709 Moon St. NE Albuquerque NM
 E-mail: dstroud@allfaiths.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Aboti victim value of services too low	
ability to retain staff difficult when dealing w/ trauma & victims	better pay - and funds for staff resiliency training + activities
ability to employ @ high living wage Community members	build trust } Need to build trust in underserved communities can only be done w/ one of their own
Communication between all the MDTF partners during investigation + after	funds for staff to gather data - case trackers
don't assume your program fits the needs of all underserved communities	needs assessments telephone or online
translation services are lacking	fund a translation service that all VOCA/VAWA grantees can access for free

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	Antoinette Sedillo Lopez
Agency:	Enlace Comunitario
Address:	R.O. Box 8919, Alt. U/M 87198
E-mail:	aslopes@enlacnm.org

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Summary of Issues Raised

not just a plan but implementation

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
language access implementation community led services accessible intake immigrant friendly environment	requirements of funding for all programs
coordinated community response	incentives to participate
ensure funds for culturally and linguistically specific organizations	priority
state wide & rural access	priority
LGBTQI	

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Brandie White - Volunteer Coordinator

Agency: Mesilla Valley CASA

Address: 102 Wyatt Dr.

E-mail: brandie@mesillavalleycasa.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
services for rural areas	
legal services	
definition of "underserved"	

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings

Documentation of Participation

Name/Title:	<i>Falcon, Executive Director</i>
Agency:	<i>Youth Initiative</i>
Address:	<i>P.O. Box 1664, Tron, NM 87571</i>
E-mail:	<i>director@youthinitiative.org</i>

Planning Meeting Date(s): Please select the meeting you attended in-person.

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>Training re child abuse reporting in judicial CEO system is poor.</p>	<p>support training in law enforcement and judicial system.</p>
<p>Judges / police officers don't report file SCI reports because they don't know about the system.</p>	

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	Barbara J. RIVERA, Victim Advocate Administrator
Agency:	First Judicial District Atty's office
Address:	327 Sandoval Street
E-mail:	BRIVERA@do.state.nm.us

Planning Meeting Date(s): Please select the meeting you attended in person.

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
VAWA funded Victim Advocate to serve Rio Arriba County. We need to fully serve this community.	to Bridge the gap Between law enforcement & Prosecution to secure a Relationship w/ the Crime victim to prepare them for testimony.
To request for our Bi-lingual VA to receive obtain certification in Spanish translation to serve Culturally App. victims of crime by providing services in their lan. to enhance mainstream services.	training/education under the requirements the crime vic must provide a deposition which may be used in court.
Multi-Disciplin. team in Rio Arriba County.	to bridge the gap. No centralized services
Victim Advocate specifically designated vehicle.	Court 1 1/2 hrs. away from office 45 miles from SANE. for hearings & to file protection orders.

State of New Mexico Crime Victims Reparation Commission
2017-2020 Statewide Implementation Meetings
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Name/Title: Lydia Wolberg Student conduct

Agency: University of New Mexico Dean of Students

Address: _____

E-mail: lwolberg@unm.edu

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LGBTQ Resource Center @ UNM

Lobo Respect Advocacy Center @ UNM

Lisa Lindquist 277-2911

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
 2017-2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	Leslie Ulibarri, Victim-Witness Admin.
Agency:	2nd Judicial DA
Address:	520 Lomas Blvd NW Alb, NM 87102
E-mail	lulibarri@da2nd.state.nm.us

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
No resources for rural communities	Support access
lack of mental health and addiction services	Funds directed to the agencies that provide these services
Gap in legal aide	More \$ for civil legal services, Reform in judicial system.

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Jenice Kauer Development Director

Agency: New Mexico Legal Aid

Address: 301 Gold Ave SW ABO

E-mail: jenicek@nmlegalaid.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: KC Quirk, Executive Director

Agency: Crossroads For Women

Address: 57845 TISUTRAE AVE NW

E-mail: KCQUIRK@CROSSROADSAREQ.ORG

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Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing? Yes No **CHOSE NOT TO**

- Would you like to receive a copy of the draft plan? Yes No
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[Handwritten notes in box, mostly illegible]

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

YES, WE ALL NEED TO "DO BETTER"

30% Victim Services

15% UNDERSERVED Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
DEVELOPING NEW AND INNOVATIVE APPROACHES AND SERVICES	CREATE TASK FORCE THAT ARE PAID TO
IF SURVIVOR UNDERSTAND IS A "NEED" LOW SITUATION PAYING WORK FOR SPECIALIZATION	MAKE SURE THE NEEDS AND VOICES OF UNDERSERVED
	ARE REPRESENTED
	♀ of color CHILDREN LGBTQ
HOW CAN WE TIE IN ADVERSE CHILDHOOD EXPERIENCE INFO	NATIVE ♀
INTO OUR WORK WITH VICTIMS ALSO	LISTEN TO Kay, ALEXANDRA, MARIA SOLO, TOWA ♀,
SIGN UP AND LISTEN TO WHAT PEOPLE ARE SAYING	- THIS IS JUST A GENERAL NOTE FROM ALL OF US!

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
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Name/Title: Kena Chavez - Hinajos VOICES, Program Manager
 Agency: Tewa Women United
 Address: P.O. Box 397 Santa Cruz, NM 87567
 E-mail: Kena@teva-women-united.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Adv. advocacy training for sexual violence specific	
transportation!!!	

**State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation**

Name/Title: Tereso D'Amico

Agency: Alb SAND

Address: P.O. BOX 37139 Alb NM 87176

E-mail: _____

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Maybe depends on work load at the time

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
How to serve those with multiple the barriers to care. Homeless, mental illness, addiction. The highest risk. not only able	Not sure is
to find services for these individuals is also how to deal with the risk they pose to service providers.	

State of New Mexico Crime Victims Reparation Commission
2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Joe/Elena Hagaman VAWA Immigration Project Director
Agency: Catholic Charities
Address: 2010 Bridge SW, Albuquerque, NM 87105
E-mail: hagamanj@cca.nm.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Mainstream v specific	<ul style="list-style-type: none"> - Need both. - Expanded by increased collaboration? - Outreach? - Other funding
<p>Query:</p> <p>1. Does Does CVRC have a capacity building team that supports supports agencies/services throughout the state? Does Does someone follow up w/ programs to aid their capacity & mission?</p>	
<p>2 Query: is it too far outside the mandate of CVRC to coordinate/collaborate additional funding sources beyond those specifically administered by CVRC?</p>	
	<ul style="list-style-type: none"> - My program agency has a grant writer I've met w/ once. I have to do all reporting throughout the year with no support so I haven't the time/opport. to search for additional sources

to expand buy in. I am not a part of the response to antiFP so I have no voice in allocation of funding received. My only chance of better funding my program is to obtain new, with the existing relationship, my agency has w/ CVRC. I am asking things along "capacity building" lines

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Roberta Padanewich, Executive Director
 Agency: Lawen House
 Address: PO Box 15611 Rio Rancho NM 87174
 E-mail: Roberta@lawenhouseinc.org

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VOCA → Direct Services

SHARP - Rape crisis centers

STOP - VAWA - Training - for Prosecutors, Police - not need direct Services

VOCA Viet asst - Direct Services Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Maint of Core services 70% 30 = new	
55 Mainstream 45 Marginalized	
<u>Support for living wage</u>	
<u>Mainstream vs Culturally specific</u>	
<u>Address to civil legal -</u>	
<u>Affordable Housing -</u>	

Immigrant friendly
Collaborative
Asian FC
Engage

What doing well
Not well

collaborating

Doing well
Homeless -

State of New Mexico Crime Victims Reparation Commission Page 2
Directly involved
Taking a stand in community
90% very low to no income
Most vulnerable - Children

State of New Mexico Crime Victims Reparation Commission
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Name/Title:	Arlene Armijo, Victim Specialist
Agency:	BIA OJS
Address:	1001 Indian School Rd NW Albuquerque, NM 87104
E-mail:	arlene.armijo@bia.gov

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Where were the tribal folks from the Albuquerque area?
 Rachel Samuel: rsamuel@kewa-nsn.us
 Cynthia Chavez: c.chavez@sfpueblo.com
 Nadine Waconda: poi@684@isletapueblo.com

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
systemic barriers	Native victims have been told by legal aid staff that the suspect has already contacted their program so they can't assist the victim.
Prevention/Intervention	The cultural component may be different but through educational experience it can be covered.

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Esperanza Garcia Abad, Director Finance + operations
 Agency: Dolace Crisis Treatment Center
 Address: 6664 Valentine Way Santa Fe, NM 87507
 E-mail: accountingmanager@finddolace.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?

State of New Mexico Crime Victims Reparation Commission
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Name/Title:	MARIA JOSE RODRIGUEZ CADIZ
Agency:	SOLACE CRISIS TREATMENT CENTER
Address:	6601 VALENTINE WAY, SF, NM 87507
E-mail	mjrodcadiz@findsolace.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Targeted population agencies versus mainstream agencies	The Plan must include them both w/ long term funding
Prevention	keep it as part of the plan.
Evaluation of outcomes	Allocate funding to it in the plan
Training of our staff and self-care	Funding for both
Administrative support	Include more funding for admin staff since they are invaluable to direct services sustainability.

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title:	LINDA ATKINSON Executive Director
Agency:	DWI Resource Center / Victims Rights Project
Address:	P.O. Box 30514 Alb. NM 87190
E-mail	LATKINSON @ DWIRC .ORG

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Mainstream not defined in NM Underserved victims/communities	Victim Survey's Community's Surveyed
Victim Services might not be available if local provider also offers offender services	I think this is conflict of interest - Providers need to prioritize which services to provide - Victim or Offender
Educate communities on services available	Agencies / Providers have some ability to build relationship with key/trusted community person - in faith based, health services
Prevention fund/grant	
Ongoing training to providers	

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
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Name/Title: Lynn Gentry Wood | ED

Agency: DVRC, Inc.

Address: 1025 Silver SW Ste 18.5, Alb, 87102

E-mail: lgentrywood@drcnm.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>Need attorneys associated with specific agencies. Differing priorities for victims & agencies than UN Legal Aid.</p>	
<p>Define mainstream Define underserved</p>	<p>Jurors need to do this and incorporate in plan & RFP's</p>

**State of New Mexico Crime Victims Reparation Commission
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Name/Title: Dorothy - CPO

Agency: CVRC

Address: _____

E-mail: _____

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2 Legal Reps = NM Legal Aid
Catholic Charities

Token Base

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>SASP = Funds Rape Crisis Centers = VAWA 1's every year (4 yr funding cycle) STOP = services Services, Training, Officers & Prosecutors = VAWA (4 yr funding cycle) VOCA = Continuation Funding Direct Services</p>	
<p>Teresa - All Sans - Outreach Challenge ? Categorize Underserved - how! Kathy - Crossroads - How to fill in the missing pieces ? Non-traditional services How to do better and reach more people "Tewa" Great work" etc.....</p>	
<p>Antoinette = Immigrant friendly - careful when asking for SSN, location becomes barrier language barrier, trust. Community involvement to find what's needed Kathy - Real Grant - getaway from the "token" person - Colocate Pos - Underserved/Rural Populations not having mainstream services - be prepared for Alexandra - "Mainstream vs</p>	
<p>Dede All Faiths = Underserved population Undervalued employees who are doing this work - Community should value people doing this work. + sustainability</p>	<p>Community based programs = Wage Comparison - <i>raising wages</i></p>
<p>Robert Haven House - Additional # for mainstream Gulinda - ABC - Rural/Poverty/language - statewide resource - find experts to travel around the state to provide services "Traveling Circus"</p>	<p>How are low shelters - geographic components to play.</p>
<p>Unknown - Mainstream - People of Color - all agencies should be accessible M - How to keep funding for current programs & budget cuts</p>	
<p>Maria Solace - "Mainstream" less human rights Kathy - Native Population - state within a state and accessing services through the state Linda - Unknown - Victim Services vs <u>one stop shop</u> - 1-800 Resource # - What and how do you determine What services are needed.</p>	
<p>Unknown MADD POE - How CIVIC funds program. Best practice "No offenders" So how family in a whole can be helped vs just a piece of the pie</p>	

Casey - Something wrong with us going into a community and telling what is wrong vs asking them = "community" what they need
"We mess so much of what is needed" Enlist the people in the communities

Not Direct Services - But a Needs Assessment

Lee - ^{NM} ~~Asian~~ Cultural Dynamic - Good program = SINE - Do not do good programs so quick - investment in program should be priority ↑ wages
- "Specialization Pay"

Maria Sustainability should be priority - Task force

Catholic Charities - How far outside is the collaboration from CURL & other service providers to increase funders + funding

Maria "Backwards" Prevention vs Intervention
Entering the justice system

5% Prevention VA WA

NM Asian - In support.

^{al-} Unknown Tribal Courts are not consistent - Victims not having a voice

Lynn - Education for Prov + Interv. "How do you educate people who really don't want your help" - Build capacity

Lynn - Prevention is not enough (5%) to make an impact in the community
This could go to one program and be better

- Divide maybe by 4 - programs - funding, initiatives

Jess Prevention has to be part of the puzzle.

Jessa - Note everyone can do prevention/intervention.

MEG - This has come up in all 5 meetings but one - Needs to be
- Services need to be meaningful - quality not quantity

Maria - 5% - investing in the community to do this work

POE - Diversity of NM - Capacity of bldg programs - CASAs have networking and have become standard and are getting strength from one another

MEG - NCVRC of MSA apps. because of CASA Networking

Roberta Havenhouse - What is DV - all the groups involved
He still a need of training

Kathy BIA - Victims coming together - Victim Panel

DeDeo - All helping victims but not communicating well etc. ^{CAEA, COURTS, LE, SW, CYFD}
MEG - Communication is disconnect

Alex - Unincarcerated Services - Funding

NM Asian - Undocumented / Refugee - Funding

Yenic - Keeping Employees strong & healthy - Funding

Unknown - Administrative Funding

Tucser - Short term issue - Sexual Assault Kits

^{Report by} ~~Analysis~~ - Rural Area's have no access to service in the border entry -
(Sublike OFFICERs - TACS, CALSBAO, ETC. TRANSPORTATION)

^{workpad} ~~Hydie~~ agreed -

MEG - Lack of Mental Health Programs & Addictions.

Edwino - Elder Abuse - Funding - Never received service provide participants

POE - Tacos Service Center doing good &

In Direct costs are allowable

Wynn - Huge gap on legal services. Need more legal services

"Civil Legal Services" Orders of Protection, Child custody... etc

Ed - NM legal aid - Reform in the System of NM Courts.

Trying to support ~~legal~~ courts - Asking for creativity & all programs

POE - Affordable Housing - Funding !!! Transitional, access, and sustainability

legal aid - Presence of legal aid in preventive

Roberta - Affordable Housing for a single person is very hard to access for

Wynn - Civil legal doing all aspects - FUNDING

Wynn - TRO's Civil Legal - FUNDING

Trans - Collaboration on ~~Trans~~ Transgender Programs and accessing services

Wynn - What does "Strong Man"

MEG - Make a task force

DeDeo - Language Barrier
Narrowing Access!
Built into Budget

State of New Mexico Crime Victims Reparation Commission
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Name/Title: Aracelis Martin

Agency: Assistant District Attorney

Address: _____

E-mail: amartin2@da.State.NM.us

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>SATC/Community Police/SATC/Police with cultural and diversity speaking to the needs of the need in rural communities (mainstream) Community Majority Resource/culturally appropriate/ focused resources.</p>	<p>A better focus and plan on rural communities and how services can be provided in rural communities.</p>
<p>Accountability to hearing/transparent civil/government (particularly for TRO hearings)</p>	<p>Having a conversation about the difference between the two, and how those can work together.</p>
<p>Resource/Finding TUMDT/ training/prevention</p>	<p>Developing models and research</p>
<p></p>	<p>5% to prevention should absolutely occur moving forward.</p>
<p></p>	<p></p>
<p></p>	<p></p>
<p></p>	<p></p>

State of New Mexico Crime Victims Reparation Commission
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Name/Title:	Zane Stephens / Co-Director
Agency:	Transgender Resource Center of NM
Address:	P.O. Box 80872 Albuquerque, NM 87198
E-mail:	zane@trcnm.org

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Trans Inclusion in SA/DV Shelters	Task force, oversight or requirements for orgs to have a plan for LGBTQ folks, specifically transgender + gender ^{non} conforming folks. + ways to assess + implement new strategies.
Funding Prevention Work	Fund the most affected + most marginalized groups to make the largest impact. knowing that these are investments ^{not} short term.
Fund creative work that impacts the most affected by DV or SA, more holistic approaches. →	
Fund more staff care + training to prevent burn out → + promote resiliency	

State of New Mexico Crime Victims Reparation Commission
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Name/Title:	ANHDAO BUI - SOCIAL SERVICES DIRECTOR
Agency:	NM Asian Family Center
Address:	128 Quincey ST NE APO 87108
E-mail	ANH@NMAFC.ORG

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Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>- Being able to provide services culturally specific services which may not look like mainstream services such as case management or counseling.</p>	<p>- Being able to use funding dollars to provide services which are tailor to the community need which they feel (unfathomable w)</p>
<p>- language access for other crimes other than DV/SA (← this is already good) - other crimes + refugees are left out.</p>	<p>- provide specific addition funding to provide interpreting services or reimbursement</p>

State of New Mexico Crime Victims Reparation Commission
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Name/Title:	Alexandria Taylor, Executive Director
Agency:	VSS
Address:	303 Luna Street, Los Lunas, NM 87001
E-mail:	alexandria+@valencia-shelterservices.org

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- Tuesday, November 1, 2016 in Grants, New Mexico
- Monday, November 7, 2016, Roswell, New Mexico
- Thursday, November 3, 2016 Española Area, New Mexico
- Monday, November 14, 2016 Albuquerque, New Mexico

Did you have adequate opportunity to discuss the concerns or issues impacting your area of expertise and/or the population(s) you were representing?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to receive a copy of the draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to review the draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to provide feedback on draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Would you like to receive a copy of the finalized plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Is there an agency or individual you feel is missing from the process and should be invited?
 If so, please provide their name, agency and contact information:

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
Question of what is mainstream services?	Prioritizing building capacity of all agencies.
Bolstering → Building up culturally specific services	Prioritizing funding for culturally specific services.
Need for civil legal services	Comprehensive wrap-around civil legal services.

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: Petra Siemens / VICTIM ADVOCATE

Agency: 5th Judicial District Attorney's Office

Address: 102 N. Canal Ste. 200; Carlsbad NM 88220

E-mail: psiemens@da.state.nm.us

Planning Meeting Date(s): Please select the meeting you attended in person.

- Tuesday, October 18, 2016 in Farmington, New Mexico
- Tuesday, October 25, 2016 in Las Cruces, New Mexico
- Tuesday, November 1, 2016 in Grants, New Mexico
- Monday, November 7, 2016, Roswell, New Mexico
- Thursday, November 3, 2016 Española Area, New Mexico
- Monday, November 14, 2016 Albuquerque, New Mexico

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Is there an agency or individual you feel is missing from the process and should be invited?
 If so, please provide their name, agency and contact information:

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
<p>- Education Services in our area for underserved populations before services are needed.</p>	<p>- City wide forums through help a/b/all agencies.</p>

State of New Mexico Crime Victims Reparation Commission
 2017 -2020 Statewide Implementation Meetings
Documentation of Participation

Name/Title: TORI-LYNN HEATON - CVAU COORDINATOR
 Agency: Rio Rancho Police Dept.
 Address: 500 Quantum Rd NE, RR, NM 87124
 E-mail: THEATON@RRNM.gov

Planning Meeting Date(s): Please select the meeting you attended in person.

- Tuesday, October 18, 2016 in Farmington, New Mexico
- Tuesday, October 25, 2016 in Las Cruces, New Mexico
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- Monday, November 14, 2016 Albuquerque, New Mexico

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Would you like to receive a copy of the draft plan?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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Is there an agency or individual you feel is missing from the process and should be invited?
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① I don't know for sure if there are more programs started thru DA offices in addition to therapy dog programs but it felt like an important voice that was

missing.

Please provide comments regarding the primary needs discussed during the meeting on the back of the page.

② Survivor Voice Representation

Summary of Issues Raised

Primary Needs/Issues Discussed	How should these be addressed in the Implementation Plan?
① Civil Legal Assistance for OOP From Process	Prioritized
② Incorporating the Voices of Survivors into the Driving Force of this work.	
③ While understanding there need to be services provided to all victims. I feel like the	
constant push for division into special interest areas actually fosters divide on some levels. I would like to	
not lose sight of providing services to so many victims, NO MATTER how they identify. My fear is there is	
such a push for faction specific agencies, that programs that don't target special populations will fall	
by the wayside & this is going to leave other large chunks of people w/out services.	

To Sum: One size doesn't fit all But please don't throw the baby out w/ the Bath water.

New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
DOCUMENTATION OF COLLABORATION

Name: Connie Monahan Title: State SANE Coordinator
Agency: N.M. Coalition of Sexual Assault Programs
Type of Organization:

Planning Team Meeting Date(s): Tuesday, October 18, 2016 in Farmington; Tuesday, October 25, 2016 in Las Cruces; Tuesday, November 1, 2016 in Grants; Thursday, November 3, 2016 Española; Monday, November 7, 2016, Roswell; Monday, November 14, 2016 Albuquerque

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Did you review the draft plan? Yes No

Do you feel the primary needs were addressed in draft plan? Yes No

Did you offer feedback on draft plan? Yes No

Did you receive a copy of the finalized plan? Yes No

Were you satisfied that the plan included any issues you may have asked be included? Yes No

If no, please explain:

Signature: Constancia J. Puel

Dated: June 8, 2017

Summary of Issues Raised

Primary Needs/Issues Discussed	How were these addressed in the Implementation Plan?	If not addressed in the plan, why not?
<p><i>Retain core services for victims of domestic violence, sexual violence, stalking, dating violence, DWI, homicide, child abuse and neglect, and human trafficking.</i></p>	<p>Included in plan as priorities.</p>	
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New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 - 2020
DOCUMENTATION OF COLLABORATION

Name: Lynn Cannon Title: Executive Director

Agency: Youth Visions, Inc.

Type of Organization: Non-Profit 501(c)(3)

Planning Team Meeting Date(s): Tuesday, October 18, 2016 in Farmington; Tuesday, October 25, 2016 in Las Cruces; Tuesday, November 1, 2016 in Grants; Thursday, November 3, 2016 Española; Monday, November 7, 2016, Roswell; Monday, November 14, 2016 Albuquerque

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Did you receive a copy of the draft plan? Yes No

Did you review the draft plan? Yes No

Do you feel the primary needs were addressed in draft plan? Yes No

Did you offer feedback on draft plan? Yes No

Did you receive a copy of the finalized plan? Yes No

Were you satisfied that the plan included any issues you may have asked be included? Yes No

If no, please explain:

Signature: Lynn Cannon

Dated: June 9, 2017

**New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
DOCUMENTATION OF COLLABORATION**

Name: Title:

Agency:

Type of Organization:

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Dated:

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**New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
DOCUMENTATION OF COLLABORATION**

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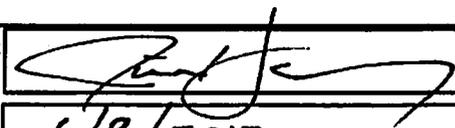
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Dated:

Summary of Issues Raised

Primary Needs/Issues Discussed	How were these addressed in the Implementation Plan?	If not addressed in the plan, why not?
<i>Retain core services for victims of domestic violence, sexual violence, stalking, dating violence, DWI, homicide, child abuse and neglect, and human trafficking.</i>	Included in plan as priorities.	Addressed
<i>Develop and maintain Specialized Victim Coordinator positions within Coalitions and Alliances to improve the provision of core services, best practices, trauma informed responses and organizational capacity, thus creating consistent services throughout the state.</i>	Included in plan as priorities.	Addressed
<i>Increase support and services for victims of domestic violence, sexual violence, stalking, dating violence, DWI, homicide, child abuse and neglect, and human trafficking.</i>	Included in plan as priorities.	Addressed
<i>Increase support and services for underserved populations, in a culturally appropriate manner, with a special emphasis on, tribal, undocumented immigrants, elder, child abuse and neglect, and LGBT communities.</i>	Included in plan as priorities.	Addressed
Additional needs addressed in comprehensive plan.	Included in plan as priorities. See plan for all issues discussed in meetings.	All needs we considered have been well addressed in the plan.

New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
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**New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
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Do you feel the primary needs were addressed in draft plan? Yes No

Did you offer feedback on draft plan? Yes No

Did you receive a copy of the finalized plan? Yes No

Were you satisfied that the plan included any issues you may have asked be included? Yes No

If no, please explain:

Signature: Digitally signed by Blanca Chavez
DN: cn=Blanca Chavez, o=New Mexico Crime Victims Reparation Commission, c=US
Date: 2017.08.08 14:11:11 -0500

Dated:

Summary of Issues Raised

Primary Needs/Issues Discussed	How were these addressed in the Implementation Plan?	If not addressed in the plan, why not?
<p><i>Retain core services for victims of domestic violence, sexual violence, stalking, dating violence, DWI, homicide, child abuse and neglect, and human trafficking.</i></p>	<p>Included in plan as priorities.</p>	
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**New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
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Were you satisfied that the plan included any issues you may have asked be included? Yes No

If no, please explain:

Signature: Digitally signed by Blanca Chavez
DN: cn=Blanca Chavez, o=New Mexico Crime Victims Reparation Commission, ou=NM-CVRC
Date: 2017.08.08 10:12:14 -0500

Dated:

Summary of Issues Raised

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**New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
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If no, please explain:

Signature:

Dated:

Summary of Issues Raised

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New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
DOCUMENTATION OF COLLABORATION

Name: Lee Phillips Title: Executive Director

Agency: Alternatives To Violence

Type of Organization: Domestic violence and sexual assault provider

Planning Team Meeting Date(s): Tuesday, October 18, 2016 in Farmington; Tuesday, October 25, 2016 in Las Cruces; Tuesday, November 1, 2016 in Grants; Thursday, November 3, 2016 Española; Monday, November 7, 2016, Roswell; Monday, November 14, 2016 Albuquerque

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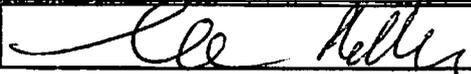
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Were you satisfied that the plan included any issues you may have asked be included? Yes No

If no, please explain:

Signature: 

Dated: 6/9/17

**New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 – 2020
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Dated:

Summary of Issues Raised

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New Mexico Crime Victims Reparation Commission
Implementation Planning 2017 - 2020
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Implementation Planning 2017 – 2020
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KC Quirk	Executive Director	Crossroads for women	Yes	Yes	Yes	Yes	Yes	None	30% victim services 15% underserved. Developing new and innovative approaches and services	Create task force that are paid to make sure the needs and voices of underserved are represented	If serving underserved is a "need" we should be paying more for specialization	
Baonam Glang	Program Director	New Mexico Asian Family Center	Yes	Yes	Yes	Yes	Yes	None	45% mainstream 55% underserved	I value and support this breakdown because underserved populations need more services and capacity building to provide these services. Also an increase in funding for underserved shouldn't mean increase in client numbers - Quality does not equal quantity, especially in culturally specific areas	5% of funding to prevention	Use to priority culturally specific prevention efforts that are already happening
Lauren Minkoff	Victim Services Specialist	MADD	Yes	Yes	No	No	Yes	None	Auditing services provided by agencies		Systemic education and educating underserved populations	
Zelma Lopez	Director	Cavern City CAC	Yes	No	Yes	Yes	Yes	Shila Jordan - Carlsbad Battered Families Shelter 575-885-4615	Child sexual assault, adult sexual assault, DV - Prevention programs	Create prevention RFDs	LE DV/CH Abuse Investigator	Target these agencies working toward family justice centers
Sally Sanchez	ED	Roberta's Place	Yes	Yes	N/A	N/A	Yes	None	Civil Legal		Transitional Housing	
Cheri Murphy	Victim Advocate	DA's Office	Yes	Yes	No	No	Yes	None	Civil Legal Counsel	Possible grant through DV Shelter or SAS	Elderly Abuse/Cultural Issue	Resources to follow up
Pam Wiseman	ED	NMCADV	No	Yes	Yes	Yes	Yes	None	Civil Legal Services/Legal Clinics	Funds for attorneys and non attorney legal advocates, victim advocates familiar with the courts	Substance Abuse Counseling/Services in DV Programs	Funds for victim substance abuse counselors - could serve several areas
Laura Basselin	Attorney	UNM-Institute of Public Law	Not really - but we don't fit neatly in the conversation	Yes	Yes	Yes	Yes	None	collaboration among various entities to enhance services for all groups - strong network re: best practices, need to crisis/cross groups- people are not only one thing		Conduct needs assessment to determine what people/groups need	
Patricia Galindo	Atty	AOC	Yes	Yes	Yes	Yes	Yes	None	Consolidation of services/expects to help deliver/model services to "mainstream providers		Expansion of civil legal services - including divorce, child custody etc.	
Josephine Gallegos	Victim Advocate	Nambe Pueblo Healthy Family Services	Yes	Yes	Yes	Yes	Yes	None	Continual communication between all agencies			
Soledad Aguirre	Victim Advocate	5th Judicial DA	Yes	Yes	Yes	Yes	Yes	School personnel, court administrators, medical personnel, probation and parole, city mayors, school coaches, different ethnical chambers and offices (state, county, city). Religious Admin (Church Admin), mental health personnel, EMT, ER, doctors, nurses	Continued training for law enforcement		Building trust within community and law enforcement	
Gina Yeasen	Courthouse Clerk	5th Judicial DA	Yes	Yes	Yes	Yes	Yes	None	Courthouse DOP Handlers, training additional tool to work with victims	Successor DOP: continued training and working with multi-agencies		
Cindy Wilson	ED	Roswell Refuge	Yes	Yes	Yes	No	Yes	Phil Smith (Chief of RPD), Britt Snyder (Sheriff)	Cultural aspects and LGBTQ	Methods for approach and broad conversations	Cost of living and raises	VAWA and waiting for funding, pointers to alternative funding
Angela Sexton	Finance Director	CASA	Yes	Yes	Yes	No	Yes	None	Data Manager and finance director	How to have funding for administrative staffing needs, due to complex grant requirements		
Debbie Brickman	Finance Manager	S.A.F.E. House	Yes	Yes	Yes	Yes	Yes	Patricia Gonzales - S.A.F.E House Pgonzales@safehouse.org	Education between collaborating agencies who serve the same population but have conflicting goals/regulations while serving that population			
Jackie Tossie	Victim Service Specialist	CAC Childhaven	Yes	Yes	Yes	No	No	None	Elderly Needs	Support Groups/Resources	Teens not getting into services, LE talk with teens	
Dana Longenette	CAC Program Director	Childhaven	Yes	Yes	No	No	Yes	None	Elderly Needs	All resources	Children Needs	More therapist, LEO, CAC to interview children of ALL ages
Terri Brooke	Chapter Coordinator	NM Children's Alliance	Yes	Yes	Yes	Yes	Yes	Rick Tedrow, District Attorney, 11th Judicial	Elderly Population		Teenagers/Child Sexual Exploitation	
Aileen Evans	Criminal Investigator	Ramah Navajo PD	Yes	Yes	Yes	N/A	Yes	Jerrilisa Raphealito SW/FC - Ramah Navajo Social services PO Box 250 Pohetili NM 87357; Phebe Maria Behavior Health Pill Hill NM	Funding	Ask questions to address needs - keep it as a state plan to help areas that are really in need	Attorneys	Training
Erin Hourihan	CEO	Childhaven	Yes	Yes	Yes	Yes	Yes	None	Gaps - underserved populations, victims I rural areas, Navajo Nation		Forensic interviews	Funding
Kena Chavez-Hinojos	Program Manager	Tewa Women United	Yes	Yes	Yes	Yes	Yes	None	Have advocacy training be sexual violence specific		Transportation	
William Eastman	Director	Battered Families	Yes	Yes	Yes	Yes	Yes	None	Housing	To get certain housing complex in on an agreement where they might bypass the credit checks for DV survivors	Civil Legal Services	The need for attorney and maybe divide state where one attorney covers a certain area for court appearances

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KC Quirk	Executive Director	Crossroads for women	Women of color, children, LGBTQ, Native women	How to tie in adverse childhood experience info into our work with victims	Listen to Kay, Alexandra, Maria Jose, Tewa women	Shut up and listen to what people are saying	This is just a group note for all of us
Baonam Glang	Program Director	New Mexico Asian Family Center	Specialization for language and trauma informed care	There needs to be this to support living wages and the sustainability of this work	Culturally specific services	These should absolutely be a big funding priority because often these are the victims that need the most help and access	Funding for self-care
Lauren Minkoff	Victim Services Specialist	MADD	Prevention aspects				
Zelma Lopez	Director	Cavern City CAC					
Sally Sanchez	ED	Roberta's Place	Substance abuse treatment		Mental health treatment		Self sufficiency Services
Cheri Murphy	Victim Advocate	DA's Office	Spanish Speaking Victims	Onsite Spanish Speaking VA	Teen Services	Specific Teen Advocate	
Pam Wiseman	ED	NMCADV	Transition Housing/Support Services	Counselors and advocates to assist with victims in transitional/permanent housing	Salary Increases for Victim Advocates		LGBTQ Capacity Building/Technical Assistance
Laura Basselin	Attorney	UNM-Institute of Public Law	Evaluate processes across the board - intake processes, space for everyone, ID best practices		multi-disciplinary cross training among many professional groups - service providers, LE, Pros, CVFD, CASA, Attorneys, Judges		Self-care workshops/services re: vicarious/secondary trauma
Patricia Galindo	Atty	AOC	Additional \$ to train judges/hearing officers particularly DVOPs				
Josephine Gallegos	Victim Advocate	Nambe Pueblo Healthy Family Services					
Soledad Aguirre	Victim Advocate	5th Judicial DA			Language access training (interp) for VA's		DV training for law enforcement
Gina Yeasen	Courthouse Clerk	5th Judicial DA					
Cindy Wilson	ED	Roswell Refuge	MDT and cooperative ventures	Such as real men don't hit, outreach. Pool of speakers?	DV/Law enforcement	writing for salary, pool of speakers and organizers	
Angela Sexton	Finance Director	CASA					
Debbie Brickman	Finance Manager	S.A.F.E. House					
Jackie Tsoie	Victim Service Specialist	CAC Childhaven	Children MH	Need more MH, more trained MH on Reservation	Not enough Housing for families, intake, etc.		
Dana Longenette	CAC Program Director	Childhaven					
Terri Brooke	Chapter Coordinator	NM Children's Alliance	Mobile Advocacy	Ability to Outreach at the Source in rural areas	Native Women		Prevention
Aileen Evans	Criminal Investigator	Ramah Navajo PD	Transportation	funds allocated for it	Jurisdiction	Work within the area and surrounding areas	
Erin Hourihan	CEO	Childhaven	Teens	All teens 13-17 need to be referred to CACI Training for All LE.	Specialized units for sexual assault, child abuse, and DV @ DA's office and LE	More training	Co-House CAC w/ SANE, LE, CPS, etc.
Kena Chavez-Hinojos	Program Manager	Tewa Women United					
William Eastman	Director	Battered Families	Alcohol/Substance Abuse Counseling	Training or having one on staff who is certified licensed counselor			

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Zelma Lopez	Director	Cavern City CAC					
Sally Sanchez	ED	Roberta's Place		Prevention			
Cheri Murphy	Victim Advocate	DA's Office					
Pam Wiseman	ED	NMCADV	T.A. to programs to train and develop org. policies and support				
Laura Basselin	Attorney	UNM-Institute of Public Law		Training and education for judges and court personnel - need much more depth in the education provided			
Patricia Galindo	Atty	AOC					
Josephine Gallegos	Victim Advocate	Nambe Pueblo Healthy Family Services					
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Dana Longenette	CAC Program Director	Childhaven					
Terri Brooke	Chapter Coordinator	NM Children's Alliance		Housing		Transportation	
Aileen Evans	Criminal Investigator	Ramah Navajo PD					
Erin Hourihan	CEO	Childhaven	Cross agency communication/housing				
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Teresa D'anza	Director	Alb SANE	Yes	Yes	Maybe	Maybe	Yes	None	How to help those with multiple barriers to care! Homeless, mental illness, addiction. The highest risk. Not only be able to find services for these individuals is also how to deal with the risk they pose to service providers	Not sure		
Devona Bradford	SA	CSVANW	Yes	No	No	Yes	Yes	None	Increased training for service providers on providing culturally-appropriate services and culturally-safe spaces for native victims to receive care	\$, mandatory training for service providers serving native victims	\$ for supporting victims in all areas including transportation, food, childcare, fees, etc. Increasing support in these areas also increases reporting and access to services/care	
Lisa Weisenfeld	Policy Coordinator	NMCADV	Yes	Yes	Yes	Yes	Yes	Tribal Victim Advocate	Increasing salaries for compensation for DV advocates	built in funding plan	Comprehensive civil legal services (Lawyers) for survivors	
Eleana Butler	Exec. Director	Sexual Assault Services of NW NM	Yes	Yes	Yes	Yes	Yes	PATH - Jonna Sharpe, Sgt. Brandon Lane - Farmington PD, Det. Carlos Loomis - Bloomfield PD, SJRMC, schools, Pamela Drake - SJC Partnership, Navajo Nation - Delegate Amber Croxvy, Judy Walfe - SA Care Coordinator Northern Navajo Medical Center	Lack of LE response on Navajo Nation		Victim advocates for LE agencies	specifically reach out to agencies that do not currently have advocates and encourage them to apply
Jessica Cooper	Administrative Coordinator	Roberta's Place	Yes	Yes	Yes	Yes	Yes	Law enforcement, CYFD, DA's office, compliance, mental health agencies, transportation, courts - judges/clerks	Lack of transportation - mental health services, transitional housing	Money for agencies to expand and add these services	Quality vs. quantity - inability to compensate staff fairly to keep them on board	More money for administrative/service providers to keep folks that are good /well trained from leaving for jobs with better compensation. This is typical in our field and only adds to the feeling of always working in crisis
Antoinette Sedillo Lopez	ED	Enlace	Yes	Yes	Yes	Yes	Yes	None	Language access implementation (not just a plan) community led services, accessible intake, immigrant friendly environment	Requirements of funding for all programs	Coordinated community response	incentives to participate
Rod Kaskalla	DV Coordinator	Pueblo Nambé	Yes	Yes	Yes	Yes	Yes	CYFD, NMCADV - members	Law enforcement	Trauma informed care	Restorative justice	How can we bring it back
Dale West	CI Supervisor	Navajo Dept. of CI	Yes	Yes	Yes	Yes	Yes	Navajo Nation Social Services, HIS	Law Enforcement Advocate	Advocate to coordinate during crisis to refer to services and minimize risk of unserved victims	Law Enforcement Training	Provide training for Navajo officers on interviewing suspect, victim, witness of sexual assault etc., and understanding victims in trauma
Amber Blake	Forensic Interviewer Family Advocate	Childhaven CAC	No	No	No	No	No	None	LE on Reservation, long response time	Hire more LE, Get job description	LGBTQ Programs	Allocate Funds
Sara Holiday	Victim Advocate	Farmington Police Dept.	Yes	Yes	No	No	Yes	None	LEA other than the one in SSC having an advocate to help teens get services	Advocates need to be applied for by those agencies in need	Attorneys or legal assistance for civil cases	
Josie Jaramillo	FAD Manager	Solace	N/A	Yes	Yes	Yes	Yes	None	Legal aid for civil law cases	funds to programs that can work w/ attorneys that agree to provide services	Is it possible to ever fund mainstream/traditional core-services to its fullest capacity because what does that look like?	
Amanda Lobato	FPD Victim Advocate	CAC Childhaven	No	Yes	No	Yes	Yes	None	Legal Representation		Housing/Shelters	
Alena Schaim	ED	IMPACT	Yes	Yes	Yes	Yes	Yes	None that weren't invited - some that weren't present	Looking at how systems help heal historical/generational trauma (and systems of oppression that contribute to violence) instead of just stopping that moment of individual violence			
Linda Atkinson	ED	DWI Resource Center	Yes	Yes	Yes	Yes	Yes	None	Mainstream not defined in NM, underserved victims/communities	Victim surveyed, community surveyed	Victim services might not be available if local provider also offers offender services	I think this is a conflict of interest - providers need to prioritize which services to provide: victim or offender

Name	Title	Agency	Primary Needs	How to Address	Primary Needs	How to Address	Primary Need
Teresa D'anza	Director	Alb SANE					
Devona Bradford	SA	CSVANW					
Lisa Weisenfeld	Policy Coordinator	NMCADV	Licensed substance abuse counseling w/in DV agencies		Transportation in tribal communities		
Eleana Butler	Exec. Director	Sexual Assault Services of NW NM	LE and DA's office need training and specialized units	LE needs training about sexual assault, domestic violence and child abuse (encourage special teams)	Need for co-housed facility: one-stop FAC or FJC		All teens need to receive services @ CAC
Jessica Cooper	Administrative Coordinator	Roberta's Place	Always working in a crisis / scarcity. Providing services while in crisis		5% under VAWA is available for prevention	Hard to take money from direct services - prevention could come out of a separate pot?	Prevention - Direct services
Antoinette Sedillo Lopez	ED	Enlace	Ensure funds for culturally and linguistically specific organization		Statewide and rural access		LGBTQI
Rod Kaskalla	DV Coordinator	Pueblo Nambé	Children	Services			
Dale West	CI Supervisor	Navajo Dept. of CI					
Amber Blake	Forensic Interviewer Family Advocate	Childhaven CAC	More Advocates	Allocate Funds	Teenagers, Hispanics, Elderly are underserved	Better Communication, Hire LE Advocates	
Sara Holiday	Victim Advocate	Farmington Police Dept.	Mental Health professionals to help w/ services to DV victims/alcohol abuse		Victim services for tribal populations		Prevention activities
Josie Jaramillo	FAD Manager	Solace					
Amanda Lobato	FPD Victim Advocate	CAC Childhaven					
Alena Schaim	ED	IMPACT					
Linda Atkinson	ED	DWI Resource Center	Educating communities on services available	Agencies/Providers have some ability to build relationships with key/trusted community persons in faith and health services			Prevention funding minimal

Name	Title	Agency	How to Address	Primary Need	How to Address	Primary Need	How to Address
Teresa D'anza	Director	Alb SANE					
Devona Bradford	SA	CSVANW					
Lisa Weisenfeld	Policy Coordinator	NMCADV					
Eleana Butler	Exec. Director	Sexual Assault Services of NW NM	mandate that all LE must refer all teens to CAC services				
Jessica Cooper	Administrative Coordinator	Roberta's Place	We need to find a way to provide preventative services now, yet still be able to provide core service w/o interruption	Wrap around services	fill the gaps w/ lack of transportation/MH issues/transitional housing. Maybe a progressive scale		
Antoinette Sedillo Lopez	ED	Enlace					
Rod Kaskalla	DV Coordinator	Pueblo Nambu					
Dale West	CI Supervisor	Navajo Dept. of CI					
Amber Blake	Forensic Interviewer Family Advocate	Childhaven CAC					
Sara Holiday	Victim Advocate	Farmington Police Dept.		Self sufficiency support services		Transportation to get victim services	
Josie Jaramillo	FAD Manager	Solace					
Amanda Lobato	FPD Victim Advocate	CAC Childhaven					
Alena Schaim	ED	IMPACT					
Linda Atkinson	ED	DWI Resource Center		Ongoing training to providers			

Name	Title	Agency	Primary Need	How to Address
Teresa D'anza	Director	Alb SANE		
Devona Bradford	SA	CSVANW		
Lisa Weisenfeld	Policy Coordinator	NMCADV		
Eleana Butler	Exec. Director	Sexual Assault Services of NW NM		
Jessica Cooper	Administrative Coordinator	Roberta's Place		
Antoinette Sedillo Lopez	ED	Enlace		
Rod Kaskalla	DV Coordinator	Pueblo Nambé		
Dale West	CI Supervisor	Navajo Dept. of CI		
Amber Blake	Forensic Interviewer Family Advocate	Childhaven CAC		
Sara Holiday	Victim Advocate	Farmington Police Dept.		
Josie Jaramillo	FAD Manager	Solace		
Amanda Lobato	FPD Victim Advocate	CAC Childhaven		
Alena Schaim	ED	IMPACT		
Linda Atkinson	ED	DWI Resource Center		

Name	Title	Agency	Opportunity to Express Concerns	Copy of Draft	Review Draft	Offer Feedback on Draft	Copy of Plan	People Needed	Primary Needs	How to Address	Primary Needs	How to Address
Joel Elena Hagaman	Director	Catholic Charities VAWA Imm. Project	N/A	Yes	Yes	Yes	Yes	None	Mainstream vs. specific	need both, expand by increased collaboration? Outreach, other funding	Query: Does CVRC have a capacity building team that supports agencies/services throughout the state? Does someone follow up w/ programs to sid their capacity and mission?	
Celina Bryant	Exec. Director	Grammy's House	Yes	Yes	Yes	Yes	Yes	Don Raley - Artesia Chief of Police 575-513-2008, Deputy Eric Threlkeld - Eddy County Sherriff Dept. 575-302-7579	Mental Health	Not sure	More training for law enforcement	Perhaps mandate "specific core" training for Law Enforcement and help agencies become "qualified" to assist in these trainings
David River	Dep. Director	NMCADV	Yes	Yes	Yes	Yes	Yes	None	Mental health and substance use disorders	Funding for dedicated staff in programs and statewide specialized training and supervision	Increased salaries	Encouragement to apply for living wages
Amy O'Neill	Program Director	San Juan CASA Program of Childhaven	Yes	Yes	Yes	Yes	Yes	CVFD/APS, Cottonwood Clinical Services, San Juan Regional Medical Center	Mobile Advocacy		Accessibility	
Senovia Ewers	Exec. Director	Navajo United Methodist Center Inc.	Yes	Yes	Yes	Yes	Yes	None	Mobile Advocacy/Culturally accurate	Transportation Costs	Teens	
Lola Ahidley	VAWA Director	Mescalero Tribe	N/A	N/A	N/A	N/A	N/A	Law enforcement, other service providers that deal with social problems	Monies to create family counseling	Consider when making monies available	Construction monies to bring all stake holders together	
Adele Lucero	Victim liaison	APD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	NA	N/A	N/A
Russ Landavazo	Sgt APD	APD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sarah Johnson	Data Mgr	CASA	Yes	Yes	Yes	Yes	Yes	Sheriff, Police	N/A	N/A	N/A	N/A
Angelia Parent	CACSANE	Cavern City CAC	Yes	Yes	Yes	Yes	Yes	Law enforcement	N/A	N/A	N/A	N/A
Richard Lucero	PSR Coordinator	Mental Health Resources	Yes	No	No	No	No	None	N/A	N/A	N/A	N/A
Corey Roybal	State Investigator	NMVCRC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Janice Kauer	Dev. Director	NMMA	Yes	Yes	Yes	Yes	Yes	None	N/A	N/A	N/A	N/A
Rachel Greenstein	Director of development	Solace	N/A	No	No	No	No	None	N/A	N/A	N/A	N/A
Mary Colby	AD	CASA	N/A	N/A	N/A	N/A	N/A	None	N/A	N/A	N/A	N/A
Lynn Gentry Wood	ED	DVRC	Yes	Yes	Yes	Yes	Yes	None	Need attorneys associated with specific agencies. Differing priorities for victims and agencies than NM legal Aid		Define mainstream and underserved; funders need to do this and incorporate in plan and RFP's.	
Leslie Ulibarri	VA Admin.	2nd DA	Yes	Yes	Yes	Yes	Yes	None	No resources for rural communities	Support access	Lack of mental health and addiction services	Funds directed to the agencies that provide these services
Brittany Hill	V/W Admin.	11th Judicial DA	Yes	Yes	No	No	Yes	None	Not enough LE manpower or personnel on reservation	Navajo Nation should apply for funds to hire more officers - ability to respond to every call	Teens age 13+ are not receiving services while their cases are in-between investigation and prosecution	Need advocates employed by LEA to serve victims until the DA's office takes over
Kay Bounkeva	Executive Director	NMAFC	N/A	Yes	Yes	Yes	Yes	Undocumented - NM Dream Team, African/Middle Eastern - Women's Global Pathways, Refugees - united voices for refugee rights/Refugee well-being project	Place value on cultural approaches	More towards cultural age - Native, Asian, African, Middle-Eastern etc.	Provide cultural programs w/ investment as opposed to 1 time funding cycles because doing this work for those who feel DV/SA services are taboo will take much longer than providing services to more mainstream groups	Expand funding cycles when able/don't look solely at reported #s
Samantha Reed	LCSW Clinician	Assurance Home	Yes	No	No	No	Yes	None	Prevention	Make money available for agencies to be able to provide parenting and other services in homes with domestic violence	Law enforcement training and collaboration	Provide something that is useful to them so that they buy in. I.e.: 1/2 salary for an officer
Laura Lucero	Director	The Oasis	Yes	Yes	Yes	Yes	Yes	None	Prevention	The need for he program as to why it is needed	Law enforcement family justice center	Really interested in producing a team for our community. How and what can I do to apply or start one?
Lynn Cannon	Executive Director	Youth Visions Inc.	Yes	Yes	Yes	Yes	Yes	None	Prevention of future abusers			
Edwina Leal	Grant Mgr.	Assurance Home	Yes	Yes	Yes	No	Yes	None	Prevention/outreach		Law enforcement training - collaboration	
D. Wonda Johnson	Program Coordinator	SASNWM	Yes	Yes	Yes	Yes	Yes	Judge Howard - Gallup District Court	Primary Prevention - 0-3, k-12, post secondary	Life Skills	Courts at Tribal, District Levels	Educate the courts - get them out to the community, rural
Alexis Santariga	Victim Advocate	RRPD	Yes	No	No	No	Yes	None	Rural communities getting access to the services and resources they need		Single men and women of DV need to have access to shelters and transitional housing	

Name	Title	Agency	Primary Needs	How to Address	Primary Needs	How to Address	Primary Need
Joel Elena Hagaman	Director	Catholic Charities VAWA Imm. Project	Query: Is it too far outside the mandate of CVRC to coordinate/collaborate additional funding sources beyond those specifically administered by CVRC? My agency has a grant writer that I've met with once. I have to do all reporting throughout the year with no support, so I haven't the time /opportunity to search for additional sources to expand buying. I am not a part of the response to an? so I have no voice in allocation of funding received. My only chance of better funding my program is to obtain new, with the existing relationship my agency has with CVRC. I am asking things along "capacity building" lines.				
Celina Bryant	Exec. Director	Grammy's House					
David River	Dep. Director	NMCADV	Civil legal services	dedicated attorneys who specialize in family law and domestic/sexual violence	Transitional housing		Legal advocates
Amy O'Neill	Program Director	San Juan CASA Program of Childhaven	Teens		Prevention		Lack of Navajo Services
Senovia Ewers	Exec. Director	Navajo United Methodist Center Inc.	Elderly	Advocacy	LE Advocacy		Legal Advocacy
Lola Ahidley	VAWA Director	Mescalero Tribe	Transitional housing for tribal families off the reservation				
Adele Lucero	Victim Liaison	APD					
Russ Landavazo	Sgt APD	APD					
Sarah Johnson	Data Mgr	CASA					
Angelia Parent	CACSANE	Cavern City CAC					
Richard Lucero	PSR Coordinator	Mental Health Resources					
Corey Roybal	State Investigator	NMVCRC					
Janice Kauer	Dev. Director	NMMA					
Rachel Greenstein	Director of development	Solace					
Mary Colby	AD	CASA					
Lynn Gentry Wood	ED	DVRC					
Leslie Uilbarri	VA Admin.	2nd DA	Gap in legal aid	more \$ for civil legal services. Reform in judicial system			
Brittany Hill	V/W Admin.	11th Judicial DA	Transportation and Childcare	More funding to support driving victims to and from court. Many victims unable to get childcare, cannot afford childcare and living costs on remaining income			
Kay Bounkeva	Executive Director	NMAFC	Please allocate more \$ towards prevention work				
Samantha Reed	LCSW Clinician	Assurance Home	Lack of community mental health services	Continued funding for mental health providers within targeted service areas			
Laura Lucero	Director	The Oasis	Funding for an expert witness to testify in court instead of us as forensic interviewers	For expert witness to be paid instead here someone to come from another state			
Lynn Cannon	Executive Director	Youth Visions Inc.					
Edwina Leal	Grant Mgr.	Assurance Home	Hispanic culture - language barriers (Clovis)		Domestic violence culture		Lack of mental health providers, recruitment, access to providers
D. Wonda Johnson	Program Coordinator	SASNWM	Mental Health Access	Holistic approach	Substances abuse counseling/rehabs	The type of SA counseling needs to be re-evaluated for the underserved NA/AN/NH pop - it needs to work better	Cross training
Alexis Santariga	Victim Advocate	RRPD					

Name	Title	Agency	How to Address	Primary Need	How to Address	Primary Need	How to Address
Joel Elena Hagaman	Director	Catholic Charities VAWA Imm. Project					
Celina Bryant	Exec. Director	Grammy's House					
David River	Dep. Director	NMCADV	Funding for staff and development of standard legal advocacy training	LGBTQ	We need some dedicated staff team for assessment, training, and assistance to provide statewide		
Amy O'Neill	Program Director	San Juan CASA Program of Childhaven		Housing		Transportation	
Senovia Ewers	Exec. Director	Navajo United Methodist Center Inc.	DV specific specialized legal advocacy (DA Advocates are not effective)	Support services for substance abuse	LADAC's	Victim self sufficiency	Training advocacy
Lola Ahidley	VAWA Director	Mescalero Tribe					
Adele Lucero	Victim Liaison	APD					
Russ Landavazo	Sgt APD	APD					
Sarah Johnson	Data Mgr	CASA					
Angelia Parent	CACSANE	Cavern City CAC					
Richard Lucero	PSR Coordinator	Mental Health Resources					
Corey Roybal	State Investigator	NMCMVC					
Janice Kauer	Dev. Director	NMMA					
Rachel Greenstein	Director of development	Solace					
Mary Colby	AD	CASA					
Lynn Gentry Wood	ED	DVRC					
Leslie Ulibarri	VA Admin.	2nd DA					
Brittany Hill	V/W Admin.	11th Judicial DA					
Kay Bounkeva	Executive Director	NMAFC					
Samantha Reed	LCSW Clinician	Assurance Home					
Laura Lucero	Director	The Oasis					
Lynn Cannon	Executive Director	Youth Visions Inc.					
Edwina Leal	Grant Mgr.	Assurance Home		Counselors - regional/rural		More victim advocates	
D. Wonda Johnson	Program Coordinator	SASNWNM	Provide curriculum and training	Transitional Housing Access	Gallup has a lack of housing for the working population - much less transitional	Tribal Police	Encourage youth provide incentive to pursue PD and courts careers
Alexis Santariga	Victim Advocate	RRPD					

Name	Title	Agency	Primary Need	How to Address
Joel Elena Hagaman	Director	Catholic Charities VAWA Imm. Project		
Celina Bryant	Exec. Director	Grammy's House		
David River	Dep. Director	NMCAV		
Amy O'Neill	Program Director	San Juan CASA Program of Childhaven	Family Justice Center/Co Housing of Services	Maximize Resources
Senovia Ewers	Exec. Director	Navajo United Methodist Center Inc.	Prevention	Funding
Lola Ahidley	VAWA Director	Mescalero Tribe		
Adele Lucero	Victim Liaison	APD		
Russ Landavazo	Sgt APD	APD		
Sarah Johnson	Data Mgr	CASA		
Angelia Parent	CACSANE	Cavern City CAC		
Richard Lucero	PSR Coordinator	Mental Health Resources		
Corey Roybal	State Investigator	NMCAVRC		
Janice Kaiser	Dev. Director	NMMA		
Rachel Greenstein	Director of development	Solace		
Mary Colby	AD	CASA		
Lynn Gentry Wood	ED	DVRC		
Leslie Ulibarri	VA Admin.	2nd DA		
Brittany Hill	V/W Admin.	11th Judicial DA		
Kay Bounkeva	Executive Director	NMAFC		
Samantha Reed	LCSW Clinician	Assurance Home		
Laura Lucero	Director	The Oasis		
Lynn Cannon	Executive Director	Youth Visions Inc.		
Edwina Leal	Grant Mgr.	Assurance Home		
D. Wonda Johnson	Program Coordinator	SASNWNM		
Alexis Santariga	Victim Advocate	RRPD		

Name	Title	Agency	Opportunity to Express Concerns	Copy of Draft	Review Draft	Offer Feedback on Draft	Copy of Plan	People Needed	Primary Needs	How to Address	Primary Needs	How to Address
Brandie White	Coordinator	MV CASA	Yes	Yes	No	Yes	Yes	None	Services for rural areas		legal services	
Trisha Waters	Victim Advocate	DA's Office	Yes	No	No	Yes	Yes	None	Services of LGBTQ Community	Bring in Trainings/ SS for Trainings	Prevention	Statewide plan on Prevention
Savannah Joe	Victim Specialist	BIA-OIS	Yes	Yes	Yes	Yes	Yes	None	Services to individuals in isolated communities	Allocate more resources to individuals who can provide services to these individuals		
Marie Schow	Development coordinator	IMPACT	Yes	Yes	Yes	Yes	Yes	None	Serving marginalized communities	Don't prioritize projects that serve more people; working w/ marginalized communities costs more money due to systemic barriers and various transportation needs etc. and marginalized communities need more time and resources and often progress more slowly or differently than "mainstream" clients. Provide training on social justice/anti-oppression principles (e.g. distrust of systems, barriers to service, etc.) For staff of funded projects - service providers need to have the perspective so they don't project biases onto clients regarding what the clients should do (whether they should go to the police, go through the legal system etc.) choices for victims need to feel like choices		
Opal M. Cole	Ex	Family Crisis	Yes	Yes	No	Yes	No	Elderly Care: Bonnie Dallas Senior Center, Homer Post, Northwest NM Seniors, Adult protective	Substance Abuse		Life Skills	
Roberta Rodosovich	ED	Haven House	Yes	Yes	Yes	Yes	Yes	None	Support for living wages		immigrant friendly, collaboration	Access to civil legal
Arlene Armijo	Victim Specialist	BIA	Yes	N/A	N/A	N/A	N/A	Where were all the tribal folks from the Albuquerque area? Rachel Samuel: rsamuel@kewa-rsn.us, Cynthia Chavez: Cchavez@sfpuueblo.com, Nadine Waconda: poi06084@isletapueblo.com	Systemic barriers	Native victims have been told by legal aid staff that the suspect has already contacted them so they can't assist the victim	Prevention/Intervention	The cultural component may be different but through educational experience it can be covered
Maria Jose Rodriguez	ED	Solace	Yes	Yes	Yes	Yes	Yes	None	Targeted population agencies vs. mainstream agencies	The plan must include them both w/ long term funding	Prevention	Keep it as part of the plan
Heather Knibbs	Sergeant	Artec Police Dept.	Yes	No	No	No	No	DA's: help offenders/families get assistance for initial causes	Teen victims needing advocacy	get agencies to work together	Senior victims need assistance	Get agencies to work together to figure out how to bridge the gap
Romana Zamora	Legal Advocate	Grammy's House	Yes	Yes	No	No	Yes	None	Training - Legal advocacy, immigration, victims			
Po Chen	Executive Director	Youth Heartline	Yes	Yes	Yes	Yes	Yes	None	Training re: child abuse reporting in judicial LEO system is poor	Support training in law enforcement and judicial system	Judges/Police officers don't file SCI reports because they don't know the system	
Lesli Carrera	Operation Manager	Roswell Refuge	Yes	Yes	Yes	Yes	Yes	Law Enforcement, RPD, Sheriff	Transitional housing		Inclusion and implementation of the LGBTQ community - better ability to reach their community	
Debra Hicks	Sexual Assault Program Coordinator	IHS Gallup	Yes	Yes	Yes	Yes	Yes	Amber Crotty Counsel Delegate Navajo Nation, 928-871-6380	Transportation for DV victims for initial exam and follow up	Different for different areas of the state	Primary prevention	Where is funding going to come from
Stacey Allen	Title IX Coordinator San Juan College	San Juan College	Yes	No	No	No	No	None	Transportation for teens and elderly		LGBTQ Advocate for crime unit	
Skip Wardlow	SAP Director	Nambe Pueblo	N/A	Yes	No	Yes	Yes	None	Underserved Native American women victims	Law Enforcement "BIA" not making arrests. In rare case arrest is made there is no prosecutor so charges get dropped and violence repeats		
Delores Stroud	COO	All Faiths	Yes	Yes	Yes	Yes	Yes	None	Value of victim services too low		Ability to retain staff difficult when dealing with trauma victims	better pay - and funds for staff resiliency training and activities
Barbara J. Rneza	VA Administrator	1st DA's Office	Yes	Yes	Yes	Yes	Yes	None	VAWA funded Victim Advocate to serve Rio Arriba County. We need to fully serve this community	to bridge the gap between law enforcement and prosecution to secure a relationship w/ the crime victim to prepare them for testimony	Multi-disciplinary team in Rio Arriba county	to bridge the gap. No centralized services
Willymae McNeal	DV Counselor	Mescalero, NM	Yes	Yes	Yes	Yes	Yes	None	Victims are not accessing services		Funding	
Jaymee Bird	Prevention Coordinator	Peacekeepers	Yes	Yes	Yes	Yes	Yes	aromero@enipc.org, msalazar@enipc.org, CTM@enipc.org	We need more training	Systematic training		
Dustin O'Brien	Chief Deputy DA	11th Judicial DA's Office	N/A	N/A	N/A	N/A	N/A	N/A				
Petra Siemens	Victim Advocate	5th Judicial DA	N/A	N/A	N/A	N/A	N/A	N/A				
Molly Brack	Director	Agora	N/A	Yes	No	No	Yes	None				
Cecily Barker	Sgt-APD	APD	N/A	N/A	N/A	N/A	N/A	N/A				
Kathy Howkeemi	Supv. VS	BIA/OIS - VAP	Yes	Yes	Yes	Yes	Yes	Tribal and federal LE, tribal leaders, federal organizations/ICE/FBI/AUSA, tribal casinos management				
Chanelle Benally	Forensic Interview and Family Advocate	Childhaven CAC	N/A	N/A	N/A	N/A	N/A	N/A				

Name	Title	Agency	Primary Needs	How to Address	Primary Needs	How to Address	Primary Need
Brandie White	Coordinator	MV CASA	definition of "underserved"				
Trisha Waters	Victim Advocate	DA's Office	24 Hour Advocacy for Law Enforcement				
Savannah Joe	Victim Specialist	BIA-OIS					
Marie Schow	Development coordinator	IMPACT					
Opal M. Cole	Ex	Family Crisis	Expanded transitional housing, affordable housing	Legal Services		Teens	
Roberta Rodosovich	ED	Haven House		Affordable housing			
Arlene Armijo	Victim Specialist	BIA					
María Jose Rodríguez	ED	Solace	Evaluation of outcomes	Allocate funding to it in the plan	Training of our staff and self-care	Funding for both	Administrative support
Heather Knibbs	Sergeant	Aztec Police Dept.					
Romana Zamora	Legal Advocate	Grammy's House					
Po Chen	Executive Director	Youth Heartline					
Lesli Carrera	Operation Manager	Roswell Refuge	Salaries to be able to offer needed raises as well as offer adequate beginning salaries and to fund onsite counseling		Better working relations and training between agencies DVOT, SANE, Law Enforcement etc.		
Debra Hicks	Sexual Assault Program Coordinator	IHS Gallup	Training/Retention - All services	Need to work on retention programs for staff	Children's services - continuation of services when child has moved	Angel Flight - liability insurance issues - how can this be funded	Lack of resources especially for Navajo Nation
Stacey Allen	Title IX Coordinator	San Juan College	Support services for housing		Support for job skills/transitioning to employment		
Skip Wardlow	SAP Director	Nambe Pueblo					
Delores Stroud	COO	All Faiths	ability to employ @ living wage community members	Build trust: need to build trust in underserved communities can only be done with one of their own	Communication between all the M.D.I. partners during investigation and after	Funds for staff to gather data- case trackers	Don't assume your program fits the needs of all underserved communities
Barbara J. Rneza	VA Administrator	1st DA's Office	Victim Advocate specifically designated vehicle	Court 1 1/2 hrs. away from the office 45 miles away from SANE. For hearings and to file protection orders			
Willymae McNeal	DV Counselor	Mescalero, NM	LGBTQ- needs assessment		Lack of services and professionals		Transitional housing
Jaymee Bird	Prevention Coordinator	Peacekeepers					
Dustin O'Brien	Chief Deputy DA	11th Judicial DA's Office					
Petra Siemens	Victim Advocate	5th Judicial DA					
Molly Brack	Director	Agora					
Cecily Barker	Sgt-APD	APD					
Kathy Howkeemi	Supv. VS	BIA/OIS - VAP					
Chanelle Benally	Forensic Interview and Family Advocate	Childhaven CAC					

Name	Title	Agency	How to Address	Primary Need	How to Address
Brandie White	Coordinator	MV CASA			
Trisha Waters	Victim Advocate	DA's Office			
Savannah Joe	Victim Specialist	BIA-OIS			
Marie Schow	Development coordinator	IMPACT			
Opal M. Cole	Ex	Family Crisis	Mental Health		Reservation Services
Roberta Rodosovich	ED	Haven House			
Arlene Armijo	Victim Specialist	BIA			
María Jose Rodríguez	ED	Solace		Include more funding for admin staff since they are invaluable to direct services sustainability	
Heather Knibbs	Sergeant	Aztec Police Dept.			
Romana Zamora	Legal Advocate	Grammy's House			
Po Chen	Executive Director	Youth Heartline			
Lesli Carrera	Operation Manager	Roswell Refuge			
Debra Hicks	Sexual Assault Program Coordinator	IHS Gallup	Work with leaders that are working on a tribal action plan	Law Enforcement - More training	Training on how to work with victims one on one
Stacey Allen	Title IX Coordinator	San Juan College			
Skip Wardlow	SAP Director	Nambe Pueblo			
Delores Stroud	COO	All Faiths	needs assessments	Translation services are lacking	fund a telephone or online translation service that all VOCA/VAWA grantees can access for free
Barbara J. Rneza	VA Administrator	1st DA's Office			
Willymae McNeal	DV Counselor	Mescalero, NM		Increasing salaries	
Jaymee Bird	Prevention Coordinator	Peacekeepers			
Dustin O'Brien	Chief Deputy DA	11th Judicial DA's Office			
Petra Siemens	Victim Advocate	5th Judicial DA			
Molly Brack	Director	Agora			
Cecily Barker	Sgt-APD	APD			
Kathy Howkeemi	Supv. VS	BIA/OIS - VAP			
Chanelle Benally	Forensic Interview and Family Advocate	Childhaven CAC			

Name	Title	Agency	Primary Need	How to Address
Brandie White	Coordinator	MV CASA		
Trisha Waters	Victim Advocate	DA's Office		
Savannah Joe	Victim Specialist	BIA-OIS		
Marie Schow	Development coordinator	IMPACT		
Opal M. Cole	Ex	Family Crisis		
Roberta Rodosovich	ED	Haven House		
Arlene Armijo	Victim Specialist	BIA		
María Jose Rodríguez	ED	Solace		
Heather Knibbs	Sergeant	Aztec Police Dept.		
Romana Zamora	Legal Advocate	Grammy's House		
Po Chen	Executive Director	Youth Heartline		
Lesli Carrera	Operation Manager	Roswell Refuge		
Debra Hicks	Sexual Assault Program Coordinator	IHS Gallup		
Stacey Allen	Title IX Coordinator San Juan College	San Juan College		
Skip Wardlow	SAP Director	Nambe Pueblo		
Delores Stroud	COO	All Faiths		
Barbara J. Rneza	VA Administrator	1st DA's Office		
Willymae McNeal	DV Counselor	Mescalero, NM		
Jaymee Bird	Prevention Coordinator	Peacekeepers		
Dustin O'Brien	Chief Deputy DA	11th Judicial DA's Office		
Petra Siemens	Victim Advocate	5th Judicial DA		
Molly Brack	Director	Agora		
Cecily Barker	Sgt-APD	APD		
Kathy Howkeemi	Supv. VS	BIA/OIS - VAP		
Chanelle Benally	Forensic Interview and Family Advocate	Childhaven CAC		

Name	Title	Agency	Opportunity to Express Concerns	Copy of Draft	Review Draft	Offer Feedback on Draft	Copy of Plan	People Needed	Primary Needs	How to Address	Primary Needs	How to Address
Gabe Campos	HR	COA	Yes	Yes	Yes	Yes	Yes	Elder abuse providers, mental health community, homeless providers, CYFD providers, grandparents caring for grandchildren, NAACP, medical providers/ER, Probation/parole, religious providers				
Dorothy Padilla	CPO	CVRC	N/A									
Vicki Pauly	Victim Specialist	DA's Office	Yes	Yes	No	No	Yes	None				
Jacob Maule	Asst. DA	DA's Office	Yes	No	No	No	No	None				
Jessica Kirby	Desert View Family Support Services	Desert View	Yes	No	No	No	No	None				
Rick Quevedo	CEO	Desert View	Yes	Yes	Yes	Yes	Yes	None				
Anastasia Martin	ADA	District Attorneys Office	Yes	Yes	Yes	Yes	Yes	None				
Jonathan Norman	Managing Attorney	DNA	N/A	Yes	Yes	Yes	Yes	None				
Kevin Kiser	Senior Attorney	DNA										
Gwen Packer	TITA Spec	NIWRC	N/A	N/A	N/A	N/A						
Anhdao Bui	Social Services Director	NM Asian Family	N/A									
Ed Marks	Executive Director	NM Legal Aid	N/A	Yes	Yes	Yes	Yes	Southwest women's law center - Pamela Herndon pherndon@swwomenslaw.org - for economic issues that could be preventative regarding domestic violence				
Tori Heaton	CVAU Coordinator	RRPD	N/A									
Robert Tallman	Detective	San Juan County Sheriff's Office	Yes	No	No	No	No	PATH				
Donald Stage	Advocacy Supervisor	SAS of NWNM	Yes	No	Yes	No	Yes	None				
Rachel Reed	Victim Advocate	SASNWNM	Yes	Yes	Yes	Yes	Yes	None				
Michelle Bates	Clinical Dir.	SASNWNM	Yes	No	No	No	No	None				
Dixie Roberts	SANE Coordinator	SASNWNM	Yes	Yes	Yes	Yes	Yes	Senior citizen centers in Bloomfield, Artec, Farmington, and Blanco				
Esperanza Griego	Asst. Director Finance and operations	Solace	Yes	Yes	No	No	Yes	None				
Zane Stephens	Co-Director	TGRGNM	N/A									
Caitlin Henke	Director of UNM WRC	UNM	Yes	Yes	Yes	Yes	Yes	UNM Dean of Students Office - Nasha Torrez nashatorrez@unm.edu				
Lydia Wolberg	Conduct	UNM	Yes	Yes	Yes	Yes	Yes	LGBTQ Resource Center UNM, Lobo Respect Advocacy center @unm. Lisa Lindquist 277-2911				
Alexandria Taylor	ED	VSS	N/A									
Kathy Robbins			Yes	Yes	Yes	Yes	Yes	None				
Lori A. Vigil			Yes	Yes	N/A	N/A	N/A	None				

Name	Title	Agency	Primary Needs	How to Address	Primary Needs	How to Address	Primary Need
Gabe Campos	HR	COA					
Dorothy Padilla	CPO	CVRC					
Vicki Pauly	Victim Specialist	DA's Office					
Jacob Maule	Asst. DA	DA's Office					
Jessica Kirby	Desert View Family Support Services	Desert View					
Rick Quevedo	CEO	Desert View					
Anastasia Martin	ADA	District Attorneys Office					
Jonathan Norman	Managing Attorney	DNA					
Kevin Kiser	Senior Attorney	DNA					
Gwen Packer	TITA Spec	NIWRC					
Anhdao Bui	Social Services Director	NM Asian Family					
Ed Marks	Executive Director	NM Legal Aid					
Tori Heaton	CVAU Coordinator	RRPD					
Robert Tallman	Detective	San Juan County Sheriff's Office					
Donald Stage	Advocacy Supervisor	SAS of NWNM					
Rachel Reed	Victim Advocate	SASNWNM					
Michelle Bates	Clinical Dir.	SASNWNM					
Dixie Roberts	SANE Coordinator	SASNWNM					
Esperanza Griego	Asst. Director Finance and operations	Solace					
Zane Stephens	Co-Director	TGRCNM					
Caitlin Henke	Director of UNM WRC	UNM					
Lydia Wolberg	Conduct	UNM					
Alexandria Taylor	ED	VSS					
Kathy Robbins							
Lori A. Vigil							

Name	Title	Agency	How to Address	Primary Need	How to Address	Primary Need	How to Address
Gabe Campos	HR	COA					
Dorothy Padilla	CPO	CVRC					
Vicki Pauly	Victim Specialist	DA's Office					
Jacob Maule	Asst. DA	DA's Office					
Jessica Kirby	Desert View Family Support Services	Desert View					
Rick Quevedo	CEO	Desert View					
Anastasia Martin	ADA	District Attorneys Office					
Jonathan Norman	Managing Attorney	DNA					
Kevin Kiser	Senior Attorney	DNA					
Gwen Packer	TITA Spec	NIWRC					
Anhdao Bui	Social Services Director	NM Asian Family					
Ed Marks	Executive Director	NM Legal Aid					
Tori Heaton	CVAU Coordinator	RRPD					
Robert Tallman	Detective	San Juan County Sheriff's Office					
Donald Stage	Advocacy Supervisor	SAS of NWNM					
Rachel Reed	Victim Advocate	SASNWNM					
Michelle Bates	Clinical Dir.	SASNWNM					
Dixie Roberts	SANE Coordinator	SASNWNM					
Esperanza Griego	Asst. Director Finance and operations	Solace					
Zane Stephens	Co-Director	TGRCNM					
Caitlin Henke	Director of UNM WRC	UNM					
Lydia Wolberg	Conduct	UNM					
Alexandria Taylor	ED	VSS					
Kathy Robbins							
Lori A. Vigil							

Name	Title	Agency	Primary Need	How to Address
Gabe Campos	HR	COA		
Dorothy Padilla	CPO	CVRC		
Vicki Pauly	Victim Specialist	DA's Office		
Jacob Maule	Asst. DA	DA's Office		
Jessica Kirby	Desert View Family Support Services	Desert View		
Rick Quevedo	CEO	Desert View		
Anastasia Martin	ADA	District Attorneys Office		
Jonathan Norman	Managing Attorney	DNA		
Kevin Kiser	Senior Attorney	DNA		
Gwen Packel	TITA Spec	NIWRC		
Anhdao Bui	Social Services Director	NM Asian Family		
Ed Marks	Executive Director	NM Legal Aid		
Tori Heaton	CVAU Coordinator	RRPD		
Robert Tallman	Detective	San Juan County Sheriff's Office		
Donald Stage	Advocacy Supervisor	SAS of NWNM		
Rachel Reed	Victim Advocate	SASNWNM		
Michelle Bates	Clinical Dir.	SASNWNM		
Dixie Roberts	SANE Coordinator	SASNWNM		
Esperanza Griego	Asst. Director Finance and operations	Solace		
Zane Stephens	Co-Director	TGRCNM		
Caitlin Henke	Director of UNM WRC	UNM		
Lydia Wolberg	Conduct	UNM		
Alexandria Taylor	ED	VSS		
Kathy Robbins				
Lori A. Vigil				

Appendix F

Incidence and Nature of Domestic Violence in New Mexico XV: An Analysis of 2015 Data from the New Mexico Interpersonal Violence Data Central Repository. Albuquerque, New Mexico: State of New Mexico, Department of Health, (July, 2016) (Hyperlinked to Source)

Appendix G

Sex Crimes in New Mexico XIV: An Analysis of 2015 Data from the New Mexico Interpersonal Violence Data Central Repository. Albuquerque, New Mexico: State of New Mexico, Department of Health, (December 2016) (Hyperlinked to Source)

Appendix H

New Mexico Intimate Partner Death Review Team 2016 Annual Report: Findings and Recommendations from CY2013 Intimate Partner Deaths (Hyperlinked to Source)

Appendix I

Conforming STOP Violence Against Women Formula Grant Program Regulations to Statutory Change; Definitions and Confidentiality Requirements Applicable to All OVW Grant Programs

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

As noted above, this action is an order, not a rule. Accordingly, the Congressional Review Act (CRA) is inapplicable, as it applies only to rules. However, if this were a rule, pursuant to the Congressional Review Act, "any rule for which an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the federal agency promulgating the rule determines." 5 U.S.C. 808(2). It is in the public interest to schedule this substance immediately to avoid an imminent hazard to the public safety. This temporary scheduling action is taken pursuant to 21 U.S.C. 811(h), which is specifically designed to enable the DEA to act in an expeditious manner to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h) exempts the temporary scheduling order from standard notice and comment rulemaking procedures to ensure that the process moves swiftly. For the same reasons that underlie 21 U.S.C. 811(h), that is, the DEA's need to move quickly to place this substance into schedule I because it poses an imminent hazard to the public safety, it would be contrary to the public interest to delay implementation of the temporary scheduling order. Therefore, this order shall take effect immediately upon its publication. The DEA has submitted a copy of this final order to both Houses of Congress and to the Comptroller General, although such filing is not required under the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act), 5 U.S.C. 801–808 because, as noted above, this action is an order, not a rule.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

■ For the reasons set out above, the DEA amends 21 CFR Part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. Amend § 1308.11 by adding paragraph (h)(19) to read as follows:

§ 1308.11 Schedule I.

* * * * *

(h) * * *

(19) *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylfuran-2-carboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other name: Furanyl fentanyl) (9834).

Dated: November 22, 2016

Chuck Rosenberg,

Acting Administrator.

[FR Doc. 2016–28693 Filed 11–28–16; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

28 CFR Part 90

[OVW Docket No. 120]

RIN 1105–AB46

Conforming STOP Violence Against Women Formula Grant Program Regulations to Statutory Change; Definitions and Confidentiality Requirements Applicable to All OVW Grant Programs

AGENCY: Office on Violence Against Women, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the regulations for the STOP (*Services • Training • Officers • Prosecutors*) Violence Against Women Formula Grant Program (STOP Program) and the general provisions governing Office on Violence Against Women (OVW) programs to comply with statutory changes and reduce repetition of statutory language. Also, this rule implements statutory requirements for nondisclosure of confidential or private information relating to all OVW grant programs.

DATES: This rule is effective December 29, 2016.

FOR FURTHER INFORMATION CONTACT: Marnie Shiels, Office on Violence Against Women, 145 N Street NE., Suite 10W.100, Washington, DC 20530, by telephone (202) 307–6026 or by email at marnie.shiels@usdoj.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

The Violence Against Women Act (VAWA) was enacted on September 13, 1994, by title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322, 108 Stat. 1796. The STOP Program is codified at 42 U.S.C. 3796gg through 3796gg–5 and 3796gg–8. The final rule for this program, found at 28 CFR part 90, subpart B, was promulgated on April 18, 1995. General provisions affecting all OVW grant programs are found at 28 CFR part 90, subpart A.

This rule amends the general provisions applicable to all OVW grant programs and the regulations governing the STOP Program to comply with the amendments to these programs enacted by the Violence Against Women Act of 2000 (VAWA 2000), Division B of the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106–386, 114 Stat. 1464 (Oct. 28, 2000), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law 109–162, 119 Stat. 2960 (Jan. 5, 2006), and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Public Law 113–4, 127 Stat. 54 (Mar. 7, 2013). These changes to the regulations incorporate the statutory changes, make minor technical corrections, implement enhanced administrative and planning practices for formula grantees, and streamline existing regulations to reduce repetition of statutory language.

In addition, this rule amends an existing regulatory provision, § 90.2, that sets forth certain definitions that apply to all OVW grant programs. Furthermore, the rule adds a new regulatory provision, § 90.4, that is applicable to all OVW grant programs to implement statutory amendments requiring nondisclosure of confidential or private information pertaining to victims of domestic violence, dating violence, sexual assault and stalking.

II. Background

A. Overview of the Violence Against Women Act and Subsequent Reauthorizations

In 1994, Congress passed the Violence Against Women Act (VAWA), a comprehensive legislative package aimed at ending violence against women. VAWA was enacted on September 13, 1994, as title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322, 108 Stat. 1796. VAWA was designed to improve criminal justice system responses to domestic violence, sexual assault, and stalking, and to

increase the availability of services for victims of these crimes. VAWA was reauthorized and amended in 2000, 2005, and 2013, with each new reauthorization making improvements to the law and adding new programs and provisions.

VAWA recognized the need for specialized responses to violence against women given the unique barriers that impede victims from accessing assistance from the justice system. To help communities develop these specialized responses, VAWA authorized the STOP Program, among others. See 42 U.S.C. 3796gg through 3796gg-5 and 3796gg-8; 28 CFR part 90, subpart B.

VAWA requires a coordinated community response to domestic violence, dating violence, sexual assault and stalking crimes and encourages jurisdictions to bring together stakeholders from multiple disciplines to share information and to improve community responses. These often include victim advocates, police officers, prosecutors, judges, probation and corrections officials, health care professionals, and survivors. In some communities, these multidisciplinary teams also include teachers, leaders within faith communities, public officials, civil legal attorneys, health care providers, advocates from population-specific community-based organizations representing underserved populations, and others.

VAWA's legislative history indicates that Congress passed VAWA to improve justice system responses to violence against women. For example, Congress wanted to encourage jurisdictions to treat domestic violence as a serious crime, by instituting comprehensive reforms in their arrest, prosecution, and judicial policies. Congress was further interested in giving law enforcement and prosecutors the tools to pursue domestic violence and sexual assault cases without blaming victims for behavior that is irrelevant in determining whether a crime occurred, while discouraging judges from issuing lower sentences for sexual assault crimes than for other violent crimes. VAWA was intended to bring an end to archaic prejudices throughout the justice system, provide support for victims and assurance that their attackers will be prosecuted, and focus criminal proceedings on the conduct of attackers rather than the conduct of victims.¹

VAWA added a part T to the Omnibus Crime Control and Safe Streets Act of

1968, Public Law 90-351, codified at 42 U.S.C. 3711 *et seq.*, titled Grants to Combat Violent Crimes Against Women, which authorizes four OVW-administered grant programs, including the STOP Program. STOP Program grants are awarded by population-based formula to states to develop and strengthen the justice system's response to violence against women and to support and enhance services for victims.

On October 28, 2000, Congress enacted the Violence Against Women Act of 2000 (VAWA 2000), Division B of the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386, 114 Stat. 1464. VAWA 2000 continued and strengthened the federal government's commitment to helping communities change the way they respond to violence against women. VAWA 2000 reauthorized critical grant programs, established new programs, and strengthened federal law. It had an emphasis on increasing responses to victims of dating violence and expanding options and services for immigrant and other vulnerable victims.

VAWA 2000 made several changes relevant to the STOP Program. First, it amended the statutory purposes for which grant funds may be used. Second, it clarified the eligibility of courts as subgrantees. Third, it modified the requirement under the STOP Program that, to be eligible for funding, states must certify that victims not bear the costs for certain filing fees related to domestic violence cases. Finally, it added a new provision applicable to all OVW grant programs requiring grantees to report on the effectiveness of activities carried out with program funds.

On January 5, 2006, Congress enacted the Violence Against Women and Department of Justice Reauthorization Act (VAWA 2005), Public Law 109-162, 119 Stat. 2960. VAWA 2005 strengthened provisions of the previous Acts, including revising the STOP Program, and created a number of new grant programs. It also created a set of universal definitions and grant conditions, including a confidentiality provision, that apply to all programs authorized by VAWA and subsequent legislation. VAWA 2005 had an emphasis on enhancing responses to sexual assault, youth victims, and victims in Indian country. Its provisions included new sexual-assault-focused programs, the addition of sexual assault to a number of OVW grant programs, new youth-focused programs, and the creation of a comprehensive violence against women program for tribal governments.

The revisions to the STOP Program made by VAWA 2005 included adding new purpose areas to the program and modifying the requirements for the development of state implementation plans, the allocation of funds to subgrantees, and documentation of consultation with victim service programs. VAWA 2005 also required that the regulations governing the program ensure that states would recognize and meaningfully respond to the needs of underserved populations and distribute funds intended for culturally specific services—for which the Act created a new set-aside—equitably among culturally specific populations. It further amended the certification requirement under the program related to payment for forensic medical exams for victims of sexual assault and added new certifications related to prohibiting the use of polygraph examinations in sexual assault cases and to judicial notification to domestic violence offenders of laws prohibiting their possession of a firearm.

On March 7, 2013, Congress enacted the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Public Law 113-4, 127 Stat. 54. VAWA 2013 made further improvements to the OVW grant programs, including several new requirements for the STOP Program. It also included two new historic provisions, one extending civil rights protections based on gender identity and sexual orientation and another recognizing the inherent jurisdiction of Indian tribes to prosecute non-Indians who commit certain domestic violence offenses in Indian country.²

VAWA 2013 amended the universal definitions and grant conditions established by VAWA 2005 for all OVW grant programs and amended and added to the STOP Program purpose areas. It also amended the requirements under the STOP Program that states develop and submit with their applications and implementation plan—including documentation of planning committee members' participation in the development of the plan—and consult

² These two provisions are not addressed in this rule but were addressed in a set of frequently asked questions on the new civil rights provision and in two **Federal Register** notices related to the implementation of the new provision on tribal jurisdiction. See U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, "Frequently Asked Questions: Nondiscrimination Grant Condition in the Violence Against Women Reauthorization Act of 2013" (April 9, 2014), available at: <http://www.justice.gov/sites/default/files/ovw/legacy/2014/06/20/faqs-ngc-vaawa.pdf>; Pilot Project for Tribal Jurisdiction Over Crimes of Domestic Violence, 78 FR 35961 (June 14, 2013); Pilot Project for Tribal Jurisdiction Over Crimes of Domestic Violence, 78 FR 71645 (Nov. 29, 2013).

¹ See S. Rep. No. 103-138, at 37-48 (Sept. 10, 1993).

and coordinate with a variety of entities and stakeholders. VAWA 2013 modified the allocation requirements governing STOP subgrants, creating a set-aside for projects addressing sexual assault, and made changes to the statute's requirement that states provide matching funds for their grant awards. It also made several changes to provisions governing payment for forensic medical exams for sexual assault victims and certain filing costs related to cases of domestic violence, dating violence, sexual assault, and stalking.

B. History Regarding the STOP Program and General Provisions Applicable to OVW Grant Programs

The STOP Program regulations and general provisions were originally promulgated in April, 1995. On December 30, 2003, OVW published a proposed rule to clarify the match requirement for the STOP Program, which was never finalized and subsequently was superseded by changes to the statute made by VAWA 2005. On January 21, 2004, section 90.3, regarding participation by faith based organizations was added to the general provisions. OVW published the Notice of Proposed Rulemaking for the current update on May 11, 2016 at 81 **Federal Register** 29215. In developing the proposed rule, OVW held a series of listening sessions with relevant constituencies to solicit input on updating the STOP Program regulations and general provisions. The specific sessions were focused on state STOP Program administrators, state coalitions, culturally specific and underserved populations, tribes and tribal coalitions, nonprofit organizations, and the justice system. Comments on the proposed rule were due by July 11, 2016.

C. Costs and Benefits

As discussed in more detail under Executive Orders 12866 and 13563 (in the Regulatory Review discussion below), the rule clarifies the statutory requirements, but does not alter the existing program structure. Updating the existing regulations to clearly and accurately reflect the statutory parameters will facilitate state compliance with VAWA, and thus avoid potentially costly non-compliance findings.

III. Discussion of Comments and Changes Made by This Rule

As discussed above, this rule updates the regulations for the STOP Program and the general provisions governing OVW grant programs, including definitions and requirements for

nondisclosure of confidential victim information, to comply with statutory changes and reduce repetition of statutory language. The structure and section numbering of the proposed rule has not been changed in the final rule, but some of the specific provisions have, as described below.

A. Summary of Comments and Changes from the Proposed Rule

OVW received 12 comments from state STOP grant administrators, national organizations focusing on violence against women, one state domestic violence coalition, individuals, and one creator of a cloud-based database for domestic violence and sexual assault service providers. Comments generally fell into six categories: (1) Reducing administrative burdens on state administering agencies, (2) encouraging victim-centered best practices, (3) clarifying requirements about the states' STOP implementation planning processes, (4) clarifying other STOP Program requirements, particularly those related to underserved and culturally specific populations, (5) clarifying the statutory confidentiality provision that restricts the release of victim identifying information, and (6) enhancing language access. The most significant changes in response to the comments are as follows:

1. Changed the definition of "prevention" to clarify the difference between primary and secondary prevention (90.2(d)).
2. Provided additional detail and clarification regarding the confidentiality provision (90.4(b)).
3. Provided additional guidance to states on assessing qualifications of applicants for the culturally specific set aside of funds and clarified that they are encouraged to exceed the minimum statutory set aside of three percent (90.11(c)(3)).
4. Increased the time period covered by state implementation plans from three years to four (90.12(a)).
5. Clarified the requirement to consult with various entities in the process of developing and updating implementation plans and the documentation required regarding such consultation (90.12(b) and (c)).
6. Clarified that, if the Prison Rape Elimination Act (PREA) requirements no longer apply to the STOP Program, then states will not need to address PREA compliance in their implementation plans and that only states that submitted assurances under PREA need to submit information on how they will spend the funds toward

coming into compliance with PREA (90.12(g)(7)).

7. Clarified when states may reallocate returned STOP funds and funds from allocations for which the state did not receive sufficient applications (90.25).

B. Overarching Comments

OVW received one comment expressing overall support for the proposed rule. OVW also received an overarching comment stating that the commenter would like to see more flexibility in categories within the STOP Program to better meet victim needs, such as more flexibility in emergency victim assistance. As long as a particular cost is related to victim safety and allowable under the cost principles in 2 CFR part 200, states have flexibility regarding how to use victim service funds. For example, states may use STOP funds to support emergency transportation, medical expenses, and other necessities where needed for victim safety. Because states already have considerable discretion to direct funding to emergency victim assistance, no change was made in the final rule. The other comments all pertained to specific sections of the proposed rule.

C. Definitions and Confidentiality Requirements Applicable to All OVW Grant Programs

VAWA 2005 established universal definitions and grant conditions for OVW grant programs, and VAWA 2013 amended these provisions. One of these grant conditions protects the confidentiality and privacy of persons receiving victim services for the purpose of ensuring victim safety. This section discusses the comments received on Subpart A, the definitions and grant conditions sections of the proposed rule, including provisions dealing with confidentiality, and any changes made to this subpart in the final rule.

§ 90.1. General

Section 90.1 provides general information, including specification of which statutes are implemented by the rule and an explanation of the different subparts of the rule. In the final rule OVW also has added language to clarify to which grants and subgrants this updated rule will apply. Specifically, it will take effect with grants issued by OVW after the effective date of the rule (30 days from publication in the **Federal Register**). For subgrants, it will take effect with subgrants issued by states under the STOP and Sexual Assault Services Formula Grant Programs after that date, even if such subgrants are

made with grant funds awarded by OVW prior to that date.

§ 90.2. Definitions

The universal definitions added by VAWA 2005, codified at 42 U.S.C. 13925(a), superseded previous program-specific definitions originally enacted in 1994. The rule revises the definitions section of part 90, 28 CFR 90.2, by removing definitions from the existing regulations that are codified in statute, adding definitions for terms that are used in statute but not defined, and clarifying statutory definitions that, based on OVW's experience managing its grant programs, require further explanation.

Section 90.2 currently contains definitions for the following terms: Domestic violence, forensic medical examination, Indian tribe, law enforcement, prosecution, sexual assault, state, unit of local government, and victim services. This rule removes the definitions for domestic violence, Indian tribe, law enforcement, sexual assault, state, and victim services, as they all appear in the statute and do not need further clarification.

The rule revises the definition of "forensic medical examination," a term that is used but not defined in a statutory provision directing that states, Indian tribal governments, and units of local government may not receive STOP Program funds unless they incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault. *See* 42 U.S.C. 3796gg-4(a)(1). The rule changes the list of minimum elements that the exam should include to bring the definition in line with best practices for these exams as they have developed since part 90 was implemented in 1995, and, in particular, with the Department of Justice's national protocol for sexual assault medical forensic examinations (SAFE Protocol), which was updated in April 2013.³ OVW received several comments on this definition. Three commenters recommended adding "obtaining informed consent" to the definition and two of them also suggested adding an assessment of the patient's state of mind. Although these are best practices as discussed in the SAFE Protocol, they are not appropriate for inclusion here, because this definition applies to the specific context of meeting the certification requirement for the STOP Program that states must ensure victims do not incur "out of pocket" costs for forensic medical

examinations. The definition is not intended to be a comprehensive description of best practices for conducting the examination but rather a list of elements for which victims should not incur "out of pocket" costs.

One commenter also suggested adding "medical care and treatment" to the definition of "forensic medical examination." Again, although this does represent best practice as exemplified in the SAFE Protocol, it is not appropriate for inclusion in this context because it would impose an increased cost to states not mandated by the STOP Program statute. The current rule allows states flexibility in determining whether to cover medical costs that are not within the definition of forensic medical examination, such as testing and treatment for sexually transmitted diseases. Many states do cover such expenses, but not all do. Payment for such expenses is often available through programs funded through the Victims of Crime Act (VOCA). OVW also notes that the definition does include "head-to-toe examination of the patient," which is for both medical and forensic purposes. This examination is used to identify injuries for treatment purposes and provide documentation that could potentially be used by the criminal justice system. This commenter also suggested changing "sexual assault victim" to "victim of sexual assault" to clarify that the provision also applies to domestic violence survivors who are sexually assaulted. OVW agrees and has made this change to paragraph 90.2(c).

The rule's definition of "prosecution" contains minor technical changes from the definition in the existing regulation. These changes implement the VAWA 2005 provision making the definitions applicable to all OVW grant programs and conform the definition to the statute. The definition retains the existing regulation's clarification of the statutory definition, which explains that prosecution support services fall within the meaning of the term for funding purposes. This clarification continues to be important because allocating prosecution grant funds to activities such as training and community coordination helps to achieve the statutory goal of improving prosecution response to domestic violence, dating violence, sexual assault, and stalking. OVW received one comment on this definition, noting that it included participation in domestic violence task forces and enforcing domestic violence restraining orders, but did not include task forces and restraining orders focused on sexual assault, dating violence, or stalking. OVW has added dating violence, sexual assault, and

stalking to paragraph 90.2(e) to correct this oversight.

In addition, the statutory definition for "prosecution" uses, but does not define, the term "public agency," which the rule defines using the definition for this term in the Omnibus Crime Control and Safe Streets Act. *See* 42 U.S.C. 3791.

The rule revises the definition of "unit of local government," which did not have a statutory definition specific to all OVW grant programs until the enactment of VAWA 2013, to make it consistent with the statutory language. In addition, it includes in the definition a list of entities and organizations that do not qualify as units of local government for funding purposes and would need a unit of local government to apply on their behalf for those programs where "unit of local government" is an eligible entity but other types of public or private entities are not eligible. The list reflects OVW's long-standing interpretation of the term "unit of local government" and is consistent with OVW's practice of excluding these entities and organizations from eligibility to apply for OVW funding as units of local government. The one comment on this definition was a recommendation for OVW to consult with tribes on the impact of the change. OVW declines to take this suggestion for two reasons. First, the change eliminating tribes from the definition of "unit of local government" is dictated by the definition in VAWA 2013 and cannot be changed by regulation. By excluding tribes from the definition of "unit of local government," VAWA 2013 excluded tribes from a provision in the authorizing statute for the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program that reduces the award amount to states and units of local government by five percent if the jurisdiction does not have certain laws, regulations, or policies regarding HIV testing of sex offenders. Second, even if the regulation could alter the statutory definition, OVW notes that this statutory change has no impact on tribal eligibility for OVW grants. "Tribal government" is an eligible entity for every OVW grant program that includes "unit of local government" as an eligible entity.

The rule also adds definitions to the regulation for terms that are used in OVW grant program statutes but are undefined and that OVW believes would be helpful to applicants and grantees. The term "community-based organization" is defined in 42 U.S.C. 13925(a), but the term "community-based program," which also appears in

³ U.S. Department of Justice, Office on Violence Against Women, "A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents" (2d ed. 2013), available at <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>.

OVW grant program statutes, is not. To preserve consistency across OVW programs and minimize confusion, OVW is proposing to use the statutory definition for both terms.

The rule provides a definition of “prevention” that distinguishes the term from “outreach” both because OVW has observed that some grant applicants propose outreach activities to implement prevention programming under OVW programs and because funding for “prevention” is more limited than funding for “outreach.” The proposed rule defined “prevention program” as “a program that has a goal of stopping domestic violence, dating violence, sexual assault, or stalking from happening in the first place. Prevention is distinguished from ‘outreach,’ which has the goal of informing victims and potential victims about available services.” OVW received three different comments on this definition. The first recommends that the definition describe the distinction between “primary” and “secondary” prevention so that programs that interrupt and prevent future domestic violence, dating violence, sexual assault, and stalking after it has taken place can be distinguished from programs that focus on these crimes in a context where they have not yet taken place. This commenter specifically recommended using language from the Family Violence Prevention and Services Office within the Department of Health and Human Services. The second commenter recommended changing “programs” in the definition to “activities and strategies.” The third commenter recommended deleting “in the first place” from the definition. OVW agrees with all the comments and the definition in paragraph 90.2(d) has been revised to make clear that “prevention” includes both primary and secondary prevention efforts and to define the terms primary and secondary prevention. The final sentence from the proposed rule, which distinguishes “prevention” from “outreach” is retained in the final rule.

Finally, the rule adds a definition for “victim services division or component of an organization, agency, or government” because the rule uses this term in implementing the confidentiality provision enacted by VAWA 2005 and amended by VAWA 2013, which is discussed in more detail in the next section.

§ 90.4. Grant Conditions

VAWA 2005 added grant conditions for all OVW grant programs, including a provision on confidentiality and privacy of victim information and these

provisions were amended by VAWA 2013. See 42 U.S.C. 13925(b). Section 90.4(a) provides that the grant conditions in 42 U.S.C. 13925(b) apply to all grants awarded by OVW and all subgrants under such awards. One commenter requested that OVW also specify that grantees and subgrantees are required to comply with Title VI of the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act. The commenter correctly notes that all grantees and subgrantees must comply with these laws. The grantmaking process, however, already requires grantees and subgrantees to comply with these and other civil rights statutes through standard assurances that the grantee signs. These are available on the OVW Web site at www.usdoj.gov/OVW. Because compliance with all applicable civil rights laws is already addressed through these assurances, it is not necessary to include compliance with two of these laws in this regulation.

The statutory confidentiality provision recognizes the critical importance to victim safety of protecting victims’ personally identifying information. It generally requires grantees and subgrantees to protect victim confidentiality and privacy to ensure the safety of victims and their families and prohibits the disclosure of victims’ information without their informed, written, and reasonably time-limited consent. These requirements, implemented in section 90.4(b), apply to all OVW grant programs, not just STOP grants. In administering this confidentiality provision, OVW has received numerous inquiries regarding what kinds of disclosures require written consent, and OVW is attempting to answer these questions in this rule.

In the Notice of Proposed Rulemaking, OVW requested comments about the propriety of placing victim information on third-party (or “cloud”) servers. Seven commenters responded to this request. Commenters were generally concerned about the privacy of information on such third-party servers, but also noted the need for flexibility in access to client information as service provision models expand from just office-based services. Commenters raised specific questions related to the use of third-party servers, such as who owns the data, who has access to the data, what security measures are in place to prevent unauthorized release of information, and what happens if the provider receives a subpoena for release of client information. Some commenters recommended specifying the answers to the above questions in the agreement between the victim service provider and

the cloud storage provider. Some commenters also recommended the use of encryption to protect the client information. Two commenters specifically recommended the use of “zero knowledge” encryption, where the encryption key is stored on the victim service provider’s server so the storage provider only has access to encrypted (and therefore unreadable) information. Two commenters recommended the use of background checks of the employees of the storage providers. One commenter noted that, while they felt that cloud storage should be acceptable, it should not include sharing of client information in regional or statewide databases such as Homeless Management Information Systems. Based on these comments, OVW added a new paragraph (b)(5) to § 90.4: “Inadvertent release. Grantees and subgrantees are responsible for taking reasonable efforts to prevent inadvertent releases of personally identifying information or individual information that is collected as described in paragraph (b)(2).” The reasonable efforts mentioned here apply not just to third-party electronic storage, but also protections for paper copies of information or information stored on internet-connected computers at the victim service provider. As suggested by one commenter, the use of third-party storage is not, by itself, a release, but can lead to release without sufficient precautions. “Reasonable efforts” in the case of third-party storage include, but are not limited to, ensuring that the contract with the storage provider specifies that the service provider owns the information and ensuring that there are sufficient security protocols to protect the information.

Section 90.4(b)(2)(iii) provides that the confidentiality provision applies to disclosures from victim service divisions or components of an organization, agency, or government to other non-victim services divisions or components and to the leadership of such organization, agency, or government. It also provides that the leadership shall have access without releases only in “extraordinary and rare” circumstances. OVW requested comments on this provision and received three comments. Two commenters were concerned that the phrase “extraordinary and rare circumstances” is too vague and asked OVW to provide additional guidance. In response, OVW has added a statement clarifying that “Such [extraordinary and rare] circumstances do not include routine monitoring and supervision[]” to the end of paragraph (b)(2)(iii). OVW

decided against including a list of circumstances that justify disclosure because such determinations will be fact-based. OVW notes, however, that one example of such an extraordinary and rare circumstance justifying release to an organization's leadership would be where there are allegations of fraud against the victim service division or one of its staff members. One commenter was concerned that this provision could be read to include victim-witness programs at prosecution or law enforcement offices. By statute (42 U.S.C. 13925(b)(2)(D)(i)(III)), the confidentiality provision does not apply to "law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes." In addition, § 90.2(h) of this rule defines "victim services division or component of an organization, agency, or government" as a "division within a larger organization, agency, or government, where the agency has as its primary purpose to assist or advocate for victims of domestic violence, dating violence, sexual assault, or stalking and has a documented history of work concerning such victims." Victim-witness programs in prosecution or law enforcement offices would generally be for law enforcement or prosecution purposes, even if they are also assisting victims.

Section 90.4(b)(3) governs releases of personally identifying information or individual information collected in connection with services. One commenter requested that OVW add language providing that releases must be accessible to all victims, including those with limited literacy and/or English language proficiency. OVW declines to make this change because it is not necessary. Both the statute and the regulation require informed releases; if the victim does not understand the release, it cannot be truly "informed." Section 90.4(b)(3)(ii), as revised, requires that the grantee or subgrantee engage in a conversation with the victim regarding the purpose for and limits on the release, and the grantee or subgrantee should record the agreement as to the scope of the release. This conversation should ensure that the victim understands the release. In addition, with regard to language access, there are already civil rights laws and regulations requiring that grantees and subgrantees take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency. Grantees and subgrantees explicitly agree to comply with these laws by signing relevant assurances and certifications

when applying for OVW grants and upon the receipt of OVW financial assistance. For more information on language access requirements, the Office of Justice Programs, Office for Civil Rights (OCR) has information on its Web page at <http://ojp.gov/about/ocr/lep.htm>.

Section 90.4(b)(3)(i) addresses the circumstances under which identifying information about victims served by OVW grantees and subgrantees may be released, one of which is when the release is compelled by a court mandate (§ 90.4(b)(3)(i)(C)). One commenter requested that OVW clarify that "court mandates" include case law mandates, such as those imposing a "duty to warn" when there is a specified threat of harm. OVW accepts this comment. It is consistent with guidance that OVW has provided to grantees. Section 90.4(b)(3)(i)(C) has been revised to read "release is compelled by court mandate, which includes a legal mandate created by case law, such as a common-law duty to warn."

Section 90.4(b)(3)(ii) addresses criteria for victim releases. One commenter recommended that, within the context of signing a release of information, grantees and subgrantees must reach agreement with the victim about what information the victim wants shared and record that agreement as part of the release. Another commenter recommended that the victim specify to whom and what specific information is to be shared. OVW agrees and has rewritten the third sentence of this paragraph to specify that grantees and subgrantees must discuss with the victim why the information might be shared, who would have access to the information, and what information could be shared under the release. They must also reach agreement with the victim about what information would be shared and with whom and record the agreement about the scope of the release.

Section 90.4(b)(3)(ii)(C) and (D) address releases for minors and legally incapacitated persons with court-appointed guardians. With regard to minor children, the rule provides that both the minor and the parent or guardian sign the release. One commenter noted that the rule should account for situations where the child is too young to sign the release. OVW agrees and has added language to clarify that, if a minor is incapable of knowingly consenting, the parent or guardian of that minor may provide consent. The rule also provides that, if a parent or guardian consents for a minor, the service provider should attempt to notify the minor as

appropriate. Another commenter requested that OVW include language that consent for release may not be given by the abuser of the minor or the abuser of the other parent of the minor. Such language already was included in section 90.4(b)(3)(ii)(C) of the proposed rule.

Section 90.4(b)(4) addresses release of information about deceased victims for fatality reviews. OVW solicited comments on this provision and received four responses. The proposed rule provided that the prohibition on sharing information did not apply to information about deceased victims being sought for fatality reviews if the review met certain criteria. All commenters were concerned about the impact on victims if, prior to their deaths, they were aware of the possibility of release and recommended not allowing release without consent. Four commenters noted that such consent could be provided by a personal representative of the victim, if available. OVW is seeking to balance these concerns with the important work that is done by fatality reviews. In a fatality review, community responders examine homicides and suicides resulting from domestic violence to identify gaps in services, responses, and prevention efforts. These reviews can lead to systemic improvements that can prevent future deaths. The final rule requires grantees to make a reasonable effort to gain consent from a personal representative, but, if they are not able to do so after such efforts, it does not preclude their full participation in the fatality review. Also, the final rule permits sharing identifying victim information only when the fatality review has an underlying objective to prevent future deaths, enhance victim safety, and increase offender accountability, and includes both policies and protocols to protect against the release of information outside the fatality review team and limits release to information that is necessary for the purposes of the fatality review. OVW notes that many states or tribes have specific confidentiality and privilege laws that apply to victim service providers and other OVW grantees and subgrantees. This provision would allow release for VAWA purposes but would not override state or tribal laws that do not allow for release. Some laws, however, specifically authorize victim service providers to release information for fatality reviews. The language of the final rule is an attempt to ensure that the VAWA confidentiality provision is implemented in a manner that is compatible with such state or tribal

laws, including both where those laws are more protective of victim confidentiality and where they authorize release.

Section 90.4(b)(6) (renumbered from (5) in the proposed rule) requires grantees and subgrantees to document their compliance with the confidentiality requirement by submitting an acknowledgement form indicating that they have notice of the requirement and that they will create and maintain documentation of compliance. OVW received one comment on this provision. The commenter recommended that OVW also require grantees and subgrantees to document their compliance with Title VI of the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act. The standard assurances (available at <https://www.justice.gov/ovw/how-apply>) contain a provision that requires STOP Program grantees and subgrantees to comply with applicable civil rights laws, including the Civil Rights Act, the Rehabilitation Act, and VAWA. Title VI requires grantees and subgrantees to provide appropriate language-access services to limited English proficient (LEP) beneficiaries. See 28 CFR 42.405(d). The U.S. Department of Justice has issued guidance for recipients on their responsibility under Title VI to provide language-access services. See Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41,455 (June 18, 2002). OVW, through the Office of Justice Programs, Office on

Civil Rights (OCR), conducts compliance reviews to ensure that recipients are serving LEP beneficiaries and LEP service populations. State administering agencies that subgrant STOP Program funds to other organizations must have “Methods of Administration” (28 CFR 42.105(d)(2)) that monitor whether their subrecipients have a language assistance plan. OCR provides technical assistance to recipients about their obligation to provide language-access services through an online training program (<http://ojp.gov/about/ocr/ocr-training-videos/video-ocr-training.htm> (last visited July 21, 2016)), in-person presentations, and telephone consultations. In addition, aggrieved parties (and third parties) may file an administrative complaint with the OCR alleging a recipient’s failure to provide appropriate language-access services in violation of Title VI (28 CFR. 42.107(b)) and VAWA (28 CFR 42.205). OCR will investigate the complaint, and, if the complaint has merit, OCR will seek appropriate remedies. The enforcement scheme that is already in place holds recipients accountable for providing appropriate language-access services to LEP beneficiaries in accordance with Title VI and VAWA. Therefore there is no need for additional documentation under this rule.

An additional comment on this paragraph recommended the language, which was already included in the proposed rule, that requires grantees and subgrantees to document compliance with the confidentiality requirement.

OVW also has added a new section 90.4(c) to specify that victim eligibility for direct services is not dependent on the victim’s immigration status, for consistency with the Office for Victims of Crime Victims of Crime Act (VOCA) Assistance Program Final Rule, which was issued after the OVW proposed rule. This is also consistent with the Attorney General Order on Specification of Community Programs Necessary for Protection of Life or Safety under Welfare Reform Legislation (Attorney General Order No. 2353–2001, 66 F. R. 3616 (Jan. 16, 2001)). In addition, on August 5, 2016, Attorney General Loretta E. Lynch, Secretary Sylvia Mathews Burwell of the U.S. Department of Health and Human Services (HHS) and Secretary Julián Castro of the U.S. Department of Housing and Urban Development (HUD) released a letter⁴ to recipients of federal funding to provide more information on access to services for immigrant victims. The letter explains that immigrants cannot be denied access to certain services necessary to protect life or safety on the basis of their immigration status.

D. STOP Formula Grant Program

1. Organization

OVW proposed significant changes in the proposed rule to the organization of Subpart B, the STOP Program regulations, and is retaining these changes, without further alteration, in the final rule. The following chart shows the changes from the current rule to both the proposed and final rules.

Section No.	Current rule	Disposition of current section	Proposed rule/final rule
90.10	Description of STOP (<i>Services-Training-Officers—Prosecutors</i>) Violence Against Women Formula Grant Program.	Same	STOP (<i>Services-Training-Officers—Prosecutors</i>) Violence Against Women Formula Grant Program—General.
90.11	Program Criteria	Merged with 90.10 and 90.12	State office.
90.12	Eligible Purposes	Merged with 90.10	Implementation plans.
90.13	Eligibility	Now in 90.10	Forensic medical examination payment requirement.
90.14	Forensic Medical Examination Payment Requirement.	Now 90.13	Judicial notification requirement.
90.15	Filing Costs for Criminal Charges	Same	Costs for criminal charges and protection orders.
90.16	Availability and Allocation of Funds	(a) Is now in 90.17, (b) and (c) are merged with 90.12.	Polygraph testing prohibition.
90.17	Matching Requirements	Now 90.18	Subgranting of funds.
90.18	Non-supplantation	Removed	Matching funds.
90.19	State Office	Now 90.11	Application content.
90.20	Application Content	Now 90.19.	
90.21	Evaluation	Same	Evaluation.
90.22	Review of State Applications	Same	Review of State applications.

⁴ <https://www.justice.gov/ovw/file/883641/download>.

Section No.	Current rule	Disposition of current section	Proposed rule/final rule
90.23	State Implementation Plan	Now 90.12	Annual grantee and subgrantee reporting.
90.24	Grantee Reporting	Now 90.23	Activities that may compromise victim safety and recovery.
90.25			Reallocation of funds.

2. Removing Duplicative Regulatory Language

OVW is removing much of the existing regulation to avoid duplication with the statute. Specifically, OVW is removing the following sections and paragraphs of the current regulation for this reason: §§ 90.10; 90.11(a); 90.12; 90.16(a); and 90.18. Other sections have been streamlined by referencing the statutory provision rather than repeating the statutory language.

3. Statutory Changes

As discussed above, VAWA of 2000, VAWA 2005, and VAWA 2013 have amended and enhanced the STOP Program. Specific changes are as follows:

- Expanded purpose areas (incorporated by reference in § 90.10)
- Changes in allocations: (1) The victim services allocation increased from 25 percent to 30 percent; (2) a set aside was added of ten percent of the victim services funds (or three percent of the total award) for culturally specific community-based organizations; (3) a set aside was added of five percent to courts; and (4) a 20-percent set aside was added for programs that meaningfully address sexual assault in two or more of the specified allocations (§ 90.11(c))
- Changes in the implementation planning process, including an expanded list of entities with which the state is required to consult and additional information that needs to be included in a state’s implementation plan (§ 90.12)
- Changes to the existing certification requirements and additions of new certification requirements (§ 90.13, forensic medical examination payment; § 90.14, judicial notification; § 90.15, costs for criminal charges and protection orders; and § 90.16, polygraph testing prohibition)

The rule also removes references to the Assistant Attorney General for the Office of Justice Programs to reflect statutory changes made by the Violence Against Women Office Act, Title IV of the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107–273 (Nov. 2, 2002).

4. Section-by-Section Summary of the Regulatory Text

This section describes each provision of the regulatory text, any comments received, and any changes made to the final rule.

§ 90.10 STOP (Services-Training-Officers-Prosecutors) Violence Against Women Formula Grant Program—General

Section 90.10 lists the eligible applicants for the program and specifies that the purposes, criteria, and requirements for the program are established by 42 U.S.C. 3796gg *et seq.* The only comments on this section expressed support.

§ 90.11 State Office

Section 90.11 describes the role of the state office, which is to be designated by the chief executive of the state. As detailed in § 90.11(a) and (b), the state office is responsible for submitting the application, including certifications, developing the implementation plan, and administering the funds. Three commenters felt that paragraph (b) was too burdensome in that it required the state administering agencies for various programs to coordinate on disbursement of funds (rather than implementation planning). The requirement to coordinate on disbursement is in the current rule, but, since the issuance of that rule, VAWA 2013 added the requirement to coordinate on implementation planning. OVW agrees that the existing requirement to coordinate with other state administering agencies on disbursement of funds is no longer necessary in light of the VAWA 2013 amendment and is removing it from the final rule. The requirement to coordinate on implementation planning is at § 90.12(b)(6).

Section 90.11(c) is intended to ensure that statutorily allocated funds are meaningfully targeted to the appropriate entities and activities. Paragraph (c)(3) discusses the allocation for culturally specific services. One commenter recommended changing the second sentence to clarify that recipients should have expertise specifically on services to address the demonstrated

needs of the targeted racial and ethnic minority group. OVW agrees and has changed the second sentence accordingly. This commenter also requested that the rule make clear that the set aside of ten percent (out of the thirty percent for victim services) is a minimum and not a cap. OVW agrees and has added language to § 90.11(c)(3) to encourage states to provide funding above the three percent minimum to address the needs of racial and ethnic minority groups.

Another commenter expressed support for the paragraph’s language clarifying eligibility for the culturally specific set aside and recommended that OVW go further in delineating an assessment approach for subgrant applications under this category. OVW accepts this recommendation and is adding a new sentence to paragraph (c)(3) that provides that states should tailor their subgrant application process to meaningfully assess the qualifications of applicants for the culturally specific set aside.

One additional commenter noted that the definition of “culturally specific” is not the same as the definition of “underserved” and that therefore some populations of victims (such as Deaf and lesbian, gay, bisexual, and transgender (LGBT)) are excluded. OVW cannot alter the definition to include additional underserved populations because of a statutory change in VAWA 2013. Prior to VAWA 2013, states could use the culturally specific set aside to provide culturally specific services to any underserved population. VAWA 2013 changed the definition of culturally specific so that it now means “primarily directed toward racial and ethnic minority groups.” 42 U.S.C. 13925(b)(6). As a result, the STOP Program’s set aside for culturally specific community-based organizations may only fund subgrantees that target racial and ethnic minority groups. 42 U.S.C. 3796gg–1(c)(4)(C). States are still required to consider the full range of underserved populations in the state and ensure that funds are equitably distributed toward the needs of such populations, 42 U.S.C. 3796gg–1(e)(2)(D).

Section 90.11(c)(4) provides guidance with regard to the twenty-percent sexual

assault set aside. One commenter supported language directing how states evaluate whether projects qualify for the sexual assault set aside generally, but objected to allowing states to assess the percentage of a project that addresses sexual assault and count that percentage toward the set aside. The commenter noted that projects that primarily address other crimes should not count toward the sexual assault set aside. OVW agrees that only projects that truly address sexual assault should be counted and has removed the sentence that would permit states to aggregate percentages from projects that do not primarily address sexual assault. Projects that qualify for the set aside may include, but are not limited to, sexual assault victim advocacy services, sexual assault forensic examiner programs, Sexual Assault Response Teams, law enforcement or prosecution training on or specialized units for sexual assault, projects addressing rape kit backlogs, and projects that involve implementation of the Prison Rape Elimination Act of 2012 (PREA) standards in working with incarcerated victims.

OVW also has added a new paragraph (d) on pass-through administration, based on the Office for Victims of Crime's VOCA Victim Assistance Program Final Rule, which was issued after the OVW proposed rule. Under both the STOP and Victim Assistance Programs, some states administer the program by awarding the funds to an organization such as a state domestic violence or sexual assault coalition and permitting that organization to identify and monitor subgrantees. OVW wishes to be consistent with OVC's regulations regarding this practice.

§ 90.12 Implementation Plans

Section 90.12 implements new requirements for the state planning process added by VAWA 2013. One commenter had an overarching recommendation that this section refer to the statute without any additional detail. The commenter opined that such detail is more appropriate for guidance and "frequently asked questions" issued by OVW, rather than regulations. Finally, the commenter maintained that the requirements spelled out in this section are too burdensome for states and not consistent with existing state processes. OVW disagrees. The procedures in this rule are consistent with guidance that OVW previously provided to states and therefore state processes should already align with the rule's requirements. Although the rule does require certain documentation, OVW has determined that this

documentation is necessary for OVW to ensure compliance with the detailed statutory requirements that Congress put in place in VAWA 2013. The provisions of this section balance the needs of the state with the complexity of the statute. As discussed below, however, state plans will be due on a four-year cycle instead of a three-year one.

The proposed rule included language in section 90.12(a) incorporating a long-standing OVW practice of allowing states to submit a full implementation plan every three years and then submit updates to the plan in the other two years. Several commenters requested that the plan extend for five years, to cover the period between VAWA reauthorizations, rather than three, to reduce the burden on states. OVW is partially accepting this recommendation by making the plan due every four years, starting with the FY 2017 application. Accordingly, the plan submitted in FY 2017 must cover the years 2017–2020. This will give the states more time to develop their plans each cycle and reduce the burden on states, while ensuring that the plans are updated with reasonable frequency. OVW declines to align the plan cycle with VAWA reauthorizations because OVW cannot know if or when Congress will reauthorize VAWA. Depending on the changes made to the STOP Program statute in a reauthorization, however, a new state plan may not be required due to a reauthorization. For example, if purpose areas are added or changed, the state could develop an update noting whether or not it plans to use the new purpose areas. Because of the longer plan period, the final rule provides in paragraph (b) that consultation is required for updating a plan as well as for developing the full plan. If there are no updates, or only minor changes, then the consultation may be brief.

Paragraphs (b) and (c) of section 90.12 are new to the regulation, but incorporate provisions from 42 U.S.C. 3796gg–1(c)(2) and (i) regarding consultation and coordination. The statute, as amended by VAWA 2013, provides a list of entities that states must consult with during the implementation planning process and requires documentation from members of the planning committee as to their participation in the planning process. OVW must ensure that states consult with all the required entities and fully document such consultation. The final rule strikes a balance between requiring sufficient documentation within the implementation plan and minimizing the burdens on state administrators inherent in providing such documentation.

Section 90.12(b) addresses consultation and coordination with the entities specified in 42 U.S.C. 3796gg–1(c)(2). Paragraph (b)(2) addresses population-specific organizations, representatives from underserved populations, and culturally specific organizations. Two commenters noted that the proposed rule required the inclusion of "significant underserved or culturally specific populations in the state" but did not define "significant." OVW declines to define "significant" because what significant means will be different for every state. Instead, OVW has inserted language in paragraph (c) that requires states to explain in their implementation plans how they determined which underserved and culturally specific populations to include. OVW also has amended paragraph (b)(2) to provide that states consider, in addition to demographics, barriers to service, including historical lack of access to services, for each population. These commenters noted a similar concern with paragraph (b)(7), which is addressed in the final rule through these change to paragraphs (b)(2) and (c).

Two commenters requested that OVW add language to paragraph (b)(2) with specific recommendations on how states should engage in meaningful outreach, such as having a mailing list with organizations in specific areas, including nonprofit and faith-based organizations, and conducting information sessions beyond regular business hours and in local communities. Although OVW agrees in principle with these suggestions, OVW believes they are too detailed and specific for inclusion in the regulations and more appropriate for technical assistance.

Section 90.12(b)(3) requires consultation with all state and federally recognized tribes in the planning process. One commenter agreed but also noted that there is a need for states to have mechanisms for tribes to participate meaningfully and recommended that OVW require states to document their attempts to reduce barriers to participation by tribes. OVW agrees and has added this to paragraph (c)(2)(iii). Examples of ways that states have successfully reached tribes include tours of the reservations in the state and regional meetings with tribal leaders.

Section 90.12(b)(4) provides that, if possible, states should include survivors of domestic violence, dating violence, sexual assault, and stalking in the planning process. One commenter noted the value and importance of including survivors in the planning process. Another recommended changing the

provision to reflect that states are “encouraged” to include survivors, but also noted concerns that states could recruit and solicit input from survivors in ways that violate survivor confidentiality and autonomy. As a result, OVW has changed the provision to remind states that include survivors in their consultation process that they should address safety and confidentiality concerns. OVW recommends that state STOP administrators work with organizations within their states, such as state coalitions, victim service providers, and culturally and population specific organizations, that may have survivor advisory panels or may be able to assist with recruiting survivors who are interested in providing input regarding the state plan. Survivors do not need to participate in person and their input may be obtained through means such as online or paper surveys, conference calls, or web meetings.

Section 90.12(b)(6) implements the statutory requirement at 42 U.S.C. 3796gg–1(c)(3) that the state coordinate the plan with the plans for the Family Violence Prevention and Services Act (42 U.S.C. 10407), the State Victim Assistance Formula Grants under the Victims of Crime Act (42 U.S.C. 10603), and the Rape Prevention and Education Program (42 U.S.C. 280b–1b). Two commenters noted that this coordination can be difficult if the STOP Program administrator does not control the other funding streams. They also noted that the VOCA Assistance state administrator may be better positioned to lead this coordination, as that program disburses substantially more funding. Because each state is structured differently, OVW will give states discretion how to handle this statutory requirement. Some examples include a single meeting with the various state administrators to discuss plan priorities, having a shared planning process, having the different administrators serve on the STOP planning committee, and sharing a draft plan with the other administrators for feedback. If a state chooses to have another administrator, such as the VOCA administrator, lead the processes, it may do that at its discretion.

Section 90.12(c) provides information on how states must document their consultation with the various required entities. The rule requires states to submit to OVW documentation of the extent of each partner’s participation, a summary of any significant concerns that were raised during the planning process, and a description of how those concerns were resolved. Paragraph (c) is intended to ensure meaningful

collaboration with partners, while minimizing the administrative burden on states. One commenter noted that the term “checklist” can be confusing because OVW also uses a checklist of the required plan elements. The commenter recommended changing “checklist” to “documentation of collaboration.” OVW agrees and has made this change.

OVW received several comments on this section, both expressing support and expressing concerns about the burden on STOP administrators. Some commenters recommended using a certification of compliance with collaboration instead of requiring the documentation. One commenter recommended removing some of the specific details regarding what to retain and instead provide a general requirement for states to document and keep on file a description of the planning process. One commenter noted that the requirement to provide a summary of major concerns is duplicative. However, another commenter specifically supported the level of documentation and the focus on documenting major issues and how they are resolved. After consideration of these diverging views, OVW has determined that the level of documentation required by the rule is necessary for management of the program and is consistent with current practices and OVW guidance. OVW, however, has rewritten this section to clarify what documentation must be retained and what must be submitted as part of the implementation plan. OVW may review the retained documentation as part of monitoring, such as a site visit or where there is a suspicion of noncompliance with the collaboration requirements. Furthermore, by amending section 90.12(a) to require a new plan every four years instead of every three years, OVW has reduced the burden of retaining or submitting this documentation. Also, one commenter noted that requiring participants to fax or email proof of their attendance on calls and webinars is not necessary. OVW agrees and has modified that paragraph accordingly.

Section 90.12(d) implements 42 U.S.C. 3796gg–1(e)(2), which requires states to describe in the implementation plan how they will provide for equitable distribution of funds with certain considerations, such as geographic diversity and meeting the needs of underserved populations. One commenter noted that states must ensure that eligible underserved and culturally specific entities are aware of the funding opportunity. OVW agrees but recognizes that this kind of outreach

is needed not just for underserved populations, but for other categories in this paragraph such as different types of geographic areas. Therefore, OVW has added a new paragraph (d)(5) to require that states take steps to ensure that eligible applicants are aware of the STOP Program funding opportunity, including applicants serving different geographic areas and culturally specific and other underserved populations. Another commenter expressed a concern with paragraph (d)(4), which specifies that states must recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among “those populations.” This commenter was concerned that the term “those populations” will be seen as limiting the equitable distribution to culturally specific populations under the ten-percent set aside. OVW agrees and has amended paragraph (d)(4) to clarify that it applies to both culturally specific populations and the broader range of underserved populations.

Section 90.12(e) implements 42 U.S.C. 3796gg–1(i)(2)(E). The paragraph allows states the flexibility to identify underserved populations, while requiring a description of why the specific populations were selected. One commenter noted in response to both this paragraph and paragraph (d) that the states must address statewide needs and that the ten-percent set aside is a minimum and not a cap. As discussed above, OVW has made changes to section 90.12(c)(3) that address these concerns. This commenter also requested that OVW include a reminder that states must develop language access plans to ensure that, in distribution of funding, they provide “meaningful access” for persons with limited English proficiency. This specific reminder is not needed because it is already required and addressed through other mechanisms, as discussed above in response to a similar comment regarding § 90.4(b)(6). OVW does include language in all its solicitations about language access and use of funds for this purpose. OVW encourages states to use the same or similar language in their solicitations. The 2016 STOP Program solicitation includes the following:

Accommodations and Language Access

Recipients of OVW funds must comply with applicable federal civil rights laws, which, among other things, prohibit discrimination on the basis of disability and national origin. This includes taking reasonable steps to ensure that persons with

limited English proficiency (LEP) have meaningful access to recipients' programs or activities. More information on these obligations is available in the OVW FY 2014 Solicitation Companion Guide and at www.lep.gov. Applicants are encouraged to allocate grant funds to support activities that help to ensure individuals with disabilities, Deaf individuals, and persons with limited English proficiency have meaningful and full access to their programs. For example, grant funds can be used to support American Sign Language (ASL) interpreter services, language interpretation and translation services, or the purchase of adaptive equipment.

Applicants proposing to use grant funds to create Web sites, videos, and other materials must ensure that the materials are accessible to persons with disabilities. Grant funds may be allocated for these purposes.

Section 90.12(f) implements 42 U.S.C. 3796gg-1(i)(2)(G), which requires state implementation plans to include goals and objectives for reducing domestic violence-related homicide. This paragraph requires states to include statistics on domestic violence homicide within the state, consult with relevant entities such as law enforcement and victim service providers, and establish specific goals and objectives to reduce homicide, including addressing challenges specific to the state and how the plan can overcome them.

Section 90.12(g) outlines additional content that implementation plans must include. These required elements are designed to help OVW ensure that states meet statutory requirements for the program and to provide a better understanding of how the state plans to allocate its STOP Program funds. One commenter requested that OVW remind states to provide outreach to targeted community groups, which should be translated or interpreted to other languages and broadcast in ethnic media. The need for outreach has been addressed in paragraph (d)(5) as discussed above. Also, as discussed above, the specific reminder about interpretation is unnecessary because it is covered by other laws, regulations, guidance, and resources for grantees.

Paragraph (g)(7), regarding the Prison Rape Elimination Act (PREA), is designed to ensure that states that submit assurances under PREA that they will spend five percent of "covered funds" towards compliance with PREA are including such funds in their planning. One commenter noted that there is pending legislation that could separate PREA from STOP. To address this possibility, OVW has added the phrase, "if applicable" to paragraph (g)(7). If the legislation passes, it will no longer be applicable, and states will not need to address it. Another commenter opined that, because the decision

whether to submit a certification, assurance, or neither under PREA is the responsibility of the governor, it should only be included in the implementation plan if the grantee is using PREA set-aside funds for victim services and has control through direct contracting. OVW agrees in part and disagrees in part. Although it is true that the state STOP administrator does not have control over PREA certification and assurance decisions, the administrator should be aware of the governor's decisions and should be able to report on the use of STOP funds if the state submitted an assurance that it would use five percent of covered funds under STOP towards coming into compliance with PREA. Therefore, OVW has changed the paragraph to note that the state needs to specify whether it submitted a certification, assurance, or neither under PREA, and, if an assurance, how it plans to spend the STOP funds set aside for PREA compliance.

Section 90.12(h) implements a change in VAWA 2013 that makes the implementation plans due at the time of application rather than 180 days after award. One commenter complained that this does not give states enough time to complete the plan and requested 90 days after the award to complete the plan. OVW disagrees because states do not need to wait for the solicitation to write the plan. Since the previous plan was due in 2014, OVW has been encouraging states to work on their 2017 plans. States may use the 2014 solicitation, guidance on the OVW Web page, and this rule to help develop their plans. In addition, if a state is not able to complete their plan by the application deadline, they may submit information on what is needed to complete the plan. If they have not completed the plan by the time the award is issued, the state will still receive the award, but with a condition withholding all the funds until the plan is submitted and approved.

§ 90.13 Forensic Medical Examination Payment Requirement

Section 3796gg-4 of Title 42 requires states to ensure that the state or another governmental entity bears the "full out-of-pocket" costs of sexual assault medical forensic examinations. Section 90.13(b) provides a definition of "full out-of-pocket costs." Paragraph (d) clarifies that, if states use victims' personal health insurance to pay for the exams, they must ensure that any expenses not covered by insurance are not billed to the victims, as these would constitute "out-of-pocket" costs. Paragraph (e) implements a new provision from VAWA 2013, 42 U.S.C.

3796gg-4(a)(1)(B), which requires states to coordinate with health care providers in the region to notify victims of the availability of forensic examinations.

Two commenters expressed that the victim's insurance should never be billed. In some cases, insurance billing can present a hardship for victims. For example, a victim of spousal rape may not want her husband to find out that she sought a forensic exam. If the victim is forced to submit the claim to her insurance company and she is covered by her husband's insurance, he may receive a statement from the insurance indicating that she received the exam. OVW agrees and strongly discourages the practice of billing a victim's insurance. The statute, however, clearly permits it. See 42 U.S.C. 3796gg-4(c) (specifying that states may only use *grant* funds to pay for forensic examinations *if* the examinations are performed by a trained examiner and victims are not required to seek reimbursement from their insurance). OVW, however, has added language to section 90.13(d) to discourage the practice. Another commenter wrote in response to this section as well as sections 90.15 (the provision prohibiting polygraph testing) and 90.16 (regarding fees and costs for criminal charges and protection orders) to request that states be required to provide notice to victims of their rights in relevant languages. Section 90.13(e) (implementing 42 U.S.C. 3796gg-4(1)(B)) already contains a notice requirement regarding rape examination payment. Additional reminders with regard to language access are not needed in this rule because it is covered by the relevant federal civil rights laws and regulations. Finally, although OVW encourages states to inform victims about the prohibition on polygraph testing and the provisions relating to costs for criminal charges and protection orders, OVW declines to impose a notice requirement, because Congress included it in the rape examination payment certification but did not in the certifications regarding polygraph testing and costs for criminal charges and protection orders.

§ 90.14 Judicial Notification Requirement

Section 90.14 implements the requirements of 42 U.S.C. 3796gg-4(e), which provides that states and units of local government are not entitled to funds unless they certify that their judicial administrative policies and practices include notification to domestic violence offenders of relevant federal, state, and local firearms prohibitions that might affect them. This requirement was added by VAWA 2005.

One commenter stated that the judicial notice should be in the language of the offender and that funding should be reduced if it is not. OVW declines to make this change because, as discussed above, language access is addressed by existing civil rights laws and regulations.

§ 90.15 Costs for Criminal Charges and Protection Orders

Section 90.15 implements the requirements of 42 U.S.C. 3796gg–5, which provides that states, tribes, and units of local government are not entitled to funds unless they certify that victims of domestic violence, dating violence, sexual assault, or stalking are not charged certain costs associated with criminal prosecution or protection orders. These requirements were amended by VAWA 2000 and VAWA 2013. No comments were received on this section other than the comment regarding notice discussed above under § 90.13.

§ 90.16 Polygraph Testing Prohibition

Section 90.16 implements 42 U.S.C. 3796gg–8, which provides that, to be eligible for STOP Program funding, states, tribes, and units of local government must certify that their laws, policies, and practices ensure that law enforcement officers, prosecutors, and other government officials do not ask or require sexual assault victims to submit to a polygraph examination or other truth telling device as a condition for investigating the offense. These requirements were added by VAWA 2005. OVW received two comments on this section, in addition to the comment regarding notice discussed above under § 90.13. The first recommended language to clarify that state-level police and prosecutors must comply with this requirement. OVW has not accepted this suggestion, because although it is correct that the state must comply, OVW believes the language of the proposed rule is clear. The second commenter recommended that polygraphing be prohibited outright. OVW lacks the authority to do this because the statute (and therefore the regulation) only prohibits polygraphing as a condition of proceeding with the investigation of the offense. OVW, however, has changed “restricting” in paragraph (a) to “prohibiting” to track the language of the statute. OVW also agrees that polygraphing of victims should not be done as a routine matter. The Attorney General Guidelines for Victim and Witness Assistance (2011 Edition, https://www.justice.gov/sites/default/files/olp/docs/ag_guidelines2012.pdf) provides that investigating agents may

request victims to take a polygraph only in extraordinary circumstances and only with the concurrence of the Special Agent in Charge or the Supervisory Assistant United States Attorney. The guidelines further provide that all reasonable alternative investigatory methods should be exhausted before requesting or administering a sexual assault victim polygraph examination. OVW recommends that states and local jurisdictions adopt similar guidelines to limit the improper use of polygraph tests on sexual assault victims.

§ 90.17 Subgranting of Funds

Section 90.17(a) describes the type of entities that may receive subgrants from the state (state agencies and offices, courts, local governments, public agencies, tribal governments, victim service providers, community-based organizations, and legal services programs).

Section 90.17(b) allows states to use up to ten percent of each allocation category (law enforcement, prosecution, victim services, courts, and discretionary) to support the state’s administrative costs. Examples of such costs include the salary and benefits of staff who administer the program and costs of conducting peer review. This paragraph codifies a long-standing OVW policy regarding state administrative costs. OVW added language from the OVC VOCA Assistance Program Rule regarding the use of funds for administrative costs. The programs often have the same administrators, so it is important that the regulations governing the two programs are consistent.

§ 90.18 Matching Funds

Section 90.18 implements the match provisions of 42 U.S.C. 3796gg–1(f) and 13925(b)(1). VAWA 2005 provided that match could not be required for subgrants to tribes, territories, or victim service providers. It also authorized a waiver of match for states that have “adequately demonstrated [their] financial need.” 42 U.S.C. 13925(b)(1). VAWA 2013 further specified that the costs of subgrants for victim services or tribes would not count toward the total amount of the STOP award in calculating match. 42 U.S.C. 3796gg–1(f).

Section 90.18(a) states the match requirement in general and reflects that the match requirement does not apply to territories.

Section 90.18(b) allows for in-kind match, consistent with 2 CFR 200.306, and provides information on calculating the value of in-kind match.

Section 90.18(c) provides that states may not require match for subgrants for Indian tribes or victim service providers. This is consistent with 42 U.S.C. 13925(b)(1), as added by VAWA 2005.

Section 90.18(d) implements the waiver provisions of 42 U.S.C. 13925(b)(1), as added by VAWA 2005. In developing the criteria for waiver, OVW balanced the importance of state and local support for the efforts funded under the STOP Program with the need for waiver where there is demonstrated financial need. The paragraph ensures that the financial need identified by the state is specifically tied to funding for violence against women programs. For example, if a state has had across-the-board budget cuts, it would need to show how those cuts have impacted state funding for violence against women programs (and hence, its ability to provide matching funds). In most cases, a state would receive a partial waiver based on the specific impact of the cuts. For example, if the state had a 20 percent reduction in violence against women funding, then it would receive a 20 percent waiver. The 20 percent cut should leave the state with 80 percent of funds that could still be used toward match. In most cases, the states pass the match on to subgrantees, except for Indian tribes and victim service providers. In cases of awards to Indian tribes or awards to victim service providers for victim services purposes, as opposed to another purpose, such as law enforcement training, the state is exempted from the match requirement.

Section 90.18(e) provides that matching funds must be used for the same purposes as the federal funds and must be tracked for accountability purposes.

OVW received one comment on section 90.18. The commenter was seeking clarification that subgrants to victim service providers that are either awarded from the discretionary allocation or from funds that were returned from subgrantees under other allocations are exempt from match. OVW agrees and has amended paragraph (a) in the final rule to clarify that funds awarded under these two scenarios are excluded from the total award amount for purposes of calculating match.

§ 90.19 Application Content

Section 90.19 provides that states must apply for STOP Program funding using an annual solicitation issued by OVW. VAWA 2013 streamlined the application process by including most information and documentation in the implementation plan, but also requiring

the plan to be submitted at the time of application. No comments were received on this section.

§ 90.21 Evaluation

Section 90.21 encourages states to have plans for evaluating the impact and effectiveness of their projects and requires them to cooperate with federally-sponsored evaluations of their projects. No comments were received on this section.

§ 90.22 Review of State Applications

Section 90.22 provides the statutory basis for review of state applications and implements the Single Point of Contact requirement of Executive Order 12372 (Intergovernmental Review of Federal Programs). No comments were received on this section.

§ 90.23 Annual Grantee and Subgrantee Reporting

Section 90.23 describes the annual reporting requirement for the program. Subgrantees submit annual progress reports to the state, which then forwards them to OVW, or as otherwise directed by OVW. States also must submit an annual progress report. Information on progress reports, along with the forms and instructions, are available at <http://muskie.usm.maine.edu/vawamei/stopformulain.htm>. OVW received one comment on this section. The commenter was concerned that the current annual reports are time consuming, expensive, and intrusive to survivors and recommended that OVW consider whether the reporting process can be simplified. OVW is considering ways to improve the progress reporting process. Under the current process, it is expected that grantees and subgrantees will determine in some cases that, under the circumstances, it is not appropriate to ask a victim for certain information. The grantee or subgrantee only needs to report demographic information to the extent that it can be obtained in the course of providing victim-centered services, and there is generally an "unknown" category they can use, if needed. The information generated from the progress reports is used for a report to Congress, which highlights the accomplishments of the program, and also has other valuable uses. For example, progress reports are used by both OVW and states for monitoring purposes, and data from the progress reports may be used at the state and national level for identifying trends, promising practices, and areas of need.

§ 90.24 Activities That May Compromise Victim Safety and Recovery

Section 90.24 provides that grant funds may not be used to support activities that compromise victim safety and recovery. This section is based on the overall purpose of VAWA to enhance victim safety. Specific examples of such activities are included in the STOP Program solicitation each year and in special conditions attached to each OVW grant award. For example, past solicitations explained that such unsafe activities include procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or gender of their children. No comments were received on this section.

§ 90.25 Reallocation of Funds

Section 90.25 implements a new provision from VAWA 2013, 42 U.S.C. 3796gg-1(j), which allows states to reallocate funds in the law enforcement, prosecution, courts, and victim services (including culturally specific services) allocation categories if they did not receive "sufficient eligible applications." The section defines an "eligible" application and provides the information that states must maintain on file to document a lack of sufficient eligible applications. The section ensures that states conduct sufficient outreach to the eligible category of subgrantees before reallocating the funds. One commenter noted that, while they generally agree with the provision, they request more detail on what is needed for a state to be allowed to reallocate funds to another category. Another commenter specifically stated that, if there have been insufficient applications in the culturally specific category, the state should also provide documentation as to whether there were applicants that applied but failed to qualify and if the state reached out to any applicants that failed to apply. OVW agrees with these suggestions but has concluded that they apply not just to the culturally specific category, but to all of the categories. OVW has added a requirement regarding additional documentation on applications that were unfunded for all of the categories (*i.e.*, law enforcement, courts, victim services, prosecution, and culturally-specific) and reorganized the section for better clarity.

IV. Regulatory Certifications

Executive Orders 12866 and 13563—Regulatory Review

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation, and in accordance with Executive Order 13563, "Improving Regulation and Regulatory Review," section 1(b), General Principles of Regulation.

The Department of Justice has determined that this rule is not a "significant regulatory action" under Executive Order 12866, section 3(f) because it is not likely to: (1) Have an annual effect on the economy of \$100 million or more; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues.

(1) The rule's impact is limited to OVW grant funds. It does not change the economic impact of the grant funds and will impose very few economic costs as discussed below.

(2) The Department of Health and Human Services (HHS) has a similar program under the Family Violence Prevention and Services Act (FVPSA), which uses some of the same definitions and a similar confidentiality provision. OVW and the HHS FVPSA office coordinate to ensure consistency in implementation of programs.

(3) The requirements in the rule are statutory and apply only to OVW grantees. In some cases, OVW has added some additional specificity to clarify the statutory requirements. The rule provides details on what information the states must provide as "documentation," but does not impose new requirements.

(4) This rule does not raise any novel legal or policy issues.

Further, both Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and to select regulatory approaches that maximize net benefits. The Department has assessed the costs and benefits of this regulation and believes that the regulatory approach selected maximizes net benefits. In most cases, the rule simply clarifies the statutory requirements, such as providing definitions, which would not have any cost or might reduce costs by providing administrators with clear guidance.

OVW provides the following analysis of the most noteworthy costs, benefits, and alternative choices.

Subpart A. In general, most of this subpart comes from the statute. OVW developed all of these provisions to answer questions received regularly from grantees and provide greater clarity for grantees and save them the time and effort of analyzing the requirements and seeking further guidance from OVW staff. Under this final rule, a victim service component of a larger organization, agency, or government will need a victim release to share identifying victim information with other divisions or leadership of the organization, agency or government. The use of the release will increase the degree of control that the victim has over his/her information, which is widely considered a best practice in the violence against women field. The cost of the rule is the time and administrative burden in executing and tracking the release. This cost cannot be quantified, however, because the discussion of release with the victim would take place in the context of a larger conversation between the victim and the service provider about options for the victim and next steps. OVW considered whether to prevent the release of information about deceased victims in the context of fatality reviews, out of consideration for surviving family members. OVW found a balance that allows for release but also requires the fatality review to attempt to get permission from an authorized representative and surviving minor children (and/or guardians of such) and limits the release to information necessary for the fatality review.

Subpart B. In general, changes to subpart B reflect a balance between the burden on the state administrators and the need to ensure compliance with the statute. The relevant statute requires state implementation plans that must identify how the state will use STOP funds and meet certain statutory requirements. OVW opted to require full plans only every four years to reduce the burden on states in developing these plans. In the other years, states only submit updates to their plans.

Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications

to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The OVW, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reason: Except for the match provisions in § 90.18, the direct economic impact is limited to the OVW's appropriated funds. For more information on economic impact, please see above.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This rule will not result in substantial direct increased costs to Indian tribal governments. The definitions and confidentiality provisions of the rule will impact grantees that are tribes. OVW currently has 351 active awards to 226 tribes and tribal organizations, for a total of over \$182 million. As discussed above, any financial costs imposed by the rule are minimal.

In addition, although a small number of tribes are subgrantees of the STOP Program, discussed in subpart B, the requirements of the rule are imposed on grantees, not subgrantees. The one provision in subpart B that will have a direct effect on tribes is § 90.12(b)(3), which implements the statutory requirement that states consult with “tribal governments in those States with State or federally recognized Indian tribes.” 42 U.S.C. 3796gg-1(c)(2)(F). The rule requires states to invite all state or federally recognized tribes in the state to participate in the planning process. This approach was recommended by tribal participants in the tribal listening session and at OVW's annual government-to-government tribal consultations in 2013 and 2014.

As discussed above, OVW included regulatory implementation of statutory changes to the STOP Program as a topic at its annual tribal consultations in 2013 and 2014. At the 2013 consultation, tribal leaders were asked for testimony on terms that should be defined in the regulations, additional entities that states should consult with in developing their implementation plans, how states should document the participation of planning committee members, and how

states should consult with tribes, among other specific questions. The questions presented at the 2014 consultation included how states might better consult with tribes during STOP implementation planning, and how states should include tribes in the equitable distribution of funds for underserved populations and culturally specific services. At both consultations, tribal leaders emphasized the importance of states engaging in meaningful consultation with all tribes in their state. Tribal leaders noted that such consultation should involve a cooperative decision-making process designed to reach consensus before a decision is made or action is taken, and that effective consultation leads to an implementation plan that takes into account the needs of tribes. Tribal leaders also pointed out that a state's failure to consult with tribes can prevent tribes from accessing STOP funds or even being aware that they are available. Finally, testimony at the tribal consultations raised concerns about states asking tribal shelters to volunteer to provide matching funds in order to receive STOP subgrant funding.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete in domestic and export markets.

List of Subjects in 28 CFR Part 90

Grant programs; Judicial administration.

For the reasons set forth in the preamble, the Office on Violence Against Women amends 28 CFR part 90 as follows:

PART 90—VIOLENCE AGAINST WOMEN

■ 1. The authority for part 90 is revised to read as follows:

Authority: 42 U.S.C. 3796gg *et seq.*; 42 U.S.C. 3796hh *et seq.*, 42 U.S.C. 13925

Subpart A—General Provisions

■ 2. Section 90.1 is revised to read as follows:

§ 90.1 General

(a) This part implements certain provisions of the Violence Against Women Act (VAWA), and subsequent legislation as follows:

(1) The Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (Sept. 13, 1994);

(2) The Violence Against Women Act of 2000 (VAWA 2000), Division B of the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106–386 (Oct. 28, 2000);

(3) The Violence Against Women Office Act, Title IV of the 21st Century Department of Justice Appropriations Authorization Act, Public Law 107–273 (Nov. 2, 2002);

(4) The Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law 109–162 (January 5, 2006); and,

(5) The Violence Against Women Reauthorization Act of 2013 (VAWA 2013), Public Law 113–4 (Mar. 7, 2013).

(b) Subpart B of this part defines program eligibility criteria and sets forth requirements for application for and administration of formula grants to States to combat violent crimes against women. This program is codified at 42 U.S.C. 3796gg through 3796gg–5 and 3796gg–8.

(c) Subpart C of this part was removed on September 9, 2013.

(d) Subpart D of this part defines program eligibility criteria and sets forth requirements for the discretionary Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.

(e) Subpart A of this part applies to all grants made by OVW and subgrants made under the STOP Violence Against Women Formula Program (STOP Program) and the Sexual Assault Services Formula Grant Program after the effective date of this rule. Subpart B of this part applies to all STOP Program grants issued by OVW after the effective date of the rule and to all subgrants issued by states under the STOP Program after the effective date of the rule, even if the underlying grant was

issued by OVW prior to the effective date of the rule.

■ 3. Section 90.2 is revised to read as follows:

§ 90.2 Definitions

(a) In addition to the definitions in this section, the definitions in 42 U.S.C. 13925(a) apply to all grants awarded by the Office on Violence Against Women and all subgrants made under such awards.

(b) The term “community-based program” has the meaning given the term “community-based organization” in 42 U.S.C. 13925(a).

(c) The term “forensic medical examination” means an examination provided to a victim of sexual assault by medical personnel to gather evidence of a sexual assault in a manner suitable for use in a court of law.

(1) The examination should include at a minimum:

(i) Gathering information from the patient for the forensic medical history;

(ii) Head-to-toe examination of the patient;

(iii) Documentation of biological and physical findings; and

(iv) Collection of evidence from the patient.

(2) Any costs associated with the items listed in paragraph (c)(1) of this section, such as equipment or supplies, are considered part of the “forensic medical examination.”

(3) The inclusion of additional procedures (e.g., testing for sexually transmitted diseases) may be determined by the State, Indian tribal government, or unit of local government in accordance with its current laws, policies, and practices.

(d) The term “prevention” includes both primary and secondary prevention efforts. “Primary prevention” means strategies, programming, and activities to stop both first-time perpetration and first-time victimization. Primary prevention is stopping domestic violence, dating violence, sexual assault, and stalking before they occur. “Secondary prevention” is identifying risk factors or problems that may lead to future domestic violence, dating violence, sexual assault, or stalking and taking the necessary actions to eliminate the risk factors and the potential problem. “Prevention” is distinguished from “outreach,” which has the goal of informing victims and potential victims about available services.

(e) The term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency’s component bureaus (such as governmental victim services programs).

Public agencies that provide prosecution support services, such as overseeing or participating in Statewide or multi-jurisdictional domestic violence, dating violence, sexual assault, or stalking task forces, conducting training for State, tribal, or local prosecutors or enforcing victim compensation and domestic violence, dating violence, sexual assault, or stalking-related restraining orders also fall within the meaning of “prosecution” for purposes of this definition.

(f) The term “public agency” has the meaning provided in 42 U.S.C. 3791.

(g) For the purpose of this part, a “unit of local government” is any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State. The following are not considered units of local government for purposes of this part:

(1) Police departments;

(2) Pre-trial service agencies;

(3) District or city attorneys’ offices;

(4) Sheriffs’ departments;

(5) Probation and parole departments;

(6) Shelters;

(7) Nonprofit, nongovernmental victim service agencies including faith-based or community-based organizations; and

(8) Universities.

(h) The term “victim services division or component of an organization, agency, or government” refers to a division within a larger organization, agency, or government, where the division has as its primary purpose to assist or advocate for domestic violence, dating violence, sexual assault, or stalking victims and has a documented history of work concerning such victims.

■ 4. Section 90.4 is added to subpart A to read as follows:

§ 90.4 Grant conditions.

(a) *Applicability.* In addition to the grant conditions in paragraphs (b) and (c) of this section, the grant conditions in 42 U.S.C. 13925(b) apply to all grants awarded by the Office on Violence Against Women and all subgrants made under such awards.

(b) *Nondisclosure of confidential or private information—(1) In general.* In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees under this part shall protect the confidentiality and privacy of persons receiving services.

(2) *Nondisclosure.* (i) Subject to paragraph (b)(3) of this section, grantees and subgrantees shall not disclose any

personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected.

(ii) This paragraph applies whether the information is being requested for a Department of Justice grant program or another Federal agency, State, tribal, or territorial grant program. This paragraph also limits disclosures by subgrantees to grantees, including disclosures to Statewide or regional databases.

(iii) This paragraph also applies to disclosures from the victim services divisions or components of an organization, agency, or government to other non-victim service divisions within an organization, agency, or government. It also applies to disclosures from victim services divisions or components of an organization, agency, or government to the leadership of the organization, agency, or government (e.g., executive director or chief executive). Such executives shall have access without releases only in extraordinary and rare circumstances. Such circumstances do not include routine monitoring and supervision.

(3) *Release.* (i) Personally identifying information or individual information that is collected as described in paragraph (b)(2) of this section may not be released except under the following circumstances:

(A) The victim signs a release as provided in paragraph (b)(3)(ii) of this section;

(B) Release is compelled by statutory mandate, which includes mandatory child abuse reporting laws; or

(C) Release is compelled by court mandate, which includes a legal mandate created by case law, such as a common-law duty to warn.

(ii) Victim releases must meet the following criteria—

(A) Releases must be written, informed, and reasonably time-limited. Grantees and subgrantees may not use a blanket release and must specify the scope and limited circumstances of any disclosure. At a minimum, grantees and subgrantees must: Discuss with the victim why the information might be shared, who would have access to the information, and what information could be shared under the release; reach agreement with the victim about what information would be shared and with whom; and record the agreement about the scope of the release. A release must specify the duration for which information may be shared. The

reasonableness of this time period will depend on the specific situation.

(B) Grantees and subgrantees may not require consent to release of information as a condition of service.

(C) Releases must be signed by the victim unless the victim is a minor who lacks the capacity to consent to release or is a legally incapacitated person and has a court-appointed guardian. Except as provided in paragraph (b)(3)(ii)(D) of this section, in the case of an unemancipated minor, the release must be signed by the minor and a parent or guardian; in the case of a legally incapacitated person, it must be signed by a legally-appointed guardian. Consent may not be given by the abuser of the minor or incapacitated person or the abuser of the other parent of the minor. If a minor is incapable of knowingly consenting, the parent or guardian may provide consent. If a parent or guardian consents for a minor, the grantee or subgrantee should attempt to notify the minor as appropriate.

(D) If the minor or person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may consent to release information without additional consent.

(iii) If the release is compelled by statutory or court mandate, grantees and subgrantees must make reasonable efforts to notify victims affected by the disclosure and take steps necessary to protect the privacy and safety of the affected persons.

(4) *Fatality reviews.* Grantees and subgrantees may share personally identifying information or individual information that is collected as described in paragraph (b)(2) of this section about deceased victims being sought for a fatality review to the extent permitted by their jurisdiction's law and only if the following conditions are met:

(i) The underlying objectives of the fatality review are to prevent future deaths, enhance victim safety, and increase offender accountability;

(ii) The fatality review includes policies and protocols to protect identifying information, including identifying information about the victim's children, from further release outside the fatality review team;

(iii) The grantee or subgrantee makes a reasonable effort to get a release from the victim's personal representative (if one has been appointed) and from any surviving minor children or the guardian of such children (but not if the guardian is the abuser of the deceased parent), if the children are not capable of knowingly consenting; and

(iv) The information released is limited to that which is necessary for the purposes of the fatality review.

(5) *Inadvertent release.* Grantees and subgrantees are responsible for taking reasonable efforts to prevent inadvertent releases of personally identifying information or individual information that is collected as described in paragraph (b)(2) of this section.

(6) *Confidentiality assessment and assurances.* Grantees and subgrantees are required to document their compliance with the requirements of this paragraph. All applicants for Office on Violence Against Women funding are required to submit a signed acknowledgement form, indicating that they have notice that, if awarded funds, they will be required to comply with the provisions of this paragraph, will mandate that subgrantees, if any, comply with this provision, and will create and maintain documentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

(c) *Victim eligibility for services.* Victim eligibility for direct services is not dependent on the victim's immigration status.

(d) *Reports.* An entity receiving a grant under this part shall submit to the Office on Violence Against Women reports detailing the activities undertaken with the grant funds. These reports must comply with the requirements set forth in 2 CFR 200.328 and provide any additional information that the Office on Violence Against Women requires.

■ 5. Subpart B is revised to read as follows:

Subpart B—The STOP (Services * Training * Officers * Prosecutors) Violence Against Women Formula Grant Program

Sec.

- 90.10 STOP (Services * Training * Officers * Prosecutors) Violence Against Women Formula Grant Program—general.
- 90.11 State office.
- 90.12 Implementation plans.
- 90.13 Forensic medical examination payment requirement.
- 90.14 Judicial notification requirement.
- 90.15 Costs for criminal charges and protection orders.
- 90.16 Polygraph testing prohibition.
- 90.17 Subgranting of funds.
- 90.18 Matching funds.
- 90.19 Application content.
- 90.21 Evaluation.
- 90.22 Review of State applications.
- 90.23 Annual grantee and subgrantee reporting.
- 90.24 Activities that may compromise victim safety and recovery.
- 90.25 Reallocation of funds.

§ 90.10 STOP (Services * Training * Officers * Prosecutors) Violence Against Women Formula Grant Program—general.

The purposes, criteria, and requirements for the STOP Violence Against Women Formula Grant Program are established by 42 U.S.C. 3796gg *et seq.* Eligible applicants for the program are the 50 States, American Samoa, Guam, Puerto Rico, Northern Mariana Islands, U.S. Virgin Islands, and the District of Columbia, hereinafter referred to as “States.”

§ 90.11 State office.

(a) *Statewide plan and application.* The chief executive of each participating State shall designate a State office for the purposes of:

- (1) Certifying qualifications for funding under this program;
- (2) Developing a Statewide plan for implementation of the STOP Violence Against Women Formula Grants as described in § 90.12; and
- (3) Preparing an application to receive funds under this program.

(b) *Administration and fund disbursement.* In addition to the duties specified by paragraph (a) of this section, the State office shall administer funds received under this program, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

(c) *Allocation requirement.* (1) The State office shall allocate funds as provided in 42 U.S.C. 3796gg–1(c)(4) to courts and for law enforcement, prosecution, and victim services (including funds that must be awarded to culturally specific community-based organizations).

(2) The State office shall ensure that the allocated funds benefit law enforcement, prosecution and victim services and are awarded to courts and culturally specific community-based organizations. In ensuring that funds benefit the appropriate entities, if funds are not subgranted directly to law enforcement, prosecution, and victim services, the State must require demonstration from the entity to be benefitted in the form of a memorandum of understanding signed by the chief executives of both the entity and the subgrant recipient, stating that the entity supports the proposed project and agrees that it is to the entity’s benefit.

(3) Culturally specific allocation: 42 U.S.C. 13925 defines “culturally specific” as primarily directed toward racial and ethnic minority groups (as defined in 42 U.S.C. 300u–6(g)). An organization will qualify for funding for the culturally specific allocation if its

primary mission is to address the needs of racial and ethnic minority groups or if it has developed a special expertise regarding services to address the demonstrated needs of a particular racial and ethnic minority group. The organization must do more than merely provide services to the targeted group; rather, the organization must provide culturally competent services designed to meet the specific needs of the target population. This allocation requires States to set aside a minimum of ten percent (within the thirty-percent allocation for victim services) of STOP Program funds for culturally specific services, but States are encouraged to provide higher levels of funding to address the needs of racial and ethnic minority groups. States should tailor their subgrant application process to assess the qualifications of applicants for the culturally specific set aside, such as reviewing the mission statement of the applicant, the make-up of the board of directors or steering committee of the applicant (with regard to knowledge and experience with relevant cultural populations and language skills), and the history of the organization.

(4) Sexual assault set aside: As provided in 42 U.S.C. 3796gg–1(c)(5), the State must also award at least 20 percent of the total State award to projects in two or more allocations in 42 U.S.C. 3796gg–1(c)(4) that meaningfully address sexual assault. States should evaluate whether the interventions are tailored to meet the specific needs of sexual assault victims including ensuring that projects funded under the set aside have a legitimate focus on sexual assault and that personnel funded under such projects have sufficient expertise and experience on sexual assault.

(d) *Pass-through administration.* The State office has broad latitude in structuring its administration of the STOP Violence Against Women Formula Grant Program. STOP Program funding may be administered by the State office itself or by other means, including the use of pass-through entities (such as State domestic violence or sexual assault coalitions) to make determinations regarding award distribution and to administer funding. States that opt to use a pass-through entity shall ensure that the total sum of STOP Program funding for administrative and training costs for the State and pass-through entity is within the limit established by § 90.17(b), the reporting of activities at the subgrantee level is equivalent to what would be provided if the State were directly overseeing sub-awards, and an effective system of monitoring sub-awards is

used. States shall report on the work of the pass-through entity in such form and manner as OVW may specify from time to time.

§ 90.12 Implementation plans.

(a) *In general.* Each State must submit a plan describing its identified goals under this program and how the funds will be used to accomplish those goals. The plan must include all of the elements specified in 42 U.S.C. 3796gg–1(i). The plan will cover a four-year period. In years two through four of the plan, each State must submit information on any updates or changes to the plan, as well as updated demographic information.

(b) *Consultation and coordination.* In developing and updating this plan, a State must consult and coordinate with the entities specified in 42 U.S.C. 3796gg–1(c)(2).

(1) This consultation process must include at least one sexual assault victim service provider and one domestic violence victim service provider and may include other victim service providers.

(2) In determining what population specific organizations, representatives from underserved populations, and culturally specific organizations to include in the consultation process, States should consider the demographics of their State as well as barriers to service, including historical lack of access to services, for each population. The consultation process should involve any significant underserved and culturally specific populations in the State, including organizations working with lesbian, gay, bisexual, and transgender (LGBT) people and organizations that focus on people with limited English proficiency. If the State does not have any culturally specific or population specific organizations at the State or local level, the State may use national organizations to collaborate on the plan.

(3) States must invite all State or federally recognized tribes to participate in the planning process. Tribal coalitions and State or regional tribal consortia may help the State reach out to the tribes but cannot be used as a substitute for consultation with all tribes.

(4) States are encouraged to include survivors of domestic violence, dating violence, sexual assault, and stalking in the planning process. States that include survivors should address safety and confidentiality considerations in recruiting and consulting with such survivors.

(5) States should include probation and parole entities in the planning process.

(6) As provided in 42 U.S.C. 3796gg–1(c)(3), States must coordinate the plan with the State plan for the Family Violence Prevention and Services Act (42 U.S.C. 10407), the State Victim Assistance Formula Grants under the Victims of Crime Act (42 U.S.C. 10603), and the Rape Prevention and Education Program (42 U.S.C. 280b–1b). The purposes of this coordination process are to provide greater diversity of projects funded and leverage efforts across the various funding streams.

(7) Although all of the entities specified in 42 U.S.C. 3796gg–1(c)(2) must be consulted, they do not all need to be on the “planning committee.” The planning committee must include the following, at a minimum:

(i) The State domestic violence and sexual assault coalitions as defined by 42 U.S.C. 13925(a)(32) and (33) (or dual coalition)

(ii) A law enforcement entity or State law enforcement organization

(iii) A prosecution entity or State prosecution organization

(iv) A court or the State Administrative Office of the Courts

(v) Representatives from tribes, tribal organizations, or tribal coalitions

(vi) Population specific organizations representing the most significant underserved populations and culturally specific populations in the State other than tribes, which are addressed separately.

(8) The full consultation should include more robust representation than the planning committee from each of the required groups as well as all State and Federally recognized tribes.

(c) *Documentation of consultation.* As part of the implementation plan, the State must either submit or retain documentation of collaboration with all the entities specified in paragraph (b) of this section and in 42 U.S.C. 3796gg–1(c)(2), as provided in this paragraph.

(1) States must retain all of the following documentation but are not required to submit it to OVW as part of the implementation plan:

(i) For in-person meetings, a sign-in sheet with name, title, organization, which of the required entity types (e.g., tribal government, population specific organization, prosecution, court, state coalition) the person is representing, phone number, email address, and signature;

(ii) For online meetings, the web reports or other documentation of who participated in the meeting;

(iii) For phone meetings, documentation of who was on the call, such as a roll call or minutes; and

(iv) For any method of document review that occurred outside the context of a meeting, information such as to whom the draft implementation plan was sent, how it was sent (for example, email versus mail), and who responded.

(2) States must submit all of the following documentation to OVW as part of the implementation plan:

(i) A summary of major concerns that were raised during the planning process and how they were addressed or why they were not addressed, which should be sent to the planning committee along with any draft implementation plan and the final plan;

(ii) Documentation of collaboration for each planning committee member that documents, at a minimum:

(A) Which category the participant represents of the entities listed in 42 U.S.C. 3796gg–1(c)(2), such as law enforcement, state coalition, or population specific organization;

(B) Whether they were informed about meetings;

(C) Whether they attended meetings;

(D) Whether they were given drafts of the implementation plan to review;

(E) Whether they submitted comments on the draft;

(F) Whether they received a copy of the final plan and the summary of major concerns; and

(G) Any significant concerns with the final plan;

(iii) A description of efforts to reach tribes, if applicable;

(iv) An explanation of how the State determined which underserved and culturally specific populations to include.

(d) *Equitable distribution.* The implementation plan must describe, on an annual or four-year basis, how the State, in disbursing monies, will:

(1) Give priority to areas of varying geographic size with the greatest showing of need based on the range and availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas, including Indian reservations;

(2) Determine the amount of subgrants based on the population and geographic area to be served;

(3) Equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes;

(4) Recognize and meaningfully respond to the needs of underserved populations and ensure that monies set

aside to fund linguistically and culturally specific services and funds for underserved populations are distributed equitably among culturally specific and other underserved populations; and

(5) Take steps to ensure that eligible applicants are aware of the STOP Program funding opportunity, including applicants serving different geographic areas and culturally specific and other underserved populations.

(e) *Underserved populations.* Each State may determine the methods it uses for identifying underserved populations within the State, which may include public hearings, needs assessments, task forces, and United States Census Bureau data. The implementation plan must include details regarding the methods used and the results of those methods. It must also include information on how the State plans to meet the needs of identified underserved populations, including, but not limited to, culturally specific populations, victims who are underserved because of sexual orientation or gender identity, and victims with limited English proficiency.

(f) *Goals and objectives for reducing domestic violence homicide.* As required by 42 U.S.C. 3796gg–1(i)(2)(G), State plans must include goals and objectives for reducing domestic violence homicide.

(1) The plan must include available statistics on the rates of domestic violence homicide within the State.

(2) As part of the State’s consultation with law enforcement, prosecution, and victim service providers, the State and these entities should discuss and document the perceived accuracy of these statistics and the best ways to address domestic violence homicide.

(3) The plan must identify specific goals and objectives for reducing domestic violence homicide, based on these discussions, which include challenges specific to the State and how the plan can overcome them.

(g) *Additional contents.* State plans must also include the following:

(1) Demographic information regarding the population of the State derived from the most recent available United States Census Bureau data including population data on race, ethnicity, age, disability, and limited English proficiency.

(2) A description of how the State will reach out to community-based organizations that provide linguistically and culturally specific services.

(3) A description of how the State will address the needs of sexual assault victims, domestic violence victims, dating violence victims, and stalking

victims, as well as how the State will hold offenders who commit each of these crimes accountable.

(4) A description of how the State will ensure that eligible entities are aware of funding opportunities, including projects serving underserved populations as defined by 42 U.S.C. 13925(a).

(5) Information on specific projects the State plans to fund.

(6) An explanation of how the State coordinated the plan as described in paragraph (b)(6) and the impact of that coordination on the contents of the plan.

(7) If applicable, information about whether the State has submitted an assurance, a certification, or neither under the Prison Rape Elimination Act (PREA) standards (28 CFR part 115) and, if an assurance, how the State plans to spend STOP funds set aside for PREA compliance.

(8) A description of how the State will identify and select applicants for subgrant funding, including whether a competitive process will be used.

(h) *Deadline.* State plans will be due at application. If the Office on Violence Against Women determines the submitted plan is incomplete, the State will receive the award, but will not be able to access funding until the plan is completed and approved. The State will have 60 days from the award date to complete the plan. If the State does not complete it in that time, then the funds may be deobligated and the award closed.

§ 90.13 Forensic medical examination payment requirement.

(a) To be eligible for funding under this program, a State must meet the requirements at 42 U.S.C. 3796gg-4(a)(1) with regard to incurring the full out-of-pocket costs of forensic medical examinations for victims of sexual assault.

(b) "Full out-of-pocket costs" means any expense that may be charged to a victim in connection with a forensic medical examination for the purpose of gathering evidence of a sexual assault (e.g., the full cost of the examination, an insurance deductible, or a fee established by the facility conducting the examination). For individuals covered by insurance, full out-of-pocket costs means any costs that the insurer does not pay.

(c) Coverage of the cost of additional procedures (e.g., testing for sexually transmitted diseases) may be determined by the State or governmental entity responsible for paying the costs.

(d) States are strongly discouraged from billing a victim's private insurance and may only do so as a source of payment for the exams if they are not using STOP Program funds to pay for the cost of the exams. In addition, any expenses not covered by the insurer must be covered by the State or other governmental entity and cannot be billed to the victim. This includes any deductibles or denial of claims by the insurer.

(e) The State or other governmental entity responsible for paying the costs of forensic medical exams must coordinate with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims. States can meet this obligation by partnering with associations that are likely to have the broadest reach to the relevant health care providers, such as forensic nursing or hospital associations. States with significant tribal populations should also consider reaching out to local Indian Health Service facilities.

§ 90.14 Judicial notification requirement.

(a) To be eligible for funding under this program, a State must meet the requirements of 42 U.S.C. 3796gg-4(e) with regard to judicial notification to domestic violence offenders of Federal prohibitions on their possession of a firearm or ammunition in 18 U.S.C. 922(g)(8) and (9) and any applicable related Federal, State, or local laws..

(b) A unit of local government shall not be eligible for subgrants from the State unless it complies with the requirements of 42 U.S.C. 3796gg-4(e) with respect to its judicial administrative policies and practices.

§ 90.15 Costs for criminal charges and protection orders.

(a) To be eligible for funding under this program, a State must meet the requirements of 42 U.S.C. 3796gg-5 with regard to not requiring victims to bear the costs for criminal charges and protection orders in cases of domestic violence, dating violence, sexual assault, or stalking.

(b) An Indian tribal government, unit of local government, or court shall not be eligible for subgrants from the State unless it complies with the requirements of 42 U.S.C. 3796gg-5 with respect to its laws, policies, and practices not requiring victims to bear the costs for criminal charges and protection orders in cases of domestic violence, dating violence, sexual assault, or stalking.

§ 90.16 Polygraph testing prohibition.

(a) For a State to be eligible for funding under this program, the State

must meet the requirements of 42 U.S.C. 3796gg-8 with regard to prohibiting polygraph testing of sexual assault victims.

(b) An Indian tribal government or unit of local government shall not be eligible for subgrants from the State unless it complies with the requirements of 42 U.S.C. 3796gg-8 with respect to its laws, policies, or practices prohibiting polygraph testing of sexual assault victims.

§ 90.17 Subgranting of funds.

(a) *In general.* Funds granted to qualified States are to be further subgranted by the State to agencies, offices, and programs including, but not limited to, State agencies and offices; State and local courts; units of local government; public agencies; Indian tribal governments; victim service providers; community-based organizations; and legal services programs to carry out programs and projects to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women, and specifically for the purposes listed in 42 U.S.C. 3796gg(b) and according to the allocations specified in 42 U.S.C. 3796gg-1(c)(4) for law enforcement, prosecution, victim services, and courts.

(b) *Administrative costs.* States are allowed to use up to ten percent of the award amount for each allocation category under 42 U.S.C. 3796gg-1(c)(4) (law enforcement, prosecution, courts, victim services, and discretionary) to support the State's administrative costs. Amounts not used for administrative costs should be used to support subgrants.

(1) Funds for administration may be used only for costs directly associated with administering the STOP Program. Where allowable administrative costs are allocable to both the STOP Program and another State program, the STOP Program grant may be charged no more than its proportionate share of such costs.

(2) Costs directly associated with administering the STOP Program generally include the following:

(i) Salaries and benefits of State office staff and consultants to administer and manage the program;

(ii) Training of State office staff, including, but not limited to, travel, registration fees, and other expenses associated with State office staff attendance at technical assistance meetings and conferences relevant to the program;

(iii) Monitoring compliance of STOP Program subgrantees with Federal and State requirements, provision of technical assistance, and evaluation and assessment of program activities, including, but not limited to, travel, mileage, and other associated expenses;

(iv) Reporting and related activities necessary to meet Federal and State requirements;

(v) Program evaluation, including, but not limited to, surveys or studies that measure the effect or outcome of victim services;

(vi) Program audit costs and related activities necessary to meet Federal audit requirements for the STOP Program grant;

(vii) Technology-related costs, generally including for grant management systems, electronic communications systems and platforms (e.g., Web pages and social media), geographic information systems, related equipment (e.g., computers, software, facsimile and copying machines, and TTY/TDDs) and related technology support services necessary for administration of the program;

(viii) Memberships in organizations that support the management and administration of violence against women programs, except if such organizations engage in lobbying, and publications and materials such as curricula, literature, and protocols relevant to the management and administration of the program;

(ix) Strategic planning, including, but not limited to, the development of strategic plans, both service and financial, including conducting surveys and needs assessments;

(x) Coordination and collaboration efforts among relevant Federal, State, and local agencies and organizations to improve victim services;

(xi) Publications, including, but not limited to, developing, purchasing, printing, distributing training materials, victim services directories, brochures, and other relevant publications; and

(xii) General program improvements—enhancing overall State office operations relating to the program and improving the delivery and quality of STOP Program funded services throughout the State.

§ 90.18 Matching funds.

(a) *In general.* Subject to certain exclusions, States are required to provide a 25-percent non-Federal match. This does not apply to territories. This 25-percent match may be cash or in-kind services. States are expected to submit written documentation that identifies the source of the match. Funds awarded to victim

service providers for victim services or to tribes are excluded from the total award amount for purposes of calculating match. This includes funds that are awarded under the “discretionary” allocation for victim services purposes and funds that are reallocated from other categories to victim services.

(b) *In-kind match.* In-kind match may include donations of expendable equipment; office supplies; workshop or education and training materials; work space; or the monetary value of time contributed by professional and technical personnel and other skilled and unskilled labor, if the services provided are an integral and necessary part of a funded project. Value for in-kind match is guided by 2 CFR 200.306. The value placed on loaned equipment may not exceed its fair rental value. The value placed on donated services must be consistent with the rate of compensation paid for similar work in the organization or the labor market. Fringe benefits may be included in the valuation. Volunteer services must be documented and, to the extent feasible, supported by the same valuation methods used by the recipient organization for its own employees. The value of donated space may not exceed the fair rental value of comparable space, as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality. The value for donated supplies shall be reasonable and not exceed the fair market value at the time of the donation. The basis for determining the value of personal services, materials, equipment, and space must be documented.

(c) *Tribes and victim services providers.* States may not require match to be provided in subgrants for Indian tribes or victim services providers.

(d) *Waiver.* States may petition the Office on Violence Against Women for a waiver of match if they are able to adequately demonstrate financial need.

(1) *State match waiver.* States may apply for full or partial waivers of match by submitting specific documentation of financial need. Documentation must include the following:

(i) The sources of non-Federal funds available to the State for match and the amount available from each source, including in-kind match and match provided by subgrantees or other entities;

(ii) Efforts made by the State to obtain the matching funds, including, if applicable, letters from other State agencies stating that the funds available from such agencies may not be used for match;

(iii) The specific dollar amount or percentage waiver that is requested;

(iv) Cause and extent of the constraints on projected ability to raise violence against women program matching funds and changed circumstances that make past sources of match unavailable; and

(v) If applicable, specific evidence of economic distress, such as documentation of double-digit unemployment rates or designation as a Federal Emergency Management Agency-designated disaster area.

(vi) In a request for a partial waiver of match for a particular allocation, the State could provide letters from the entities under that allocation attesting to their financial hardship.

(2) *Demonstration of ability to provide violence against women matching funds.* The State must demonstrate how the submitted documentation affects the State’s ability to provide violence against women matching funds. For example, if a State shows that across the board budget cuts have directly reduced violence against women funding by 20 percent, that State would be considered for a 20 percent waiver, not a full waiver. Reductions in Federal funds are not relevant to State match unless the State can show that the reduced Federal funding directly reduced available State violence against women funds.

(e) *Accountability.* All funds designated as match are restricted to the same uses as the program funds as set forth in 42 U.S.C. 3796gg(b) and must be expended within the grant period. The State must ensure that match is identified in a manner that guarantees its accountability during an audit.

§ 90.19 Application content.

(a) *Format.* Applications from the States for the STOP Program must be submitted as described in the annual solicitation. The Office on Violence Against Women will notify each State office as designated pursuant to § 90.11 when the annual solicitation is available. The solicitation will include guidance on how to prepare and submit an application for grants under this subpart.

(b) *Requirements.* The application shall include all information required under 42 U.S.C. 3796gg–1(d).

§ 90.21 Evaluation.

(a) Recipients of funds under this subpart must agree to cooperate with Federally-sponsored evaluations of their projects.

(b) Recipients of STOP Program funds are strongly encouraged to develop a local evaluation strategy to assess the impact and effectiveness of the program

funded under the STOP Program. Funds may not be used for conducting research or evaluations. Applicants should consider entering into partnerships with research organizations that are submitting simultaneous grant applications to the National Institute of Justice for this purpose.

§ 90.22 Review of State applications.

(a) *General.* The provisions of Part T of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3796gg *et seq.*, and of this subpart provide the basis for review and approval or disapproval of State applications and amendments.

(b) *Intergovernmental review.* This program is covered by Executive Order 12372 (Intergovernmental Review of Federal Programs) and implementing regulations at 28 CFR part 30. A copy of the application submitted to the Office on Violence Against Women should also be submitted at the same time to the State's Single Point of Contact, if there is a Single Point of Contact.

§ 90.23 Annual grantee and subgrantee reporting.

Subgrantees shall complete annual progress reports and submit them to the State, which shall review them and submit them to OVW or as otherwise directed. In addition, the State shall complete an annual progress report, including an assessment of whether or not annual goals and objectives were achieved.

§ 90.24 Activities that may compromise victim safety and recovery.

Because of the overall purpose of the STOP Program to enhance victim safety and offender accountability, grant funds may not be used to support activities that compromise victim safety and recovery. The grant program solicitation each year will provide examples of such activities.

§ 90.25 Reallocation of funds.

This section implements 42 U.S.C. 3796gg-1(j), regarding reallocation of funds.

(a) *Returned funds.* A State may reallocate funds returned to the State, within a reasonable amount of time before the award end date.

(b) *Insufficient eligible applications.* A State may also reallocate funds if the State does not receive sufficient eligible applications to award the full funding under the allocations in 42 U.S.C. 3796gg-1(c)(4). An "eligible" application is one that is from an eligible entity that has the capacity to perform the proposed services, proposes activities within the scope of the

program, and does not propose significant activities that compromise victim safety. States should have the following information on file to document the lack of sufficient eligible applications:

(1) A copy of their solicitation;

(2) Documentation on how the solicitation was distributed, including all outreach efforts to entities from the allocation in question, which entities the State reached out to that did not apply, and, if known, why those entities did not apply;

(3) An explanation of their selection process;

(4) A list of who participated in the selection process (name, title, and employer);

(5) Number of applications that were received for the specific allocation category;

(6) Information about the applications received, such as what agency or organization they were from, how much money they were requesting, and any reasons the applications were not funded;

(7) If applicable, letters from any relevant State-wide body explaining the lack of applications, such as from the State Court Administrator if the State is seeking to reallocate money from courts; and

(8) For the culturally specific allocation, in addition to the items in paragraphs (b)(1) through (7) of this section, demographic statistics of the relevant racial and ethnic minority groups within the State and documentation that the State has reached out to relevant organizations within the State or national organizations.

Dated: November 17, 2016.

Bea Hanson,

Principal Deputy Director.

[FR Doc. 2016-28437 Filed 11-28-16; 8:45 am]

BILLING CODE 4410-FX-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R01-OAR-2015-0351; A-1-FRL-9950-92-Region 1]

Air Plan Approval; MA; Decommissioning of Stage II Vapor Recovery Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State

Implementation Plan (SIP) revision submitted by the Massachusetts Department of Environmental Protection (MassDEP). This revision includes regulatory amendments that allow gasoline dispensing facilities (GDFs) to decommission their Stage II vapor recovery systems as of January 2, 2015, and a demonstration that such removal is consistent with the Clean Air Act and EPA guidance. This revision also includes regulatory amendments that strengthen Massachusetts' requirements for Stage I vapor recovery systems at GDFs. The intended effect of this action is to approve Massachusetts' revised vapor recovery regulations. This action is being taken in accordance with the Clean Air Act.

DATES: This rule is effective on December 29, 2016.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA-R01-OAR-2015-0351. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available at <http://www.regulations.gov> or at the U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square, Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05-2), Boston, MA 02109-3912, telephone number (617) 918-1660, fax number (617) 918-0660, email garcia.ariel@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

- I. Background and Purpose
- II. Response to Comments
- III. Final Action

Appendix J

Victims of Crime Act Victim Assistance Program

Fund shares under a realization method and no changes in fair market value that would have been reported under the NAV method. Therefore, Shareholder may use the NAV method for the shares in Fund for Year 1. Shareholder uses the NAV method for the shares with its taxable year as the computation period. Shareholder's net investment in Fund for Year 1 equals \$128,664.66 (the \$1,253,256.37 in purchases, minus the \$1,124,591.71 in redemptions). Shareholder's Year 1 gain therefore is \$1,085.34, which is the ending value of Shareholder's shares (\$5,129,750.00), minus the starting basis of Shareholder's shares (\$5,000,000.00), minus Shareholder's net investment in the fund for the taxable year (\$128,664.66). The gain of \$1,085.34 is treated as short-term capital gain. Shareholder's starting basis for Year 2 is \$5,129,750.00. Shareholder also must include the \$32,158.23 in dividends in its income for Year 1 in the same manner as if Shareholder did not use the NAV method.

(iii) If Shareholder had instead adopted the calendar month as its computation period, it would have used the NAV method for every month of Year 1, even though prices of Fund shares may have been fixed for some months.

(e) *Effective/applicability date.* Except as provided in the following sentence, this section applies to taxable years ending on or after July 8, 2016. For taxable years ending on or after July 28, 2014, and beginning before July 8, 2016, however, shareholders of MMFs may rely either on this section or on § 1.446-7 of the 2014 proposed regulations REG-107012-14 (79 FR 43694).

■ **Par. 3.** Section 1.6045-1 is amended by revising paragraph (c)(3)(vi) to read as follows:

§ 1.6045-1 Returns of information of brokers and barter exchanges.

* * * * *

(c) * * *

(3) * * *

(vi) *Money market funds*—(A) *In general.* No return of information is required with respect to a sale of shares in a regulated investment company that is permitted to hold itself out to investors as a money market fund under Rule 2a-7 under the Investment Company Act of 1940 (17 CFR 270.2a-7).

(B) *Effective/applicability date.* Paragraph (c)(3)(vi)(A) of this section applies to sales of shares in calendar years beginning on or after July 8, 2016. Taxpayers and brokers (as defined in § 1.6045-1(a)(1)), however, may rely on paragraph (c)(3)(vi)(A) of this section for

sales of shares in calendar years beginning before July 8, 2016.

* * * * *

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: June 15, 2016.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2016-16149 Filed 7-7-16; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF JUSTICE

28 CFR Part 94

[Docket No.: OJP (OVC) 1523]

RIN 1121-AA69

Victims of Crime Act Victim Assistance Program

AGENCY: Office for Victims of Crime, Justice.

ACTION: Final rule.

SUMMARY: The Office for Victims of Crime (“OVC”) of the U.S. Department of Justice’s Office of Justice Programs (“OJP”), publishes this final rule to implement the victim assistance formula grant program (“Victim Assistance Program”) authorized by the Victims of Crime Act of 1984 (“VOCA”). VOCA authorizes OVC to provide an annual grant from the Crime Victims Fund to each State and eligible territory for the financial support of services to crime victims by eligible crime victim assistance programs. The rule codifies and updates the existing VOCA Victim Assistance Program Guidelines (“Guidelines”) to reflect changes in OVC policy, needs of the crime victim services field, and VOCA itself.

DATES: *Effective Date:* This rule is effective August 8, 2016.

Compliance Date: See 28 CFR 94.101(d), as added by this final rule.

FOR FURTHER INFORMATION CONTACT: Toni Thomas, Office for Victims of Crime, at (202) 307-5983.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Purpose of the Regulatory Action

The Victims of Crime Act of 1984 (VOCA) authorizes the Office for Victims of Crime (OVC) to provide an annual formula grant from the Crime Victims Fund to each State and eligible territory for the purpose of providing assistance to victims of crime.¹ These

annual Victim Assistance Program formula grants are used by the States to provide financial support to eligible crime victim assistance programs. See 42 U.S.C. 10603. OVC promulgates this rule pursuant to the rulemaking authority granted to the OVC Director by 42 U.S.C. 10604(a). This rule codifies and updates the existing Program Guidelines to reflect changes in OVC policy, the needs of the crime victim services field, and VOCA itself.

B. Summary of the Major Provisions of the Final Rule

Most provisions in this final rule are substantively the same as the corresponding provisions of the Guidelines. The final rule reorganizes the program rules into six major divisions: (1) *General Provisions*; (2) *State Administering Agency (“SAA”) Program Requirements*; (3) *SAA Use of Funds for Administration and Training*; (4) *Sub-Recipient Program Requirements*; (5) *Sub-Recipient Project Requirements*; and (6) *Sub-Recipient Allowable/Unallowable Costs*.

The rules in the *General Provisions* heading do not depart substantively from the Guidelines. OVC defines frequently-used terms, most of which are consistent with those in the Guidelines. OVC adds a new definition of the statutory term “victim of child abuse” to make clear OVC’s existing flexible approach of allowing States to address a broad variety of harm to children. Additional technical changes were made in response to comments, and are described below.

The *SAA Program Requirements* heading sets forth general considerations for SAA use of VOCA funding under the VOCA Assistance Program at the State level, and sets forth the rules SAAs must follow in meeting the statutory eligibility and certification requirements. OVC clarifies that pass-through funding is permissible, and sets parameters for such funding arrangements. OVC explains how States must allocate VOCA funding among various types of victim service programs, but does not change the allocation percentages set out in the Guidelines. OVC adds a requirement that States maintain a documented methodology for selecting all sub-recipients. Finally, OVC maintains the default monitoring requirements of the Guidelines, but now permits States to seek a waiver from the OVC Director to use alternatives.

otherwise, “the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States.”

¹ Pursuant to 42 U.S.C. 10603(d)(1), and as used in this preamble and rule unless context indicates

The revised *State Administering Agency Use of Funds for Administration and Training* heading updates the Guideline provisions regarding SAA use of funds for administration and training to make those consistent with statutory changes that occurred after the Guidelines were issued in 1997. The rule lists allowable administrative and training costs at the SAA level, all of which are consistent with those set out in the Guidelines.

The *Sub-Recipient Program Requirements* heading sets out the eligibility and organizational requirements for sub-recipients. These provisions mostly track the Guidelines, except that OVC adds a provision addressing non-disclosure of confidential or private information.

The *Sub-Recipient Project Requirements* heading sets out rules that VOCA-funded victim service projects must follow. These provisions generally are consistent with the Guidelines. OVC maintains the existing project match rules, requiring that sub-recipients provide a 20% project match, but excepting U.S. territories (not including Puerto Rico). OVC adds an exception to match for projects undertaken by American Indian and Alaskan Native tribes, and projects that operate on tribal lands, as these projects, like those operating in U.S. territories, often have difficulties accessing matching resources.

The *Sub-Recipient Allowable/Unallowable Costs* heading lists activities that sub-recipients may undertake using VOCA funding. The majority of the listed costs are the same as those listed in the existing Guidelines; but OVC makes some substantive changes. OVC now allows the States to provide a broader array of legal support services (outside of the emergency context permitted by the Guidelines) to victims, should States choose to do so. OVC removes the prohibition on providing services to incarcerated victims (*e.g.*, victims of sexual assault in prison). Although VOCA funding may not support prison costs, such as prison guard salaries or administrative expenses, States are no longer prohibited from allowing VOCA-funded organizations to assist incarcerated victims. OVC also adds greater flexibility for States to support transitional housing and relocation expenses using VOCA funds. OVC adds greater flexibility for States to allow sub-recipients to use VOCA funds for coordination activities, which help leverage community resources to provide better and more cost-effective direct services. Finally, to better align the program rules with the government-

wide grant rules at 2 CFR part 200, OVC makes allowable indirect organizational costs at the sub-recipient level, by removing the provision in the Guidelines that prohibited sub-recipients from charging these to VOCA funds.

C. Cost and Benefits

As discussed in more detail under the Executive Orders 12866 and 13563 (in the Regulatory Review discussion below), the rule clarifies and updates existing Guidelines, but does not alter the existing program structure. Updating the existing Guidelines to clearly and accurately reflect the statutory parameters will facilitate State compliance with VOCA, and thus avoid potentially costly non-compliance findings. The rule makes only a few substantive changes to the existing Guidelines, and most of the changes expand State flexibility in the use of VOCA funding. Some changes, like allowing more flexibility to coordinate and leverage community resources, and adopt alternative monitoring strategies, impose no costs but allow States to use existing funding more efficiently. Other changes, which allow States to allocate funding to services not presently allowable under the Guidelines, could expand the types of victim service organizations funded with VOCA funds and the services provided by existing organizations. Such allocations of funding, however, are not mandated under the rule, and each State will continue to make the final decision about whether to change its funding allocations. This is not a change from the present discretion that States have to allocate funding according to their priorities. OVC anticipates that most States will continue to allocate the majority of VOCA funding to victim services for certain types of crimes (*i.e.*, intimate partner violence, sexual assault, child abuse) at consistent levels and that any potential reallocations would be relatively minor (even when taken in aggregate across States) in comparison to the overall range of allowable victim services, and thus unlikely to create new costs or significant fund transfers. In any event, the real benefits of additional allowable services for currently underserved and unserved victims are significant.

III. Background

A. Overview

This rule implements OVC's Victim Assistance Program, a formula grant program authorized by Section 1404 of the Victims of Crime Act of 1984, Public Law 98-473, codified at 42 U.S.C.

10603. This section of VOCA authorizes OVC to provide an annual grant from the Crime Victims Fund to each State for the financial support of services to victims of crime by eligible crime victim assistance programs. This rule supersedes the VOCA Guidelines (published at 62 FR 19607) that have been in effect since April 22, 1997, and reflects changes in OVC policy, the needs of the crime victim services' field, and VOCA itself, as well as the comments submitted in response to the Notice of Proposed Rulemaking.

OVC's Victim Assistance Program is funded from the Crime Victims Fund. The Fund receives Federal criminal fines, penalties, and assessments, as well as certain gifts and bequests, but does not receive any general tax revenue. The Crime Victims Fund is administered by OVC and amounts that may be obligated therefrom are allocated each year according to the VOCA formula at 42 U.S.C. 10601. The amount annually available for obligation through the VOCA formula allocations typically has been set by statute, through limits in the annual DOJ appropriation act, at less than the total amount available in the Fund. The VOCA formula specifies that (in most years) the first \$20M available in the Fund for that year will go toward child abuse prevention and treatment programs, with a certain amount to be set-aside for programs to address child abuse in Indian Country. After that, such sums as may be necessary are available to the Federal Bureau of Investigation and the U.S. Attorneys Offices to improve services to victims of Federal crime, and to operate a victim notification system. The remaining balance is allocated as follows: 47.5% for OVC's Victim Compensation Program, 47.5% for OVC's Victim Assistance Program, and 5% for the OVC Director to distribute in discretionary awards in certain statutorily defined categories. Generally, under the distribution rules for the Victim Compensation Program, if a portion of the 47.5% available for Compensation is not needed for that purpose, it is (per the statutory formula) made available to augment the Victim Assistance Program. The Victim Assistance Program distributes funds to States as mandated by VOCA, at 42 U.S.C. 10603. The VOCA statutory distribution formula provides each State with a base amount (presently \$500,000 for each State and the District of Columbia; \$200,000 for each eligible territory), and distributes the remainder proportionately, based on population.

B. History of This Rulemaking

OVC published the Final Program Guidelines, Victims of Crime Act, FY1997 Victim Assistance Program on April 22, 1997 (62 FR 19607). Those Guidelines were based on OVC experience with the Victim Assistance Program, legal opinions rendered since the inception of the program in 1986, and comments from the field on the Proposed Program Guidelines, which were published in the **Federal Register** on February 18, 1997 (62 FR 7256).

On September 3, 2002, OVC published a notice of Proposed Program Guide at 67 FR 56444, seeking comments to refine the administration of the Victim Assistance Program further; thereafter, however, OVC chose not to issue final guidance to supersede the 1997 Guidelines. After receiving comments on the 2002 Proposed Program Guide, OVC instead decided to pursue the publication of codified program regulations rather than merely revise the guideline document. Throughout 2010, OVC sought preliminary input from the victim services field regarding improving victim services and potential modifications to the Victim Assistance Program rules that would facilitate such improvement.

OVC incorporated this input into a Notice of Proposed Rulemaking, which it published at 78 FR 52877 (Aug. 27, 2013), and OVC received 108 public comments over a 60 day period. OVC considered all comments submitted during the comment period in drafting this final rule.

IV. Discussion of Comments and Changes Made by This Rule

The 1997 Guidelines have been outpaced by changes in VOCA, developments in the crime victim services field, technological advances, and new approaches to State administration of VOCA funding. This rule updates the program Guidelines to account for developments over the last decade and a half, and to reflect more accurately program parameters applicable to each participating entity. In so doing, OVC hopes to allow administering agencies and victim service providers fully to leverage the progress that the field has made over the last decade in knowledge of victim needs, victim service strategies, and efficient program administration, with the end goal of assisting crime victims more effectively. Many of the provisions in the existing Guidelines have been retained in substance, though the text has been reformatted in some cases. OVC describes below the main

substantive changes to the program Guidelines, and the comments received.

Structure and General Comments

The rule reorganizes the provisions of the Guidelines, primarily to accommodate the requirements for publication in the Code of Federal Regulations (CFR), but also to organize information more logically. The rule omits repetition of statutory language, except where needed for context and ease of use. OVC notes that the rule is drafted to be read *in conjunction* with VOCA (42 U.S.C. 10603). OVC also uses consistent terminology throughout the document.

Some commenters expressed concern that the proposed rule conflated provisions applicable to VOCA-funded projects in some cases with provisions relating to a VOCA-eligible program, and several endorsed the National Association of Victim Assistance Administrators' (NAVAA) suggestions for reorganizing it. In the final rule, OVC more clearly distinguishes between the two concepts, and adopts most of the NAVAA's helpful suggestions for reorganizing the rule.

In connection with reorganizing the provisions of the final rule for greater logical consistency and clarity, OVC has moved or renumbered many of the sections of the proposed rule. In order to assist readers, a derivation table is included listing the sections of the final rule and the corresponding section or sections of the proposed rule. The public comments on provisions of the proposed rule are discussed below according to where those provisions are codified in the final rule.

Final rule	NPRM
§ 94.101	§ 94.101
§ 94.102	§ 94.102
§ 94.103	§ 94.103; § 94.112(i)-(j);
§ 94.103(f),(g)	NEW
§ 94.104	§ 94.105; § 94.108(d)
§ 94.105(a),(b)	§ 94.106
§ 94.105(c)	New
§ 94.106	§ 94.107
§ 94.107(a)-(d)	§ 94.110
§ 94.107(e)	§ 94.118(f)
§ 94.108(a),(b)(1)	§ 94.111(b),(c)
§ 94.108(b)(2)	§ 94.103(b)(3)
§ 94.109(a),(b)(1-11)	§ 94.111(a); § 94.112
§ 94.109(b)(12)	New
§ 94.110	§ 94.113
§ 94.111	§ 94.104(a); § 94.106(c)
§ 94.112(a)	§ 94.104(b);
	§ 94.108(b)-(e)
§ 94.112(b)	§ 94.104(c)-(e)
§ 94.112(c)	§ 94.115(d)
§ 94.113	§ 94.104(g);
	§ 94.115(a)-(c)
§ 94.114	§ 94.104(h)
§ 94.115	NEW
§ 94.116	§ 94.114

Final rule	NPRM
§ 94.117	§ 94.115(e); § 94.109
§ 94.118	§ 94.104(f); § 94.116
§ 94.119	§ 94.117
§ 94.120(a)-(f)	§ 94.118
§ 94.120(g)	New
§ 94.121	§ 94.108(a); § 94.119
§ 94.122	§ 94.120

Many commenters expressed their desire that the Crime Victims Fund "cap" be raised substantially. As such a change requires legislative action, it is beyond the scope of OVC's authority to do so. However, we note that the Department of Justice Fiscal Years 2015 and 2016 Appropriation Acts did substantially increase—more than threefold—the cap for those years. *See* Department of Justice Appropriation Act, 2015, Public Law 113–235, Div. B, Title II, Sec. 510 (setting the obligation cap at \$2.361B compared to \$745M available to OVC in FY 2014); Department of Justice Appropriation Act, 2016, Public Law 114–113, Div. B, Title II, Sec. 510 (setting the cap at \$3.042B, of which approximately \$2.663B is available to OVC).

General Provisions

§ 94.101 Purpose and Scope; Future Guidance; Construction and Severability; Compliance Date

The general provisions of the final rule—including statement of purpose, future guidance, and construction and severability—are largely unchanged from the proposed rule. OVC added a paragraph describing the date on which SAAs must comply with the rule. The rule applies upon its effective date to all OVC grants made after that date, except for funding under such grants that was obligated before the effective date. Pre-award obligations are a standard practice of SAAs under the VOCA Assistance Program, as the annual appropriation cycle typically does not permit for awards to be made until late in the fiscal year. VOCA Assistance grants typically have an award period that extends retroactively to October 1st of the fiscal year of the award, thus there may be funds under grants made after the effective date that were obligated by the SAA prior to the effective date, and subsequently ratified by OVC's approval of the grant. The final rule does not apply retroactively, and thus it does not require that SAAs anticipate rules that are not in effect when making such obligations. However, OVC will permit SAAs to apply the provisions that expand SAA discretion in the use funds (*e.g.*, the final rule permits SAAs to fund a greater range of transitional housing services

than the Guidelines permit) to VOCA assistance funding under OVC grants made before the effective date of the rule that is obligated on or after the effective date. As most of the changes in this rule are of a permissive nature and expand SAA discretion, OVC does not anticipate that implementation of the rule will be burdensome, though some effort by SAAs to understand the changes and communicate these to applicants for sub-awards will be necessary.

§ 94.102 Definitions

The final rule contains several terms and definitions that are used throughout. These are set out in section 94.102 for ease of reference.

The definition of *crime victim* and *victim of crime* remains unchanged from the Guidelines, and is meant to be a broad definition, taking into account many kinds of harm resulting from criminal acts. States are encouraged to include those domiciled in their states who are victimized while working in their official capacities overseas as VOCA eligible victims.

Some commenters liked the proposed definition, but others wanted OVC to include more examples in the definition to illustrate coverage of a broader range of harms. OVC kept the more conceptual definition from the proposed rule, as it is substantively the same as the long-standing Guideline definition and because—as one commenter pointed out—this definition has been sufficiently broad to encompass the harm from various crimes on a wide and diverse range of individuals.

OVC has added a definition of the term *spousal abuse* that clarifies that the term includes domestic and intimate partner violence. Spousal abuse was the terminology used in the victim services field in the 1980s, and consequently in VOCA, but the term has since fallen out of use, as it is under-inclusive of the range of relationships in which this type of victimization frequently occurs. OVC retains the term in the final rule because it is a statutory term, but clarifies that OVC understands it to encompass domestic and intimate partner violence. This is consistent with longstanding OVC practice and the Guidelines, which use the term “domestic abuse” when describing the priority category of “spousal abuse.” Several commenters supported the proposed definition, but asked that OVC include the more commonly-used term “domestic violence” in the definition. OVC agrees, and has done this. OVC has also removed “dating violence,” as this concept is encompassed already by the more general concept of “intimate

partner violence.” Some commenters asked that OVC clarify how this definition (which affects the priority category of “spousal abuse”) would affect LGBTQ survivors of domestic or intimate partner violence. OVC notes that States may serve (and count those services toward the priority category) all victims of domestic and intimate partner violence—encompassing violence or abuse by one person against another in a domestic context or intimate-partner context—as the OVC definition does not require legal recognition of any particular relationship, nor does it implicate State or territorial laws concerning marriage rights.

A commenter noted that OVC did not propose to define “sub-recipient” or “VOCA project,” and asked that OVC define these terms so as to differentiate between a VOCA-funded project, and the organization that is eligible to receive VOCA funds to undertake the project. OVC agrees and adds these definitions, and has made conforming changes throughout the rule.

The final rule adds a definition of the statutory term *victim of child abuse*, in order to clarify that the term covers a broad variety of harm to children. Child abuse victims are a statutorily-mandated priority category, and the clarification makes plain that VOCA-funded State victim assistance programs may support a broad variety of victim assistance projects that address the abuse of children.

OVC received many comments on the proposed definition of child abuse. Many commenters supported the proposed definition. Other commenters supported the proposed definition, but recommended changes or expressed concerns about certain parts of it. One commenter worried that the inclusion of the concept of children exposed to violence may lead states to view a non-offending parent who cannot leave an abusive household as a co-offender. OVC notes that the definition of child abuse in this rule does not control (or affect) how a state views or treats potential offenders. Nonetheless, it is OVC’s express intent that the definition should not be misconstrued to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect. A commenter asked that the definition encompass sex and labor trafficking, and several others asked OVC to include slurs and family rejection as examples of the emotional abuse of children encompassed by the definition. OVC notes that the definition of child abuse is sufficiently broad to encompass these harms without listing

specific abusive activities, if States consider them to be child abuse. Some commenters worried that the inclusion of exposure to violence would dilute available resources, and confuse States operating victim assistance programs.

OVC acknowledges resource limitations facing many States, but keeps the expanded definition in the final rule to allow States to prioritize within the category based on local capacity and needs. The Department’s own Defending Childhood initiative demonstrated the importance of services for children exposed to violence, and the new definition will permit services addressing this. OVC, in response to several comments, has clarified in the definition that it encompasses harm to children, and is not meant to include adults who were victimized as children. This does not, however, preclude States from funding services to adults victimized as children; it merely means that States cannot count such services under the child-abuse priority category.

SAA Program Requirements

§ 94.103 Purpose of State-Level VOCA Funding; SAA Eligibility

Section 94.103(a) sets forth the purpose of OVC’s annual VOCA formula grants to the States. Several commenters asked that OVC re-draft the language to make it less confusing. OVC agrees and has done so. Commenters also asked that OVC add a statement about State discretion in determining sub-award recipients and amounts. OVC agrees and has added a sentence accordingly.

Section 94.103(b) sets forth the general rules for State eligibility certifications required by VOCA. OVC requires States to submit these certifications annually in their applications for funding. Reporting and technical requirements specific to a given fiscal year are set out in the annual program solicitation, or in supplemental OVC communications if time does not permit publication in the solicitation.

Section 94.103(c) clarifies that a SAA may award its VOCA funds to another organization to distribute—known as pass-through administration—and highlights SAA obligations with regard to use of administrative and training funds, monitoring, and reporting should this method be used. Several commenters supported pass-through administration, but advocated that pass-through entities should have specific expertise and experience related to the use of the funding (e.g., a pass through entity administering funds for sexual assault services would have experience/expertise related to sexual violence).

OVC does not disagree with the commenters' views, but believes that States are in the best position to choose which entity should administer pass-through funding, and thus maintains the rule as proposed. A commenter asked for clarification regarding the proposed requirement that SAAs not use a pass-through mechanism to bypass the statutory limitation on use of administrative funds. OVC has rewritten this statement to be clearer.

A commenter was concerned that the proposed rule eliminated language in the guidelines about things that States should consider in strategic planning and asked that OVC add it back to the final rule. OVC agrees that the language is desirable and has added a new paragraph (d) with this language. Finally, several commenters expressed concern that OVC did not highlight the need for States to consider sustainability of services in strategic planning. OVC agrees that sustainability is an important consideration, and has added this to paragraph (d).

Section 94.103(g) sets forth that SAAs shall, upon request, and consistent with 2 CFR 200.336, permit OVC access to all records related to the use of VOCA funding. Access to SAAs' records is subject to the provision of the government-wide grant rules at 2 CFR 200.336, which permits access to the true names of crime victims only in extraordinary and rare circumstances, not for routine monitoring, and requires protection of sensitive information by all agencies involved if access is granted.

§ 94.104 Allocation of Subawards

OVC moved the provisions of proposed section 94.104, *Eligible crime victim assistance programs*, to a new heading titled "Sub-recipient Program Requirements," which includes sections 94.111 through 94.115 of the final rule. Comments on the proposed section 94.104 are addressed below in the discussion of sections 94.111 through 94.114.

In the final rule, section 94.104, *Allocation of subawards* (which was proposed as section 94.105), sets forth—pursuant to 42 U.S.C. 10603(a)(2)(A) (priority category), and (B) (underserved category)—how SAAs must allocate their subawards. The allocation amounts in the final rule are the same as those in the Guidelines and proposed rule. Some commenters noted that victims of a priority category might also be underserved victims in some circumstances (e.g., child victims of sex trafficking might be underserved in a particular jurisdiction, however, sex trafficking of a minor would also be

child sexual abuse), and that this causes confusion in reporting allocation amounts to OVC. Moreover, some victims with certain demographics (e.g., LGBTQ, American Indian/Alaskan Native) may be underserved even in the priority categories (e.g., victims of sexual assault). In response, the final rule clarifies that SAAs may count funds allocated to such projects in either the priority or underserved category, but not both.

Section 94.104(c) sets out the criteria by which SAAs must identify (for allocation of funds, reporting, and compliance purposes) services that assist previously underserved populations of victims of violent crime. SAAs must identify such a service for underserved victims of violent crime by the type of crime they experience (e.g., victims of elder abuse) or the characteristics of the victim (e.g., LGBTQ victims), or both (e.g., victims of violent crime in high crime urban areas). Underserved victims may differ between jurisdictions, but some examples of victim populations often underserved at the time of this rulemaking may include, but are not limited to, DUI/DWI victims; survivors of homicide victims; American Indian/Alaskan Native victims in certain jurisdictions with insufficient victim service resources; victims of physical assault; adults molested as children; victims of elder abuse; victims of hate and bias crimes; victims of kidnapping; child victims and adult survivors of child pornography; child victims of sex trafficking; victims of violent crime in high crime areas; LGBTQ victims; victims of federal crimes, victims of robbery; and victims of gang violence. OVC has removed from the final rule the examples of possibly underserved victim populations, as such a list may change over time and is more appropriately set out in the preamble and supplementary OVC guidance, as necessary.

A commenter asked that OVC add economic crimes, such as identity theft, to the list of examples of underserved victims. OVC notes that, for the underserved victim category, VOCA requires funding be allocated to projects serving "previously underserved populations of victims of *violent crime*", and identity theft is not a violent crime. OVC, therefore, declines to make the change, but does note that States may still fund services for victims of such crimes, but cannot count those services toward meeting the required allocation for the underserved victim category.

A commenter asked that OVC increase the percentage of funding required to be allocated to underserved populations.

OVC has kept the mandated percentage at its present level, which balances the need for stability in state victim assistance funding with the need to ensure State victim assistance programs are responsive to emerging needs. The commenter also asked that OVC clarify that the exception allowing States to deviate from the underserved and priority percentages should be used sparingly. OVC notes that such requests are extremely rare (OVC has record of only one); thus, as a practical matter, an additional limitation of the exception is unnecessary. Other commenters asked OVC to require States to consult with sub-recipients prior to requesting approval to change allocations. As explained above, OVC anticipates such requests will be extremely rare, and declines to add such a requirement. The same commenter asked that OVC not tie exceptions for allocations for the sexual-assault priority category to overall crime rates, explaining that crime rates in a given time period are not necessarily reflective of victim service needs during the corresponding time period, as victims may not seek services immediately. OVC agrees, and the final rule allows other types of data to be used in supporting an exemption request.

A commenter asked that OVC require States to consult with rape crisis centers and sexual assault coalitions about the needs of sexual violence victims. OVC agrees that such consultation may be useful, but declines to include such a requirement in the rule, as OVC prefers to allow States to consult with a wide variety of stakeholders as appropriate.

Section 94.104(e) sets for the minimum requirements for SAAs sub-award process. It requires that SAAs have a documented methodology for selecting sub-recipients, follow DOJ grant rules regarding conflicts of interest, and encourages SAAs to fund eligible sub-recipients through a competitive process, which is described.

The proposed rule would have required competition of all sub-awards. Some commenters liked the proposed competition requirement, but others were opposed to it. Several commenters noted that requiring competition could increase administrative costs for SAAs, and could destabilize small victim assistance programs that would no longer be able to rely on consistent funding. Commenters noted that this may decrease the availability of services in rural areas where there are not many providers. A commenter from a SAA explained that it uses a conduit funding process in which it distributes funds to local victim witness units based on a formula, and these units then sub-award

the funding to local non-profit victim service organizations in accordance with State and county procurement rules. The commenter expressed concern that a competition requirement may undermine this process. Other commenters expressed concern that the requirement might cause problems with State contract cycles, and could undermine some prosecutor-based victim-witness assistance programs. Commenters also questioned whether there is evidence that competition creates innovation.

OVC appreciates the thoughtful comments submitted in response to this proposal, and recognizes the importance of allowing States discretion in determining which organizations receive funds and in what amounts. Due to the potential administrative burden of requiring competition (particularly in jurisdictions with a limited number of SAA staff), OVC has not included such a requirement, though OVC does encourage SAAs to use a competitive process where feasible.

Many commenters expressed their opinion that VOCA funding should not be used as seed money for new organizations. OVC notes that any organization funded with VOCA Assistance funding—even through a competitive process—must meet the statutory program eligibility criteria, which requires either a record of effective victim services and financial support from non-VOCA funding, or substantial support from non-VOCA funding. One commenter asked that OVC require States to have a strategic state plan for allocating funding. The final rule encourages States to develop a funding strategy, and requires States to have a documented method of making funding decisions.

§ 94.105 Reporting Requirements

OVC renumbered this section from 94.106 in the proposed rule to 94.105 in the final rule. This section sets out SAA reporting requirements. The two key reports—subgrant award reports and performance reports—are the same reports required by the Guidelines, and the proposed rule. The rule does not specify time or manner in which these reports are to be submitted. The Government Performance and Results Modernization Act of 2010, Public Law 111–352 (Jan. 4, 2011), shifted many federal performance reporting requirements to a quarterly default, and OVC has changed the default performance reporting period in the rule accordingly. OVC will communicate the technical details of each year's reporting requirements to grantees via annual

program solicitations and supplemental guidance.

A commenter noted that multiple budget revisions may occur during the grant period, and that the proposed requirement that SAAs update the subgrant award report within 30 days of such revisions would be burdensome. The commenter requested that OVC retain its current practice of allowing SAAs to submit a revised subgrant award report before project closeout. In response, OVC notes that the subgrant award report contains only minimal budget information, and the importance of having accurate and timely information on subawards outweighs the minimal additional burden of updating this report within the specified timeframe. Recent upgrades to OVC's performance reporting systems should reduce the burden on SAAs as subrecipients now have the ability to enter SAR data directly. The final rule keeps the thirty-day reporting requirement.

Another commenter suggested that OVC should require additional reporting, specifically on unmet needs of victims and the estimated costs of providing such services. OVC declines to add such a requirement to the rule. One commenter suggested that the final rule should allow flexibility for OVC to change the reporting period for the performance report; OVC agrees and has added this but keeps the Federal fiscal year as the default reporting period.

§ 94.106 Monitoring Requirements

OVC renumbered this section from 94.107 in the proposed rule to 94.106 in the final. This section sets out the SAA's obligation to monitor its sub-awards. Many commenters complained that the proposed two-year on-site monitoring timeframe would be too burdensome and would be difficult for large jurisdictions to implement, and may lead to unintended consequences, such as SAAs' making fewer awards but of larger dollar amounts. Commenters pointed out that many states use risk assessment tools to determine priority for on-site monitoring, and some requested that OVC make the default rule three years instead of two years. Another commenter asked that OVC clarify that SAAs may request alternative monitoring plans as well as alternative monitoring frequency.

The final rule requires SAAs to develop and implement monitoring plans based on a default of regular desk monitoring, and biennial on-site monitoring, of all sub-awards. OVC also adds a requirement that such monitoring plans contain a risk assessment plan. The rule, consistent

with 2 CFR 200.331(b), (d) and (e), continues to permit SAAs to develop and implement alternative monitoring plans (e.g., quarterly reports and desk audits instead or in addition to site visits), and further clarifies that SAAs may also implement alternative monitoring timeframes as well. OVC believes that biennial on-site monitoring is a reasonable timeframe that balances resource demands with effective oversight, but SAAs may propose alternative plans. OVC recognizes that certain sub-recipients may have a long established history of appropriately administering a sub-award and may therefore require less intensive scrutiny than a relatively new sub-recipient or an established sub-recipient providing new services.

SAA Use of VOCA Funds for Administration and Training

§ 94.107 Administration and Training

OVC renumbered this section from 94.110 in the proposed rule to 94.107 in the final rule. This section is substantively unchanged from the proposed rule, except that OVC clarifies that SAAs must certify, pursuant to VOCA, at 42 U.S.C. 10604(h), in the notification of use of training/administrative funds, that they will not use VOCA funds to supplant State or local government funding. (The substantive rules regarding supplantation are set out in the next section, section 94.108.)

Overall, this section makes the program rules match the statutory provisions, which had changed after issuance of the Guidelines. VOCA limits administrative and training costs to five percent total for the combined costs of administration and training at the SAA level.

§ 94.108 Prohibited Supplantation of Funding for Administrative Costs

OVC renumbered this section from 94.111 in the proposed rule, to 94.108 in the final rule, and re-titled it to more accurately reflect what the section addresses. (Proposed section 94.108(a) is moved to section 94.121 in the final rule. Proposed section 94.108(b) through (e) is moved to section 94.112 in the final rule.) Section 94.108 sets out the rules for SAA use of VOCA funds for administrative costs and prohibits supplantation of State and local government funding with VOCA funding.

One commenter asked whether the baseline is to be established and documented on a one-time basis or each year of the grant. OVC currently requires SAAs to document a baseline each fiscal

year, based on its expenditures for administrative costs during that fiscal year and the previous fiscal year. A commenter pointed out that OJP has a definition of supplanting in its Financial Guide that differs from that in the proposed rule, and suggested that OVC simply adopt the DOJ Grants Financial Guide definition of the term instead of setting forth a separate definition. OVC agrees and has revised this paragraph to reference the Financial Guide definition. OVC requires SAAs to certify that they are not supplanting State administrative support for the State crime victim assistance program with VOCA funding.

§ 94.109 Allowable Administrative Costs

OVC renumbered this section from 94.112 in the proposed rule, to 94.109 in the final rule. (Proposed section 94.109 is moved to section 94.117 in the final rule.) Section 94.109 sets out allowable administrative costs.

Several commenters asked OVC to add a category for “activities that impact the delivery and quality of services to crime victims throughout the state,” including training managers of victim service agencies, State-wide victim notification systems, and support for victims’ rights compliance programs. OVC has added these activities. (OVC notes that direct service funding also may be used to support victim notification systems as well.) Direct service provider manager training is allowed, but categorized as a training expense under section 94.110. Several commenters expressed concern that allowing program evaluation would divert funding from direct services. OVC notes that the provision does not require evaluation, but merely allows it; furthermore, the total amount of funding for administrative costs is already capped by VOCA.

§ 94.110 Allowable Training Costs

OVC renumbered this section from 94.113 in the proposed rule, to 94.110 in the final rule. (Proposed section 94.110 is moved to section 94.107 in the final rule.) This section sets out allowable uses of training funds.

A commenter asked OVC to clarify that the allowable training costs are not limited by the two listed examples. In response, OVC edited the text to clearly state that such costs “generally include, but are not limited to” the two listed examples; these are merely examples and not limitations. Commenters also asked OVC to clarify that SAAs may use training funds to train managers and board members of victim service agencies, as is permitted under the

current Guidelines. OVC has added this to the final rule. Several commenters asked OVC to raise the percentage limits on administrative and training costs; as these are statutory requirements, however, OVC has no authority to do so.

Sub-Recipient Program Requirements

Sections 94.111 through 94.115 of the final rule set out the requirements that an entity must meet to be an “eligible crime victim assistance program.” (Sections 94.111 through 94.114 of the proposed rule are moved to section 94.108, 94.109, 94.110, and 94.116, respectively, of the final rule. Section 94.115(a) through (d) of the proposed rule is moved to section 94.112 of the final rule; and 94.115(e) of the proposed rule is moved to section 94.117 of the final rule. The responses to comments addressing those provisions of the proposed rule are found in the discussions of the corresponding sections as set forth in the final rule.)

Several commenters suggested that OVC reorganize the rule such that the requirements for eligibility as a sub-recipient entity versus the requirements for operating a sub-recipient project, are clearly delineated. OVC agrees, and has created a new heading “Sub-Recipient Program Requirements” and moved the requirements in the proposed rule section 94.104 *Eligible crime victim assistance programs*, to sections 94.111 through 94.115 of the final rule, under this heading. OVC also moved proposed 94.108(b) through (e) to section 94.112 of the final rule. Thus, sections 94.111 through 94.115 of this rule consolidate the eligibility requirements for the sub-recipient *organization* (i.e., program).

§ 94.111 Eligible Crime Victim Assistance Programs

VOCA establishes the criteria for an “eligible crime victim assistance program,” and the final rule merely provides clarifying interpretation needed for practical implementation. Section 94.111 of the final rule sets out the basic principle that the SAA may fund only eligible programs, and contains a provision requiring compliance with additional SAA criteria and reporting requirements. Several commenters asked that OVC strengthen language (in proposed section 94.115(d)) requiring sub-recipients to follow reporting requirements of the SAA. OVC has done so in section 94.111.

§ 94.112 Types of Eligible Organizations and Organizational Capacity

This section sets out the general types of eligible entities, and special

considerations for specific types of entities (moved from proposed section 94.108), as well as criteria for determining the organizational capacity of the entity’s program.

In section 94.112(a)(3) of the final rule, OVC modifies the proposed provision (proposed section 94.108(e)) on victim assistance organizations located in an adjacent state to eliminate unnecessarily bureaucratic requirements in the Guidelines, while keeping the requirement to provide notice to the SAA where the organization is located, and encouraging co-ordination on various award oversight matters. Several commenters asked for clarification of the rules for SAA programs operating direct services projects with VOCA funds (proposed section 94.108(d)). In response, OVC has modified section 94.112(a)(4) of the final rule to clarify these points by eliminating confusing and redundant text that reiterated the statutory requirement that SAAs use no more than five percent of VOCA funds for administrative and training costs.

With regard to determining the organizational capacity of a sub-recipient, under section 94.112(b) of the final rule, the SAA determines what constitutes “a record of effective services to victims of crime,” and this may vary depending on the State, and community served, and the entity providing services. Though this provision is reworded slightly for clarity, OVC leaves unchanged in the final rule the non-exclusive list of considerations that SAAs may take into account when making this determination. The SAA should be able to articulate the basis for its determination, should OVC request it. SAAs may also consider additional factors, such as the type of victim the entity’s services address, the type of services provided, best practices within that service field, and the characteristics of the entity (e.g. small, specialized service provider; larger, comprehensive service provider).

§ 94.113 Use of Volunteers, Community Efforts, Compensation Assistance

Commenters urged OVC to make it clear that the mandated use-of-volunteers provision, at section 94.115(a) of the proposed rule, applies as an eligibility requirement for sub-recipient organizations (programs), not as a requirement for individual projects. OVC agrees with the commenters that the use-of-volunteers provision applies to programs, not individual projects, and has thus placed the final rule provision addressing waiver of this

statutory requirement in section 94.113(a) of the final rule.

Commenters asked that OVC clarify proposed section 94.115(c), to state that a sub-recipient may comply with the VOCA requirement to assist victims in applying for compensation by providing referrals. OVC agrees and has made this clarification in section 94.113(d) of the final rule.

A commenter asked that OVC add additional requirements to the VOCA mandate that sub-recipients assist victims in applying for victim compensation by requiring that sub-recipients also assist victims in understanding their State and federal rights, how to assert those rights, and what to do if their rights are not considered or denied. OVC has not added such a mandate, as these are not eligibility criteria mandated by VOCA, but OVC does encourage all victim assistance organizations to assist victims in understanding their rights, or providing referrals to organizations that can do so, where appropriate. A commenter asked that OVC clarify that victim assistance programs should also assist victims of federal crime in applying for compensation. OVC agrees, and has added language accordingly.

§ 94.114 Prohibited Discrimination

OVC received several comments on proposed section 94.104(h) (now section 94.114 of the final rule), which stated “The VOCA non-discrimination provisions specified at 42 U.S.C. 10604(e) shall be implemented in accordance with 28 CFR part 42, and guidance from the Office for Civil Rights within the Office of Justice Programs.” Several commenters advocated that OVC add explicit regulatory language prohibiting discrimination based on sexual orientation and gender identity to the final rule and offered several reasons why such a provision would benefit victims. OVC acknowledges that people who identify as lesbian, gay, bisexual, transgender, or questioning/queer (“LGBTQ”) suffer disproportionately from violence and its effects, and often do not have access to informed services to help them recover in the aftermath of a crime. However, because OVC did not include in the proposed rule a definition that discrimination based on sex includes discrimination based on sexual orientation, and because OVC anticipates that the law will continue to evolve on this issue, OVC declines to include such language at this time. OVC will continue to monitor legal developments in this area. With respect to gender identity, the Department of Justice has concluded that statutory

prohibitions on discrimination on the basis of sex encompass discrimination based on gender identity in other contexts. See, e.g., Memorandum from Eric H. Holder, Attorney General, Re: Treatment of Transgender Employment Discrimination Claims Under Title VII of the Civil Rights Act of 1964 (Dec. 15, 2014). OVC is aware of no reason why the statutory phrase “on the ground of . . . sex” in 42 U.S.C. 10604(e) should receive a different construction.

§ 94.115 Non-Disclosure of Confidential or Private Information

Several commenters noted that OVC had not included a provision regarding confidentiality in the proposed rule, and suggested that OVC add such a provision. The commenters noted that the 2013 reauthorization of the Violence Against Women Act contained a provision, 42 U.S.C. 13935(b)(2), that many VOCA-funded organizations would have to comply with as a condition of their VAWA funding, and suggested that OVC model its provision on that. OVC agrees and has done this in section 94.115 of the final rule.

Sub-Recipient Project Requirements

§ 94.116 Purpose of VOCA-Funded Projects.

OVC renumbered section 94.114 of the proposed rule as section 94.116 of the final rule, under the heading “Sub-Recipient Project Requirements” instead of “Sub-Recipient Program Requirements.” (Section 94.116 of the proposed rule is moved to section 94.118 of the final rule.) This section sets forth a brief statement of the purpose of VOCA sub-awards. The proposed provision was confusing, and OVC has attempted to draft the statement more clearly in the final rule.

Additionally, the requirement in the Guidelines (sec. IV.B.11) that sub-recipients must provide services to victims of federal crimes on the same basis as to victims of crimes under State or local law is added to the final rule, as it was inadvertently omitted from the proposed rule but is a long-standing principle applicable to federal victim assistance funding. The final rule also sets forth OVC’s policy clarification that victim eligibility for direct services under the VOCA Assistance Program is not dependent on the victim’s immigration status. This principle derives from the nature of services provided by most VOCA-funded victim service providers in light of the Personal Responsibility Work Opportunity Reconciliation Act of 1996, and was communicated to all VOCA Assistance

(and Compensation) SAAs in a June 28, 2010, OVC Director Memorandum.

§ 94.117 Cost of Services; Sub-Recipient Program Income

This section sets forth the rules for VOCA-funded projects that will charge for victim services. (Section 94.117 of the proposed rule is moved to section 94.119 of the final rule.) OVC has long held that VOCA-funded victim services should be free of charge for victims where possible, although it recognizes that in some situations a service provider may be justified in charging for services or otherwise generating program income.

The provisions in section 94.117 of the final rule are adapted from sections 94.115(e) and 94.109 of the proposed rule. A commenter suggested that this section be moved to a new division setting out VOCA project requirements; OVC has done this. Commenters also suggested that OVC re-word the provision to be more direct. OVC has done this, as well. OVC also simplified the provision to state that program income must be used consistently with Federal grant rules and the DOJ Grants Financial Guide (available on the Office of Justice Programs’ Web site, at www.ojp.gov), instead of reiterating those requirements here. This aligns the program income rules for this program with the recently issued government-wide grant rules, and this simplification will reduce the burden of compliance on SAAs and sub-recipients.

A commenter requested that OVC add a requirement that sub-recipients provide proof or certification of compliance with the program income requirements when seeking reimbursement from State compensation programs. OVC declines to add such a requirement to this rule, as this type of requirement is more appropriately created in the application requirements and collateral source verification procedures for victim compensation programs, or as an arrangement among State agencies.

§ 94.118 Project Match Requirements

This section is renumbered from 94.116 in the proposed rule to 94.118 in the final rule, and moved under the “Sub-recipient Project Requirements” heading, as commenters correctly pointed out that match is applicable to the VOCA project, not the program. (Section 94.118 of the proposed rule is moved to section 94.120 of the final rule.)

Some commenters suggested eliminating match all together, while others suggested various different levels for match. OVC has kept a match

requirement, as it serves several purposes, including leveraging federal funding, indicating organizational capacity, and encouraging local investment and engagement in VOCA-funded projects.

Some commenters recommended that OVC consider allowing match at the State level, rather than on a sub-recipient by sub-recipient basis, as this would bring VOCA grant rules into harmony with match requirements under other programs (e.g., those in Family Violence Prevention and Services Act and Violence Against Women Act). OVC has declined to make this change, as it would be a major departure from the Guidelines, and as match required on the project level ensures that sub-recipients have a stake in, and are invested and engaged in, the VOCA-funded project. OVC does note, however, that an SAA is authorized to contribute to match using non-federal funds for any (or all) sub-recipient projects, which authorization, as a practical matter, permits SAAs to provide match at the State level.

A commenter asked that OVC modify the proposed requirement that match be used for the same uses and timing as the project's VOCA funding. OVC declines to do so, as this rule is long-standing and consistent with similar rules that apply to other OVC and federal awards. OVC does note, however, that non-cash contributions—for example, professional services—may be counted as match.

Commenters also questioned why Native American and Alaskan Native sub-recipients and projects on tribal lands, as well as projects in U.S. territories and possessions (excluding Puerto Rico), are not required to provide match. Some commenters asked OVC to keep the 5% match for tribes, while other commenters asked that OVC keep the rule as proposed. OVC has found that these communities often lack victim services, have great victim service needs, and are more often likely to have difficulty meeting match requirements. Match serves the purpose of encouraging collaboration among service providers, and creating a local stake in project outcomes, but it also can present a barrier to applying for VOCA assistance funding in tribal and territorial communities that have relatively few victim service organizations, and have not traditionally been supported by resources available to organizations operating in states. Not requiring match as a default for such communities is designed to streamline application requirements in these areas where, in OVC's experience, the benefits of a match requirement are outweighed

by its burdens. OVC agrees that other areas of the country may face similar circumstances, and, therefore, the final rule provides that OVC will consider exceptions to match upon SAA request, and sets forth generally how OVC will evaluate such requests.

Sub-Recipient Allowable/Unallowable Costs

§ 94.119 Allowable Direct Service Costs

This section is renumbered from 94.117 in the proposed rule to 94.119 in the final rule. (Section 94.119 of the proposed rule is moved to section 94.121 of the final rule.) This section sets forth allowable direct service costs for VOCA projects. Most of these allowable costs (and the parameters under which the direct services may be provided) are essentially the same as those in the existing Guidelines and in the proposed rule, but there are some differences, which are discussed below.

General comments. Some general comments asked OVC to clarify that it is not encouraging States to significantly shift funding by allowing new activities. Nowhere in the proposed or this final rule does OVC state that it is encouraging States to significantly shift funding by allowing new activities. Rather, the changes to costs allowed under this program, described below, are important, but marginal, changes that should give States more flexibility when compared to the Guidelines to best serve victims in their communities, but does not require a significant reallocation of resources. Thus, no change is being made in section 94.119 of the final rule to address this comment.

The commenter also asked that OVC clarify that all services provided by VOCA-funded projects are voluntary and should not be contingent upon the client participating in certain support services. OVC is unclear what support services the commenter refers to and so declines to make a change to the rule based on this comment but notes that there are existing rules in place (see 28 CFR part 42) prohibiting services being contingent upon participation in religious activity.

Emergency medical/health care. A commenter expressed concern that proposed section 94.117(a)(1)(ix), which allowed for certain emergency costs for medical and health care, would have limited the amount of time that such services could be provided to 48 hours. OVC believes that the commenter misunderstood the proposed provision, which does not limit such costs, but merely requires that the service provider

reasonably believe that an alternative source of payment will not be available within 48 hours. OVC has clarified, in final section 94.119(a)(9), that service providers may pay these costs when other resources are not expected to be available in time to meet emergency victim needs.

Facilitation of participation in criminal justice and other proceedings.

A commenter suggested that OVC expand the proposed section 94.117(a)(5) to allow service providers to facilitate victim participation in any public proceeding (e.g., juvenile justice hearings; probation, parole, pardon proceedings; grievance procedures, and sexual predator civil commitment proceedings), not merely criminal justice proceedings. OVC agrees that victims often have an interest in participating as a victim in various fora, and has modified the provisions of section 94.119(e) of the final rule accordingly, to allow the facilitation of such participation.

Legal assistance. The final rule, section 94.119(a)(10), is substantively equivalent to the corresponding section of the proposed rule (which was substantively the same as the Guidelines) regarding use of VOCA funds for emergency legal assistance. In the proposed rule, section 94.117(a)(6) would have expanded allowable legal assistance for victims beyond the emergency context. OVC received many comments on this proposed paragraph, which is renumbered as section 94.119(f) in the final rule.

Many of the comments opined that the proposed provision on allowable legal assistance was either too broad or too narrow in what it allowed. One commenter asked that OVC state expressly that legal services for divorce, child support, criminal defense, and tort lawsuits are not appropriate uses of VOCA funding. Other commenters asked that OVC clarify that criminal defense services may be appropriate where it is directly related to intimate partner violence.

OVC has clarified the rule to state expressly which costs are unallowable—those for criminal defense and tort lawsuits. This clarification makes the program consistent with the OVW Legal Assistance for Victims program (many organizations receive both OVC and OVW funding), which also does not fund criminal defense or tort lawsuits, and also creates a bright-line rule that is more easily administered. OVC notes that some jurisdictions allow victims to file a motion to vacate and/or expunge certain convictions based on their status of being victims. OVC has clarified that such services are allowable with VOCA

funds. The OVW program does support legal assistance with victim-related family law matters, and OVC has drafted the language of paragraph (f)(3) to be broad enough to include these and other non-tort legal services in a civil context that are reasonably necessary as a direct result of the victimization as allowable costs. Such non-tort, civil legal services include, but are not limited to, assistance in divorce, and child custody and support proceedings.

Many commenters wanted OVC to expand its examples of allowable legal assistance costs in the proposed rule to include specific examples relevant to the organization commenting. On the other hand, some commenters expressed concern that some organizations may misinterpret the examples in the proposed rule as limits. OVC has carefully considered these comments and, in the final rule, has opted to move most of the examples into the preamble of the rule. OVC will issue supplementary guidance as may be needed to further clarify the applicability of the rule in specific factual scenarios.

The following are examples (which are merely illustrative, and not meant to be a comprehensive listing) of some circumstances where civil legal services may be appropriate: Proceedings for protective/restraining orders or campus administrative protection/stay-away orders; family, custody, contract, housing, and dependency matters, particularly for victims of intimate partner violence, child abuse, sexual assault, elder abuse, and human trafficking; immigration assistance for victims of human trafficking, sexual assault, and domestic violence; intervention with creditors, law enforcement (e.g., to obtain police reports), and other entities on behalf of victims of identity theft and financial fraud; intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person's victimization. OVC recognizes that the available resources in each State differ, and, therefore, States retain broad discretion to set limits on the type and scope of legal services that it allows its sub-recipients to provide with VOCA funding.

Forensic medical evidence collection examinations. OVC received several generally supportive comments regarding proposed section 94.117(a)(7), which allowed forensic medical evidence collection examinations to the extent that other funding sources are insufficient, the examination meets State standards, and appropriate crisis

counseling and/or other victim services are offered in conjunction with the examination. The final rule, renumbered as section 94.119(g), is unchanged from the proposed rule, except that the final rule does not require examinations to meet State standards, but rather encourages sub-recipients to use specially trained examiners such as Sexual Assault Nurse Examiners to perform these exams. The final rule, similarly, encourages, rather than mandates, that crisis counseling or other services be offered in conjunction with the examination, in order to allow sub-recipients to provide such services as may be appropriate in any given situation.

Forensic interviews. OVC received several comments on proposed section 94.117(a)(8), which allowed forensic interviews, and which is renumbered as section 94.119(h) in the final rule. Some commenters supported allowing VOCA funding for forensic interviews, while others expressed the opinion that VOCA funds should not fund investigative costs. Allowing States to support the costs of victim-centered forensic interviews, particularly those conducted in a multi-disciplinary setting, will help victims by reducing traumatization.

The final rule does not include the provision in proposed section 94.117(a)(8)(iv), which would have disallowed VOCA funding used to supplant other funding available for forensic interviews, including criminal justice funding. OVC believes that providing States additional flexibility to meet this important victim need (which, if unsupported, may lead to re-traumatization of the victim) outweighs potential concerns that victim service funding will supplant law enforcement funding for this activity.

A commenter cautioned that forensic interviews should be conducted by child advocacy center forensic interviewers who have training and adhere to the National Child Advocacy Center guidelines. OVC believes this comment is well intentioned, but notes that not all victims needing specialized forensic interviews are children—for example, some victims are adults with disabilities. Moreover, the Federal Bureau of Investigation and some States use alternative standards. Therefore, OVC defers to SAAs to determine what organizations appropriately may provide this service.

Services to incarcerated individuals. The existing Guidelines do not allow OVC Victim Assistance Program funds to be used for rehabilitative services or support services to incarcerated individuals (see Guidelines, section IV.E.3.b). OVC, in proposed section

94.120(b) would have modified the prohibition on perpetrator rehabilitation and counseling, to allow services to incarcerated victims in certain circumstances, and, in proposed section 94.117(a)(11), set out proposed rules describing such circumstances.

In this final rule, OVC simply removes the prohibition on perpetrator rehabilitation and counseling, as the prohibition unnecessarily prevents States and communities from fully leveraging all available resources to provide services to these victims, who have been shown to have a great need for such services. States and VOCA-funded sub-recipients may set eligibility criteria for their victim service projects, and thereby determine, in accordance with VOCA and this rule, whether and how such victims might be served by VOCA-funded projects. Correspondingly, OVC does not include any provision under allowable costs addressing services to incarcerated victims, as the costs permitted for direct services to incarcerated victims are the same as those permitted for such services to any crime victim.

OVC received a wide range of comments on this provision. Many were supportive of the removal of the prohibition on providing services to incarcerated victims. Some commenters wanted OVC to affirmatively encourage States to permit sub-grantees to use VOCA funding for such services. Some commenters expressed the sentiment that the prison system should be responsible for addressing victim services for incarcerated persons, in the same way that it provides medical care and other services. OVC agrees that the government agencies that oversee detention/correctional facilities have responsibilities for the care of victims within their custody, but believes that prohibiting VOCA-funded organizations from providing services to incarcerated victims deprives such victims of, and communities of, experienced victim service resources. Indeed, such organizations are often the only organizations able to provide such services in some communities.

A commenter noted that the restriction causes agencies routinely to deny services to incarcerated victims but provides the exact same services for the exact same crime to those assaulted just outside the facility. OVC recognizes that victim service resources are finite, but believes that States are best positioned to make resource allocation decisions. Removing the prohibition on serving incarcerated victims will allow States to serve all victims better and more efficiently leverage the expertise of victim service organizations.

Several commenters expressed concern that the proposed rule may trigger the Prison Rape Elimination Act (PREA) provision requiring a reduction or reallocation of federal funding available to a State for “prison purposes” if the State fails to certify compliance with the Department’s National Standards to Prevent, Detect, and Respond to Prison Rape. See 42 U.S.C. 15607(e); 28 CFR part 115. The commenters suggested various ways to re-draft the proposed rule to make it clear that VOCA funds are not available for “prison purposes” and mandated reduction or reallocation under PREA. Some commenters expressed support for the proposed rule, but only if the Department clarified that the change would not bring VOCA funding under the PREA penalty. In response, OVC notes that VOCA funds are not available for “prison purposes,” but rather, are—by statute—specifically allocated for victim services.

The final rule, in response to these concerns, does not require that services to incarcerated victims must be provided, or how such services should be provided, but merely removes the express prohibition on such services that existed in the Guidelines. As noted in section 94.103 of the final rule, SAAs have sole discretion to determine what organizations will receive funds, and in what amounts, subject to the minimum requirements of this final rule and VOCA. Nothing in VOCA, or this final rule, allows VOCA funding to be diverted to “prison purposes;” rather, VOCA funding is expressly limited by statute to victim services and associated activities. A letter issued to State governors by OVC and OVW on February 11, 2014, did not list any VOCA programs as being available for prison purposes. See http://www.prearesourcecenter.org/sites/default/files/content/feb_11_2014_prea_letter_with_certification_and_assurance_forms.pdf. VOCA funding, therefore, is not subject to mandated reduction or reallocation for non-compliance under PREA.

Transitional housing. The final rule, at section 94.119(k), includes one noteworthy change from section 94.117(a)(12) of the proposed rule, in which OVC proposed to allow States more flexibility to allow VOCA-funded projects to support transitional housing. Specifically, the final rule provides examples of expenses typically associated with transitional housing to help illustrate allowable uses of this funding. OVC views transitional housing as a necessary victim expense for some victims. This is particularly true for victims of human trafficking,

victims with disabilities abused by caretakers, domestic violence victims and their dependents, and sexual assault victims. Under the proposed rule, States may use VOCA funds for housing and shelter purposes to the extent that such is necessary as a consequence of the victimization and for the well-being of the victim.

For example, shelters for victims of domestic violence or human trafficking would be allowable uses of VOCA funds. Similarly, it would be allowable in the case of sexual assault, where a victim needs to move. To the extent SAAs choose to permit VOCA funds to be used for transitional housing purposes, OVC anticipates that these agencies would focus on those victims with the most need.

Some commenters liked the proposed rules on transitional housing and relocation, while others opposed them. A commenter noted that VOCA-funded programs may not have the experience or resources to monitor housing programs. OVC recognizes that some SAAs will not have such experience, but the rule merely *allows* States to fund this activity; it does not require it. OVC expects that States will exercise their discretion to fund only projects that they believe will be able to undertake the allowed activities successfully.

One commenter wanted OVC to clarify that state limits on types of victims eligible for transitional housing assistance must not violate VOCA non-discrimination provisions. OVC agrees that States may not violate the non-discrimination provision when prescribing limits on allowable costs for transitional housing. The commenter also requested that OVC define “dependent child” to include dependents of all LGBTQ survivors. OVC strongly agrees that dependents of LGBTQ victims should be eligible for such assistance to the same extent as dependents of non-LGBTQ victims, if such assistance is provided. The VOCA rule establishes the basic rules for State administration of VOCA funds, however, and prescribing detailed rules for eligibility for particular types of assistance projects, as the commenter suggests, is beyond the scope of the rule.

A commenter suggested that OVC add language setting out factors that States should consider when setting limits on transitional housing expenses. OVC declines to include these in the rule, but notes that States may choose to consider the factors mentioned, which include the availability of affordable alternative and rental housing; other sources of support and housing for the victim, such as Section 8 housing vouchers in the immediate locale of the victim; and

waiting lists for Section 8 housing in the area.

A commenter suggested that OVC use OVW’s transitional housing program as a model. OVC is not setting detailed parameters for transitional housing costs in this rule. To the extent they find the OVW model is useful, the final rule allows States to follow that model.

A commenter requested that OVC advise States to use their VOCA Compensation funds to meet transitional housing needs, before accessing VOCA Assistance funding for this purpose. OVC notes that it does not anticipate States using VOCA Assistance funding to create new programs for transitional housing, though this would be permissible. Instead, OVC anticipates that States may allow VOCA-funded service providers to expand the range of services offered to victims, and supported by the VOCA subaward, to include transitional housing. OVC further notes that each State Compensation program determines coverage of crimes and expenses for its jurisdiction. Therefore, some State Compensation programs may not cover transitional housing needs. OVC wishes to allow States the flexibility to access either VOCA Assistance or Compensation funding for transitional housing related needs, as would best serve victims and is permissible in their jurisdictions, and therefore declines to recommend that States access VOCA Compensation funds prior to accessing VOCA Assistance funds.

Relocation expenses. The final rule, at 94.119(l), generally remains substantially unchanged from the proposed rule, 94.117(a)(13), although the language in this paragraph is reorganized from the proposed rule. The final rule removes the emphasis on particular victims (*i.e.*, domestic violence victims, victims of sexual assault, and victims of human trafficking) who may be in need of relocation assistance. This language is removed so as not to limit inadvertently those victims who are eligible for relocation expenses.

Additionally, the final rule omits the reference in the proposed rule to providing “mortgage assistance”, due to the complicated nature of administering such assistance. Thus, under the final rule, while relocation expenses are allowable, mortgage expenses are not allowable.

§ 94.120 Allowable Costs for Activities Supporting Direct Services

OVC renumbered this section from 94.118 in the proposed rule to 94.120 in the final rule, setting forth allowable activities that support direct services.

(Section 94.120 of the proposed rule is moved to section 94.122 of the final rule.)

One commenter asked (with regard to co-ordination activities, automated systems and technology, and volunteer trainings) whether these are allowable as stand-alone projects that may be funded by a State, or whether they must be part of a direct service project. OVC intends that these may be funded by a State in either manner. If they are funded as stand-alone activities, however, they should be activities that leverage resources for direct victim services (e.g., a stand-alone project to train volunteers may make more volunteers available to provide direct services).

Coordination of activities. The final rule gives SAAs the latitude to allow sub-recipients to use VOCA funds for activities coordinating victim services. Many commenters supported this provision in the proposed rule. A few opposed, as they were concerned this would divert VOCA resources away from other activities. OVC notes that the final rule provides States with additional flexibility, but does not mandate that States reallocate any funding. Moreover, in the last decade it has become apparent that co-ordination and oversight activities are desirable and may in many cases improve the provision of direct victim services.

A commenter requested that OVC add coalitions to support and assist victims to the list of allowable activities, and OVC has done this.

Contracts for professional services. OVC proposed to allow sub-recipients to contract for professional services not available within the sub-recipient organization (in contrast to the Guidelines, which does not allow this). OVC has maintained this section as proposed, in section 94.120(d) of the final rule, but made the examples more concise and conceptual to improve readability. Some commenters suggested that the rule needed to reflect better how contract service providers charge overhead costs, suggesting that the rule be made consistent with that for volunteered services; i.e., the contract rate must be a reasonable market rate for the services provided. OVC agrees and has done this.

Automated systems and technology. The proposed rule at section 94.118(e) would have allowed the use of funds for automated systems and technology that support delivery of direct services to victims, and provided examples of such systems and technology, and provided that procurement of personnel, hardware, and other items, were allowable if permitted by the SAA. The

final rule, at section 94.120(e), reorganizes the proposed paragraph to fit with the revised structure of the overall section. It also adds a provision indicating that the allowability of such systems and technology is subject to the DOJ Financial Guide and government-wide grant rules, which provide detailed rules relating to the acquisition, use, and disposition of technology equipment and supplies. See 2 CFR part 200. Certain criteria for SAAs to consider when permitting sub-recipients to use funding for automated systems and technology were set out in the Guidelines, but were omitted from the proposed rule. These are added back into the final rule as factors that may be useful for SAAs to consider when determining whether to permit funding to be used for this purpose.

Volunteer trainings. The proposed rule, at section 94.118(f) allowed the use of direct service funding in certain circumstances to train volunteer direct service providers, and OVC has kept this provision largely unchanged, at 94.120(6). The proposed rule focused on Court Appointed Special Advocate (CASA) volunteers, but commenters suggested that the final rule should be more general, so as not to limit such funding to the CASA context. OVC agrees and has made this edit. The use of direct service funds to support training and co-ordination of volunteer services in such circumstances is appropriate, as it typically allows funded organizations to cost-effectively leverage the available funds and volunteer efforts to provide more direct services for victims.

Restorative justice. The proposed rule inadvertently omitted reference to restorative justice efforts, which are permitted in the current Guidelines. OVC has added this back into this final rule at section 94.120(g). The final rule is substantially similar to the Guidelines, except that the paragraph is reorganized to fit stylistically within the final rule, and to provide examples of restorative justice efforts (e.g., tribal community-led meetings and peace-keeping activities). Also, where the Guidelines required such efforts to have “possible” beneficial or therapeutic value, the final rule requires that such efforts must have “reasonably anticipated” beneficial or therapeutic value. OVC believes that such a standard is better suited to meet victim needs.

The final rule provides that a victim’s opportunity to withdraw must be inherent in any restorative justice effort supported by program funds, whereas the Guidelines had merely included this as one of several criteria that SAAs

should consider when deciding whether to fund such efforts. Lastly, the Guidelines included as another criteria the benefit or therapeutic value to the victim, while the final rule requires that SAAs also consider the costs in relation to the benefit or therapeutic value to the victim, as restorative justice efforts can be expensive and those costs may not be justified under certain circumstances.

§ 94.121 Allowable Sub-Recipient Administrative Costs

Section 94.121 of the final rule sets out allowable sub-recipient administrative costs. These are substantively the same as those in the existing Guidelines, and as in proposed section 94.119.

A commenter noted that there was a discrepancy in the proposed rule, in that training costs were allowed for non-VOCA-funded service providers, but travel costs to attend trainings were *not* allowed for such providers. OVC agrees that training and training-related travel for non-VOCA-funded service provider staff should be allowable, and has changed the final rule accordingly, at section 94.121(c). The commenter also asked that OVC include certain additional items (e.g., costs of Web sites, social media, mobile devices) in the examples of allowable administrative costs, and OVC has done this in section 94.121(f).

Several commenters suggested that evaluation costs in section 94.121(j) should be capped at a percentage of the grant. OVC believes that evaluation is an important part of improving victim services by developing data-driven improvements to programs and does not cap evaluation costs in the rule. OVC does note that the rule does not prevent SAAs from capping such costs (on a State-wide or project-by-project basis, as appropriate), or limiting such costs to amounts that are reasonable given State goals and funding constraints.

§ 94.122 Expressly Unallowable Sub-Recipient Costs

OVC has renumbered proposed 94.120 as section 94.122 of the final rule, setting forth expressly unallowable project costs. Most of these provisions are the same as those in the existing Guidelines, and the proposed rule, with the following exceptions:

Perpetrator rehabilitation and counseling. The rule prohibiting use of VOCA funds for perpetrator rehabilitation and counseling has been removed to allow VOCA-funded service providers to provide victim assistance services to victims who are incarcerated. This is more fully discussed above in

the discussion of comments under section 94.115 of the final rule.

Victim attendance at conferences. OVC has removed this odd provision from the list of unallowable costs, but expects that sub-recipients will not use funds for this purpose.

Purchasing vehicles. Some commenters favored allowing the purchase of vehicles with VOCA funds, but others opposed it. OVC agrees with comments that pointed out that in some jurisdictions purchasing a vehicle may be more cost effective than leasing a vehicle for victim service work and has removed purchasing vehicles from the list of unallowable costs. States now have the discretion to allow sub-recipients to lease or purchase vehicles.

Indirect organizational costs. The government-wide grant requirements in 2 CFR part 200, as implemented in December 2014 by the Department of Justice at 2 CFR part 2800 (79 FR 76081, Dec. 19, 2014), state a policy that federal awards should bear their fair share of costs, including reasonable, allocable, and allowable direct and indirect costs. This contrasts with the VOCA Guidelines, which prohibit indirect organizational costs. Given the policy in the recently issued government-wide requirements, OVC has removed the provision that prohibited sub-recipients from using VOCA funds for certain organizational costs. Removing the prohibition should simplify administration of VOCA sub-awards, by aligning the requirements for VOCA-funded projects, with the government-wide grant requirements and cost principles, which allow federal funding to support sub-recipient indirect costs (*see* 2 CFR 200.331 and 200.414).

In the Guidelines, and the proposed rule at 94.120(f), liability insurance on buildings, and body guards (which OVC understands to mean security guards, as it is listed as a capital expense), were not allowable. OVC removes these from the list of unallowable costs in the final rule, as these costs may be allowable under the revised government-wide grant rules in 2 CFR part 200, if appropriately allocated to an award either directly or indirectly.

IV. Regulatory Certifications

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Office for Victims of Crime has reviewed this regulation and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities. The OVC Victim Assistance Program distributes funding to States pursuant to

the VOCA formula, a statutory provision, which is not affected by this regulation. The VOCA formula sets out the allocation of grant funds among States, and designates the States that will receive grant funds—the regulation alters neither the allocation of Federal funding, nor the designation of which States will receive annual funding pursuant to that allocation. Moreover, VOCA affords substantial latitude to the States in determining where to allocate the formula funding within each jurisdiction. This rule, to the extent that it creates certain set asides and permissible areas of emphasis for State victim assistance programs, only applies to federally provided funding. As a rule governing a Federal grant program to States and major U.S. territories, the only economic impact on small entities is that of potential financial assistance, as the rule would not apply to any entity that was not a recipient of VOCA funding under this program. This regulation, therefore, will not have a significant economic impact on a substantial number of small entities.

Executive Orders 12866 and 13563—Regulatory Review

This rule has been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review” section 1(b), Principles of Regulation, and in accordance with Executive Order 13563 “Improving Regulation and Regulatory Review” section 1(b), General Principles of Regulation.

The Office of Justice Programs has determined that this rule is a “significant regulatory action” under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

Executive Order 13563 directs agencies to propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs; tailor the regulation to impose the least burden on society, consistent with obtaining the regulatory objectives; and, in choosing among alternative regulatory approaches, select those approaches that maximize net benefits. Executive Order 13563 recognizes that some benefits and costs are difficult to quantify and provides that, where appropriate and permitted by law, agencies may consider and discuss qualitative values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

The rule merely clarifies and updates the existing Guidelines, but does not

alter the existing program structure at all. Updating the existing Guidelines to clearly and accurately reflect the statutory parameters will facilitate State compliance with VOCA requirements, and thus avoid potentially costly non-compliance findings. The rule makes some substantive changes to the existing Guidelines, but most of these would be of a permissive, not restrictive or mandatory, nature. Some changes, like allowing more flexibility to co-ordinate and leverage community resources, and adopt alternative monitoring strategies, would impose no costs but will potentially allow States to use existing funding more efficiently. Other changes that allow States to allocate funding to services not presently allowable could change the allocation of VOCA funding among victim services provided by sub-recipient organizations, and among victim service organizations. Such reallocations of funding, however, are not mandated and each State would make the ultimate decision with regard to whether to change its current funding allocations, if it chooses to do so at all. This is not a change from the present discretion that States have to allocate funding according to State priorities. Any potential reallocations would be relatively minor (even when taken in aggregate across States) in comparison to the overall mix of allowable victim services, and thus they are unlikely to create new costs or significant fund transfers. In any event, the benefits of additional services for underserved and un-served victims are significant.

The provision allowing alternative risk-based monitoring procedures imposes no new costs on States that choose to retain their existing procedures, but will allow States that wish to implement more cost effective alternatives to do so.

The elimination of match for American Indian and Alaskan Native tribes and projects on tribal lands will permit victim service organizations in these communities, many of which do not have the resources to provide matching funds, the ability to more easily seek VOCA funding for victim services. This will benefit victims in these communities, many of whom are underserved. This change is unlikely to impose new costs on States, as there is no requirement that the administering agencies fund American Indian or Alaskan Native tribes or organizations at a particular level, and the amount of funding allocated to these organizations historically is a very small percentage of overall VOCA funding.

All of the changes to the provisions governing allowable and unallowable costs are in the nature of granting States

additional flexibility to fund certain activities. None of the changes would require States to expend additional funding in any area, or change funding allocations. Moreover, the changes, while important, are relatively minor when compared to the entire scope of costs allowable with VOCA funding. Consequently, to the extent that States choose to fund the newly allowable victim services (e.g., increased time allowed in transitional housing), the reallocation of funding will not result in a significant reallocation of overall funding, given the small number of newly allowable services when compared to the overall mix of allowable victim services. In addition, it is not certain which States will permit what additional services if given the flexibility to do so, and to what extent, as these decisions typically are often made through State legislative or administrative processes and address considerations unique to each State. The important benefit of such potential minor reallocations of resources, whether within organizations that presently receive VOCA funding and will provide augmented services, or (in the less common case) to new organizations, would be that previously underserved or un-served victims would receive needed assistance.

Executive Order 13132—Federalism

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government, as the rule only affects the eligibility for, and use of, federal funding under this program. The rule will not impose substantial direct compliance costs on State and local governments, or preempt any State laws. Therefore, in accordance with Executive Order No. 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) & (b)(2) of Executive Order No. 12988. Pursuant to section 3(b)(1)(I) of the Executive Order, nothing in this or any previous rule (or in any administrative policy, directive, ruling, notice, guideline, guidance, or writing) directly relating to the Program that is the subject of this rule is intended to create any legal or procedural rights enforceable against the United States, except as the same may be contained

within subpart B of part 94 of title 28 of the Code of Federal Regulations.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. The VOCA Victim Assistance Program is a formula grant program that provides funds to States to provide financial support to eligible crime victim assistance programs. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

This rule does not propose any new, or changes to existing, “collection[s] of information” as defined by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and its implementing regulations at 5 CFR part 1320.

OVC sets forth a requirement, in section 94.105 of the final rule that SAAs update their subgrant award report information within 30 days of a change in such information. This requirement does not change the overall burden of the subgrant award report, which is estimated to take approximately three minutes to complete. It merely provides a reasonable timeframe for updating information that changes during a grant period. As the report contains only high level summary data, not detailed budget data, OVC estimates that the burden of requiring updates of this report throughout the grant period will be minimal.

List of Subjects in 28 CFR Part 94

Administrative practice and procedure, Formula grant program, Victim assistance.

Accordingly, for the reasons set forth in the preamble, Title 28, part 94, of the

Code of Federal Regulations is amended as follows:

PART 94—CRIME VICTIM SERVICES

■ 1. The authority citation for part 94 is revised to read as follows:

Authority: 42 U.S.C. 10603, 10603c, 10604(a), 10605.

■ 2. Add subpart B to read as follows:

Subpart B—VOCA Victim Assistance Program

General Provisions

Sec.

94.101 Purpose and scope; future guidance; construction and severability; compliance date.

94.102 Definitions.

SAA Program Requirements

94.103 General.

94.104 Allocation of sub-awards.

94.105 Reporting requirements.

94.106 Monitoring requirements.

SAA Use of Funds for Administration and Training

94.107 Administration and training.

94.108 Prohibited supplantation of funding for administrative costs.

94.109 Allowable administrative costs.

94.110 Allowable training costs.

Sub-Recipient Program Requirements

94.111 Eligible crime victim assistance programs.

94.112 Types of eligible organizations and organizational capacity.

94.113 Use of volunteers, community efforts, compensation assistance.

94.114 Prohibited discrimination.

94.115 Non-disclosure of confidential or private information.

Sub-Recipient Project Requirements

94.116 Purpose of VOCA projects.

94.117 Costs of services; sub-recipient program income.

94.118 Project match requirements.

Sub-Recipient Allowable/Unallowable Costs

94.119 Allowable direct service costs.

94.120 Allowable costs for activities supporting direct services.

94.121 Allowable sub-recipient administrative costs.

94.122 Expressly unallowable sub-recipient costs.

Subpart B—VOCA Victim Assistance Program

General Provisions

§ 94.101 Purpose and scope; future guidance; construction and severability; compliance date.

(a) *Purpose and scope.* This subpart implements the provisions of VOCA, at 42 U.S.C. 10603, which, as of July 8, 2016, authorize the Director to make an annual grant to the chief executive of each State for the financial support of

eligible crime victim assistance programs. VOCA sets out the statutory requirements governing these grants, and this subpart should be read in conjunction with it. Grants under this program also are subject to the government-wide grant rules in 2 CFR part 200, as implemented by the Department of Justice at 2 CFR part 2800, and the DOJ Grants Financial Guide.

(b) *Future guidance.* The Director may, pursuant to 42 U.S.C. 10604(a), prescribe guidance for grant recipients and sub-recipients under this program on the application of this subpart.

(c) *Construction and severability.* Any provision of this subpart held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this part and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

(d) *Compliance date.* This subpart applies to all grants under this program made by OVC after August 8, 2016, except for funds that the SAA obligated before August 8, 2016 (*i.e.* pre-award funds under grants made in 2016). SAAs may permit the use of funds that are unobligated as of August 8, 2016 for activities permitted by this subpart, but not by the Guidelines.

§ 94.102 Definitions.

As used in this subpart:

Crime victim or victim of crime means a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime.

Director means the Director of OVC.

Direct services or services to victims of crime means those services described in 42 U.S.C. 10603(d)(2), and efforts that—

- (1) Respond to the emotional, psychological, or physical needs of crime victims;
- (2) Assist victims to stabilize their lives after victimization;
- (3) Assist victims to understand and participate in the criminal justice system; or
- (4) Restore a measure of security and safety for the victim.

OVC means the Office for Victims of Crime, within the United States Department of Justice's Office of Justice Programs.

Project means the direct services project funded by a grant under this program, unless context indicates otherwise.

Spousal abuse includes domestic and intimate partner violence.

State Administering Agency or SAA is the governmental unit designated by the chief executive of a State to administer grant funds under this program.

Sub-recipient means an entity that is eligible to receive grant funds under this program from a State under this subpart.

Victim of child abuse means a victim of crime, where such crime involved an act or omission considered to be child abuse under the law of the relevant SAA jurisdiction. In addition, for purposes of this program, victims of child abuse may include, but are not limited to, child victims of: Physical, sexual, or emotional abuse; child pornography-related offenses; neglect; commercial sexual exploitation; bullying; and/or exposure to violence.

Victim of federal crime means a victim of an offense in violation of a federal criminal statute or regulation, including, but not limited to, offenses that occur in an area where the federal government has jurisdiction, whether in the United States or abroad, such as Indian reservations, national parks, federal buildings, and military installations.

VOCA means the Victims of Crime Act of 1984, Public Law 98–473 (Oct. 12, 1984), as amended.

VOCA funds or VOCA funding means grant funds (or grant funding) under this program.

VOCA grant means the annual grant from OVC to a State under this program.

SAA Program Requirements

§ 94.103 General.

(a) *Direct services.* SAAs may use VOCA funds to provide direct services through sub-recipients or in their own projects, and to cover administrative and training costs of the SAA. SAAs have sole discretion to determine which organizations will receive funds, and in what amounts, subject to the minimum requirements set forth in VOCA and this subpart. SAAs must ensure that projects provide services to victims of federal crimes on the same basis as to victims of crimes under State or local law. SAAs may fund direct services regardless of a victim's participation in the criminal justice process. Victim eligibility under this program for direct services is not dependent on the victim's immigration status.

(b) *SAA eligibility certification.* Each SAA must certify that it will meet the criteria set forth in VOCA, at 42 U.S.C. 10603(a)(2), and in this subpart. This certification shall be submitted by the chief executive of the State (or a designee) annually in such form and

manner as OVC specifies from time to time. As of July 8, 2016, VOCA requires the chief executive to certify that—

(1) Priority will be given to programs providing assistance to victims of sexual assault, spousal abuse, or child abuse;

(2) Funds will be made available to programs serving underserved victims;

(3) VOCA funds awarded to the State, and by the State to eligible crime victim assistance programs, will not be used to supplant State and local government funds otherwise available for crime victim assistance.

(c) *Pass-through administration.* SAAs have broad latitude in structuring their administration of VOCA funding. VOCA funding may be administered by the SAA itself, or by other means, including the use of pass-through entities (such as coalitions of victim service providers) to make determinations regarding award distribution and to administer funding. SAAs that opt to use a pass-through entity shall ensure that the total sum of VOCA funding for administrative and training costs for the SAA and pass-through entity is within the VOCA limit, the reporting of activities at the direct-service level is equivalent to what would be provided if the SAA were directly overseeing sub-awards, and an effective system of monitoring sub-awards is used. SAAs shall report on the pass-through entity in such form and manner as OVC may specify from time to time.

(d) *Strategic planning.* SAAs are encouraged to develop a funding strategy, which should consider the following: The range of direct services throughout the State and within communities; the sustainability of such services; the unmet needs of crime victims; the demographic profile of crime victims; the coordinated, cooperative response of community organizations in organizing direct services; the availability of direct services throughout the criminal justice process, as well as to victims who are not participating in criminal justice proceedings; and the extent to which other sources of funding are available for direct services.

(e) *Coordination.* SAAs are encouraged to coordinate their activities with their jurisdiction's VOCA compensation programs, STOP Violence Against Women Formula Grant Program administrator, victim assistance coalitions, federal agencies, and other relevant organizations.

(f) *Compliance with other rules and requirements.* SAAs shall comply (and ensure sub-recipient compliance) with all applicable provisions of VOCA, this subpart, and any guidance issued by

OVC, as well as all applicable provisions of the DOJ Grants Financial Guide and government-wide grant rules.

(g) *Access to records.* SAAs shall, upon request, and consistent with 2 CFR 200.336, permit OVC access to all records related to the use of VOCA funding.

§ 94.104 Allocation of sub-awards.

(a) *Directed allocation of forty percent overall.* Except as provided in paragraph (d) of this section, each SAA shall allocate each year's VOCA grant as specified below in paragraphs (b) and (c) of this section. Where victims of priority category crimes are determined to be underserved as well, an SAA may count funds allocated to projects serving such victims in either the priority category or the underserved category, but not both.

(b) *Priority categories of crime victims (thirty percent total).* SAAs shall allocate a minimum of ten percent of each year's VOCA grant to each of the three priority categories of victims specified in the certification requirement in VOCA, at 42 U.S.C. 10603(a)(2)(A), which, as of July 8, 2016, includes victims of—

- (1) Sexual assault,
- (2) Spousal abuse and
- (3) Child abuse.

(c) *Previously underserved category (ten percent total).* SAAs shall allocate a minimum of ten percent of each year's VOCA grant to underserved victims of violent crime, as specified in VOCA, at 42 U.S.C. 10603(a)(2)(B). To meet this requirement, SAAs shall identify which type of crime victim a service project assists by the type of crime they have experienced or the demographic characteristics of the crime victim, or both.

(d) *Exceptions to required allocations.* The Director may approve an allocation different from that specified in paragraphs (b) and (c) of this section, pursuant to a written request from the SAA that demonstrates (to the satisfaction of the Director) that there is good cause therefor.

(e) *Sub-award process: Documentation, conflicts of interest, and competition of funding to sub-recipients.* (1) SAAs have sole discretion to determine which organizations will receive funds, and in what amounts, subject to the requirements of VOCA, this subpart, and the provisions in the DOJ Grants Financial Guide relating to conflicts of interest. SAAs must maintain a documented methodology for selecting all competitive and non-competitive sub-recipients.

(2) SAAs are encouraged to award funds through a competitive process,

when feasible. Typically, such a process entails an open solicitation of applications and a documented determination, based on objective criteria set in advance by the SAA (or pass-through entity, as applicable).

(f) *Direct-service projects run by SAAs.* An SAA may use no more than ten percent of its annual VOCA grant to fund its own direct service projects, unless the Director grants a waiver.

§ 94.105 Reporting requirements.

(a) *Subgrant award reports.* SAAs shall submit, at such times and in such form and manner as OVC may specify from time to time, subgrant award reports to OVC for each project that receives VOCA funds. If an SAA awards funds to a pass-through entity, the SAA also shall submit a report on the pass-through entity, at such times and in such form and manner as OVC may specify from time to time.

(b) *Performance report.* SAAs shall submit, in such form and manner as OVC may specify from time to time, performance reports to OVC on a quarterly basis.

(c) *Obligation to report fraud, waste, abuse, and similar misconduct.* SAAs shall—

(1) Promptly notify OVC of any formal allegation or finding of fraud, waste, abuse, or similar misconduct involving VOCA funds;

(2) Promptly refer any credible evidence of such misconduct to the Department of Justice Office of the Inspector General; and

(3) Apprise OVC, in timely fashion, of the status of any on-going investigations

§ 94.106 Monitoring requirements.

(a) *Monitoring plan.* Unless the Director grants a waiver, SAAs shall develop and implement a monitoring plan in accordance with the requirements of this section and 2 CFR 200.331. The monitoring plan must include a risk assessment plan.

(b) *Monitoring frequency.* SAAs shall conduct regular desk monitoring of all sub-recipients. In addition, SAAs shall conduct on-site monitoring of all sub-recipients at least once every two years during the award period, unless a different frequency based on risk assessment is set out in the monitoring plan.

(c) *Recordkeeping.* SAAs shall maintain a copy of site visit results and other documents related to compliance.

SAA Use of Funds for Administration and Training

§ 94.107 Administration and training.

(a) *Amount.* No SAA may use more than the amount prescribed by VOCA, at

42 U.S.C. 10603(b)(3), for training and administration. As of July 8, 2016, the amount is five percent of a State's annual VOCA grant.

(b) *Notification.* An SAA shall notify OVC of its decision to use VOCA funds for training or administration, either at the time of application for the VOCA grant or within thirty days of such decision. Such notification shall indicate what portion of the amount will be allocated for training and what portion for administration. If VOCA funding will be used for administration, the SAA shall follow the rules and submit the certification required in § 94.108 regarding supplantation.

(c) *Availability.* SAAs shall ensure that each training and administrative activity funded by the VOCA grant occurs within the award period.

(d) *Documentation.* SAAs shall maintain sufficient records to substantiate the expenditure of VOCA funds for training or administration.

(e) *Volunteer training.* SAAs may allow sub-recipients to use VOCA funds to train volunteers in how to provide direct services when such services will be provided primarily by volunteers. Such use of VOCA funds will not count against the limit described in paragraph (a) of this section.

§ 94.108 Prohibited supplantation of funding for administrative costs.

(a) *Non-supplantation requirement.* SAAs may not use VOCA funding to supplant State administrative support for the State crime victim assistance program. Consistent with the DOJ Grants Financial Guide, such supplantation is the deliberate reduction of State funds because of the availability of VOCA funds. Where a State decreases its administrative support for the State crime victim assistance program, the SAA must submit, upon request from OVC, an explanation for the decrease.

(b) *Baseline for administrative costs.* In each year in which an SAA uses VOCA funds for administration, it shall—

(1) Establish and document a baseline level of non-VOCA funding required to administer the State victim assistance program, based on SAA expenditures for administrative costs during that fiscal year and the previous fiscal year, prior to expending VOCA funds for administration; and

(2) Submit the certification required by 42 U.S.C. 10604(h), which, as of July 8, 2016, requires an SAA to certify here that VOCA funds will not be used to supplant State funds, but will be used to increase the amount of such funds that would, in the absence of VOCA

funds, be made available for administrative purposes.

§ 94.109 Allowable administrative costs.

(a) Funds for administration may be used only for costs directly associated with administering a State's victim assistance program. Where allowable administrative costs are allocable to both the crime victim assistance program and another State program, the VOCA grant may be charged no more than its proportionate share of such costs. SAAs may charge a federally-approved indirect cost rate to the VOCA grant, provided that the total amount charged does not exceed the amount prescribed by VOCA for training and administration.

(b) Costs directly associated with administering a State victim assistance program generally include the following:

(1) *Salaries and benefits* of SAA staff and consultants to administer and manage the program;

(2) *Training* of SAA staff, including, but not limited to, travel, registration fees, and other expenses associated with SAA staff attendance at technical assistance meetings and conferences relevant to the program;

(3) *Monitoring compliance* of VOCA sub-recipients with federal and State requirements, support for victims' rights compliance programs, provision of technical assistance, and evaluation and assessment of program activities, including, but not limited to, travel, mileage, and other associated expenses;

(4) *Reporting* and related activities necessary to meet federal and State requirements;

(5) *Program evaluation*, including, but not limited to, surveys or studies that measure the effect or outcome of victim services;

(6) *Program audit costs* and related activities necessary to meet federal audit requirements for the VOCA grant;

(7) *Technology-related costs*, generally including for grant management systems, electronic communications systems and platforms (e.g., Web pages and social media), geographic information systems, victim notification systems, and other automated systems, related equipment (e.g., computers, software, fax and copying machines, and TTY/TDDs) and related technology support services necessary for administration of the program;

(8) *Memberships* in crime victims' organizations and organizations that support the management and administration of victim assistance programs, and publications and materials such as curricula, literature,

and protocols relevant to the management and administration of the program;

(9) *Strategic planning*, including, but not limited to, the development of strategic plans, both service and financial, including conducting surveys and needs assessments;

(10) *Coordination and collaboration efforts* among relevant federal, State, and local agencies and organizations to improve victim services;

(11) *Publications*, including, but not limited to, developing, purchasing, printing, distributing training materials, victim services directories, brochures, and other relevant publications; and

(12) *General program improvements*—Enhancing overall SAA operations relating to the program and improving the delivery and quality of program services to crime victims throughout the State.

§ 94.110 Allowable training costs.

VOCA funds may be used only for training activities that occur within the award period, and all funds for training must be obligated prior to the end of such period. Allowable training costs generally include, but are not limited to, the following:

(a) Statewide/regional training of personnel providing direct assistance and allied professionals, including VOCA funded and non-VOCA funded personnel, as well as managers and Board members of victim service agencies; and

(b) Training academies for victim assistance.

Sub-Recipient Program Requirements

§ 94.111 Eligible crime victim assistance programs.

SAAs may award VOCA funds only to crime victim assistance programs that meet the requirements of VOCA, at 42 U.S.C. 10603(b)(1), and this subpart. Each such program shall abide by any additional criteria or reporting requirements established by the SAA.

§ 94.112 Types of eligible organizations and organizational capacity.

(a) *Eligible programs.* Eligible programs are not limited to entities whose sole purpose is to provide direct services. There are special considerations for certain types of entities, as described below:

(1) *Faith-based and neighborhood programs.* SAAs may award VOCA funds to otherwise eligible faith-based and neighborhood programs, but in making such awards, SAAs shall ensure that such programs comply with all applicable federal law, including, but not limited to, part 38 of this chapter.

(2) *Crime victim compensation programs.* SAAs may provide VOCA victim assistance funding to compensation programs only for the purpose of providing direct services that extend beyond the essential duties of the staff administering the compensation program, which services may include, but are not limited to, crisis intervention; counseling; and providing information, referrals, and follow-up for crime victims.

(3) *Victim service organizations located in an adjacent State.* SAAs may award VOCA funds to otherwise eligible programs that are physically located in an adjacent State, but in making such awards, the SAA shall provide notice of such award to the SAA of the adjacent State, and coordinate, as appropriate, to ensure effective provision of services, monitoring, auditing of federal funds, compliance, and reporting.

(4) *Direct service programs run by the SAA.* SAAs may fund their own direct services programs, but, under § 94.104(f), may allocate no more than ten percent of the VOCA grant to such programs, and each such program shall adhere to the allowable/unallowable cost rules for sub-recipient projects set out in this subpart at §§ 94.119 through 94.122.

(b) *Organizational capacity of the program.* For purposes of VOCA, at 42 U.S.C. 10603(b)(1)(B), the following shall apply:

(1) *Record of effective services to victims of crime and support from sources other than the Crime Victims Fund.* A program has demonstrated a record of effective direct services and support from sources other than the Crime Victims Fund when, for example, it demonstrates the support and approval of its direct services by the community, its history of providing direct services in a cost-effective manner, and the breadth or depth of its financial support from sources other than the Crime Victims Fund.

(2) *Substantial financial support from sources other than the Crime Victims Fund.* A program has substantial financial support from sources other than the Crime Victims Fund when at least twenty-five percent of the program's funding in the year of, or the year preceding the award comes from such sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funding for match), then a program may count the used funding to demonstrate non-VOCA substantial financial support toward its project match requirement.

§ 94.113 Use of volunteers, community efforts, compensation assistance.

(a) *Mandated use of volunteers; waiver.* Programs shall use volunteers, to the extent required by the SAA, in order to be eligible for VOCA funds. The chief executive of the State, who may act through the SAA, may waive this requirement, provided that the program submits written documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrate why circumstances prohibit the use of volunteers, to the satisfaction of the chief executive.

(b) *Waiver of use of volunteers.* SAAs shall maintain documentation supporting any waiver granted under VOCA, at 42 U.S.C. 10603(b)(1)(C), relating to the use of volunteers by programs.

(c) *Promotion of community efforts to aid crime victims.* Community served coordinated public and private efforts to aid crime victims may include, but are not limited to, serving on federal, State, local, or tribal work groups to oversee and recommend improvements to community responses to crime victims, and developing written agreements and protocols for such responses.

(d) *Assistance to victims in applying for compensation.* Assistance to potential recipients of crime victim compensation benefits (including potential recipients who are victims of federal crime) in applying for such benefits may include, but are not limited to, referring such potential recipients to an organization that can so assist, identifying crime victims and advising them of the availability of such benefits, assisting such potential recipients with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of such potential recipients with the crime victims' compensation program.

§ 94.114 Prohibited discrimination.

(a) The VOCA non-discrimination provisions specified at 42 U.S.C. 10604(e) shall be implemented in accordance with 28 CFR part 42.

(b) In complying with VOCA, at 42 U.S.C. 10604(e), as implemented by 28 CFR part 42, SAAs and sub-recipients shall comply with such guidance as may be issued from time to time by the Office for Civil Rights within the Office of Justice Programs.

§ 94.115 Non-disclosure of confidential or private information.

(a) *Confidentiality.* SAAs and sub-recipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy

of persons receiving services under this program and shall not disclose, reveal, or release, except pursuant to paragraphs (b) and (c) of this section—

(1) Any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or

(2) Individual client information, without the informed, written, reasonably time-limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

(b) *Release.* If release of information described in paragraph (a)(2) of this section is compelled by statutory or court mandate, SAAs or sub-recipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(c) *Information sharing.* SAAs and sub-recipients may share—

(1) Non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements;

(2) Court-generated information and law-enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and

(3) Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(d) *Personally identifying information.* In no circumstances may—

(1) A crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services;

(2) Any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program;

(e) *Mandatory reporting.* Nothing in this section prohibits compliance with

legally mandated reporting of abuse or neglect.

Sub-Recipient Project Requirements**§ 94.116 Purpose of VOCA-funded projects.**

VOCA funds shall be available to sub-recipients only to provide direct services and supporting and administrative activities as set out in this subpart. SAAs shall ensure that VOCA sub-recipients obligate and expend funds in accordance with VOCA and this subpart. Sub-recipients must provide services to victims of federal crimes on the same basis as to victims of crimes under State or local law. Sub-recipients may provide direct services regardless of a victim's participation in the criminal justice process. Victim eligibility under this program for direct services is not dependent on the victim's immigration status.

§ 94.117 Cost of services; sub-recipient program income.

(a) *Cost of services.* Sub-recipients shall provide VOCA-funded direct services at no charge, unless the SAA grants a waiver allowing the sub-recipient to generate program income by charging for services. Program income, where allowed, shall be subject to federal grant rules and the requirements of the DOJ Grants Financial Guide, which, as of July 8, 2016, require in most cases that any program income be restricted to the same uses as the sub-award funds and expended during the grant period in which it is generated.

(b) *Considerations for waiver.* In determining whether to grant a waiver under this section, the SAA should consider whether charging victims for services is consistent with the project's victim assistance objectives and whether the sub-recipient is capable of effectively tracking program income in accordance with financial accounting requirements.

§ 94.118 Project match requirements.

(a) *Project match amount.* Sub-recipients shall contribute (*i.e.*, match) not less than twenty percent (cash or in-kind) of the total cost of each project, except as provided in paragraph (b) of this section.

(b) *Exceptions to project match requirement.* The following are not subject to the requirement set forth in paragraph (a) of this section:

(1) Sub-recipients that are federally-recognized American Indian or Alaska Native tribes, or projects that operate on tribal lands;

(2) Sub-recipients that are territories or possessions of the United States (except for the Commonwealth of Puerto

Rico), or projects that operate therein; and

(3) Sub-recipients other than those described in paragraphs (b)(1) and (2) of this section, that have applied (through their SAAs) for, and been granted, a full or partial waiver from the Director. Waiver requests must be supported by the SAA and justified in writing. Waivers are entirely at the Director's discretion, but the Director typically considers factors such as local resources, annual budget changes, past ability to provide match, and whether the funding is for new or additional activities requiring additional match versus continuing activities where match is already provided.

(c) *Sources of project match.*

Contributions under paragraph (a) of this section shall be derived from non-federal sources, except as may be provided in the DOJ Grants Financial Guide, and may include, but are not limited to, the following:

(1) *Cash*; *i.e.*, the value of direct funding for the project;

(2) *Volunteered professional or personal services*, the value placed on which shall be consistent with the rate of compensation (which may include fringe benefits) paid for similar work in the program, but if the similar work is not performed in the program, the rate of compensation shall be consistent with the rate found in the labor market in which the program competes;

(3) *Materials/Equipment*, but the value placed on lent or donated equipment shall not exceed its fair market value;

(4) *Space and facilities*, the value placed on which shall not exceed the fair rental value of comparable space and facilities as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality; and

(5) *Non-VOCA funded victim assistance activities*, including but not limited to, performing direct service, coordinating, or supervising those services, training victim assistance providers, or advocating for victims.

(d) *Discounts.* Any reduction or discount provided to the sub-recipient shall be valued as the difference between what the sub-recipient paid and what the provider's nominal or fair market value is for the good or service.

(e) *Use of project match.*

Contributions under paragraph (a) of this section are restricted to the same uses, and timing deadlines for obligation and expenditure, as the project's VOCA funding.

(f) *Recordkeeping for project match.*

Each sub-recipient shall maintain records that clearly show the source and

amount of the contributions under paragraph (a) of this section, and period of time for which such contributions were allocated. The basis for determining the value of personal services, materials, equipment, and space and facilities shall be documented. Volunteer services shall be substantiated by the same methods used by the sub-recipient for its paid employees (generally, this should include timesheets substantiating time worked on the project).

Sub-Recipient Allowable/Unallowable Costs

§ 94.119 Allowable direct service costs.

Direct services for which VOCA funds may be used include, but are not limited to, the following:

(a) *Immediate emotional, psychological, and physical health and safety*—Services that respond to immediate needs (other than medical care, except as allowed under paragraph (a)(9) of this section) of crime victims, including, but not limited to:

- (1) Crisis intervention services;
- (2) Accompanying victims to hospitals for medical examinations;
- (3) Hotline counseling;
- (4) Safety planning;
- (5) Emergency food, shelter, clothing, and transportation;
- (6) Short-term (up to 45 days) in-home care and supervision services for children and adults who remain in their own homes when the offender/caregiver is removed;
- (7) Short-term (up to 45 days) nursing-home, adult foster care, or group-home placement for adults for whom no other safe, short-term residence is available;
- (8) Window, door, or lock replacement or repair, and other repairs necessary to ensure a victim's safety;
- (9) Costs of the following, on an emergency basis (*i.e.*, when the State's compensation program, the victim's (or in the case of a minor child, the victim's parent's or guardian's) health insurance plan, Medicaid, or other health care funding source, is not reasonably expected to be available quickly enough to meet the emergency needs of a victim (typically within 48 hours of the crime): Non-prescription and prescription medicine, prophylactic or other treatment to prevent HIV/AIDS infection or other infectious disease, durable medical equipment (such as wheelchairs, crutches, hearing aids, eyeglasses), and other healthcare items are allowed; and

(10) Emergency legal assistance, such as for filing for restraining or protective orders, and obtaining emergency custody orders and visitation rights;

(b) *Personal advocacy and emotional support*—Personal advocacy and emotional support, including, but not limited to:

- (1) Working with a victim to assess the impact of the crime;
- (2) Identification of victim's needs;
- (3) Case management;
- (4) Management of practical problems created by the victimization;
- (5) Identification of resources available to the victim;
- (6) Provision of information, referrals, advocacy, and follow-up contact for continued services, as needed; and
- (7) Traditional, cultural, and/or alternative therapy/healing (*e.g.*, art therapy, yoga);

(c) *Mental health counseling and care*—Mental health counseling and care, including, but not limited to, outpatient therapy/counseling (including, but not limited to, substance-abuse treatment so long as the treatment is directly related to the victimization) provided by a person who meets professional standards to provide these services in the jurisdiction in which the care is administered;

(d) *Peer-support*—Peer-support, including, but not limited to, activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support;

(e) *Facilitation of participation in criminal justice and other public proceedings arising from the crime*—The provision of services and payment of costs that help victims participate in the criminal justice system and in other public proceedings arising from the crime (*e.g.*, juvenile justice hearings, civil commitment proceedings), including, but not limited to:—

- (1) Advocacy on behalf of a victim;
- (2) Accompanying a victim to offices and court;
- (3) Transportation, meals, and lodging to allow a victim who is not a witness to participate in a proceeding;
- (4) Interpreting for a non-witness victim who is deaf or hard of hearing, or with limited English proficiency;
- (5) Providing child care and respite care to enable a victim who is a caregiver to attend activities related to the proceeding;
- (6) Notification to victims regarding key proceeding dates (*e.g.*, trial dates, case disposition, incarceration, and parole hearings);
- (7) Assistance with Victim Impact Statements;
- (8) Assistance in recovering property that was retained as evidence; and
- (9) Assistance with restitution advocacy on behalf of crime victims.

(f) *Legal assistance*—Legal assistance services (including, but not limited to,

those provided on an emergency basis), where reasonable and where the need for such services arises as a direct result of the victimization. Such services include, but are not limited to:

(1) Those (other than criminal defense) that help victims assert their rights as victims in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as victims in such a proceeding;

(2) Motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person's being a crime victim; and

(3) Those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization;

(g) *Forensic medical evidence collection examinations*—Forensic medical evidence collection examinations for victims to the extent that other funding sources such as State appropriations are insufficient. Forensic medical evidence collection examiners are encouraged to follow relevant guidelines or protocols issued by the State or local jurisdiction. Sub-recipients are encouraged to provide appropriate crisis counseling and/or other types of victim services that are offered to the victim in conjunction with the examination. Sub-recipients are also encouraged to use specially trained examiners such as Sexual Assault Nurse Examiners;

(h) *Forensic interviews*—Forensic interviews, with the following parameters:

(1) Results of the interview will be used not only for law enforcement and prosecution purposes, but also for identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services;

(2) Interviews are conducted in the context of a multi-disciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center; and

(3) The interviewer is trained to conduct forensic interviews appropriate to the developmental age and abilities of children, or the developmental, cognitive, and physical or communication disabilities presented by adults.

(i) *Transportation*—Transportation of victims to receive services and to participate in criminal justice proceedings;

(j) *Public awareness*—Public awareness and education presentations (including, but not limited to, the development of presentation materials,

brochures, newspaper notices, and public service announcements) in schools, community centers, and other public forums that are designed to inform crime victims of specific rights and services and provide them with (or refer them to) services and assistance.

(k) *Transitional housing*—Subject to any restrictions on amount, length of time, and eligible crimes, set by the SAA, transitional housing for victims (generally, those who have a particular need for such housing, and who cannot safely return to their previous housing, due to the circumstances of their victimization), including, but not limited to, travel, rental assistance, security deposits, utilities, and other costs incidental to the relocation to such housing, as well as voluntary support services such as childcare and counseling; and

(l) *Relocation*—Subject to any restrictions on amount, length of time, and eligible crimes, set by the SAA, relocation of victims (generally, where necessary for the safety and well-being of a victim), including, but not limited to, reasonable moving expenses, security deposits on housing, rental expenses, and utility startup costs.

§ 94.120 Allowable costs for activities supporting direct services.

Supporting activities for which VOCA funds may be used include, but are not limited to, the following:

(a) *Coordination of activities*—Coordination activities that facilitate the provision of direct services, include, but are not limited to, State-wide coordination of victim notification systems, crisis response teams, multi-disciplinary teams, coalitions to support and assist victims, and other such programs, and salaries and expenses of such coordinators;

(b) *Supervision of direct service providers*—Payment of salaries and expenses of supervisory staff in a project, when the SAA determines that such staff are necessary and effectively facilitate the provision of direct services;

(c) *Multi-system, interagency, multi-disciplinary response to crime victim needs*—Activities that support a coordinated and comprehensive response to crime victims needs by direct service providers, including, but not limited to, payment of salaries and expenses of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams, coordination with federal agencies to provide services to victims of federal crimes and/or participation on Statewide or other task forces, work groups, and committees to develop

protocols, interagency, and other working agreements;

(d) *Contracts for professional services*—Contracting for specialized professional services (e.g., psychological/psychiatric consultation, legal services, interpreters), at a rate not to exceed a reasonable market rate, that are not available within the organization;

(e) *Automated systems and technology*—Subject to the provisions of the DOJ Grants Financial Guide and government-wide grant rules relating to acquisition, use and disposition of property purchased with federal funds, procuring automated systems and technology that support delivery of direct services to victims (e.g., automated information and referral systems, email systems that allow communications among victim service providers, automated case-tracking and management systems, smartphones, computer equipment, and victim notification systems), including, but not limited to, procurement of personnel, hardware, and other items, as determined by the SAA after considering—

(1) Whether such procurement will enhance direct services;

(2) How any acquisition will be integrated into and/or enhance the program's current system;

(3) The cost of installation;

(4) The cost of training staff to use the automated systems and technology;

(5) The ongoing operational costs, such as maintenance agreements, supplies; and

(6) How additional costs relating to any acquisition will be supported;

(f) *Volunteer trainings*—Activities in support of training volunteers on how to provide direct services when such services will be provided primarily by volunteers; and

(g) *Restorative justice*—Activities in support of opportunities for crime victims to meet with perpetrators, including, but not limited to, tribal community-led meetings and peace-keeping activities, if such meetings are requested or voluntarily agreed to by the victim (who may, at any point, withdraw) and have reasonably anticipated beneficial or therapeutic value to crime victims. SAAs that plan to fund this type of service should closely review the criteria for conducting these meetings, and are encouraged to discuss proposals with OVC prior to awarding VOCA funds for this type of activity. At a minimum, the following should be considered:—

(1) The safety and security of the victim;

(2) The cost versus the benefit or therapeutic value to the victim;

(3) The procedures for ensuring that participation of the victim and offenders are voluntary and that the nature of the meeting is clear;

(4) The provision of appropriate support and accompaniment for the victim;

(5) Appropriate debriefing opportunities for the victim after the meeting; and

(6) The credentials of the facilitators.

§ 94.121 Allowable sub-recipient administrative costs.

Administrative costs for which VOCA funds may be used by sub-recipients include, but are not limited to, the following:

(a) *Personnel costs*—Personnel costs that are directly related to providing direct services and supporting activities, such as staff and coordinator salaries expenses (including fringe benefits), and a prorated share of liability insurance;

(b) *Skills training for staff*—Training exclusively for developing the skills of direct service providers, including paid staff and volunteers (both VOCA-funded and not), so that they are better able to offer quality direct services, including, but not limited to, manuals, books, videoconferencing, electronic training resources, and other materials and resources relating to such training.

(c) *Training-related travel*—Training-related costs such as travel (in-State, regional, and national), meals, lodging, and registration fees for paid direct-service staff (both VOCA-funded and not);

(d) *Organizational Expenses*—Organizational expenses that are necessary and essential to providing direct services and other allowable victim services, including, but not limited to, the prorated costs of rent; utilities; local travel expenses for service providers; and required minor building adaptations necessary to meet the Department of Justice standards implementing the Americans with Disabilities Act and/or modifications that would improve the program's ability to provide services to victims;

(e) *Equipment and furniture*—Expenses of procuring furniture and equipment that facilitate the delivery of direct services (e.g., mobile communication devices, telephones, braille and TTY/TDD equipment, computers and printers, beepers, video cameras and recorders for documenting and reviewing interviews with children, two-way mirrors, colposcopes, digital cameras, and equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas),

except that the VOCA grant may be charged only the prorated share of an item that is not used exclusively for victim-related activities;

(f) *Operating costs*—Operating costs include but are not limited to—

(1) Supplies;

(2) Equipment use fees;

(3) Property insurance;

(4) Printing, photocopying, and postage;

(5) Courier service;

(6) Brochures that describe available services;

(7) Books and other victim-related materials;

(8) Computer backup files/tapes and storage;

(9) Security systems;

(10) Design and maintenance of Web sites and social media; and

(11) Essential communication services, such as web hosts and mobile device services.

(g) *VOCA administrative time*—Costs of administrative time spent performing the following:

(1) Completing VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics;

(2) Collecting and maintaining crime victims' records;

(3) Conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the project; and

(4) Funding the prorated share of audit costs.

(h) *Leasing or purchasing vehicles*—Costs of leasing or purchasing vehicles, as determined by the SAA after considering, at a minimum, if the vehicle is essential to the provision of direct services;

(i) *Maintenance, repair, or replacement of essential items*—Costs of maintenance, repair, and replacement of items that contribute to maintenance of a healthy or safe environment for crime victims (such as a furnace in a shelter; and routine maintenance, repair costs, and automobile insurance for leased vehicles), as determined by the SAA after considering, at a minimum, if other sources of funding are available; and

(j) *Project evaluation*—Costs of evaluations of specific projects (in order to determine their effectiveness), within the limits set by SAAs.

§ 94.122 Expressly unallowable sub-recipient costs.

Notwithstanding any other provision of this subpart, no VOCA funds may be used to fund or support the following:

(a) *Lobbying*—Lobbying or advocacy activities with respect to legislation or to administrative changes to regulations

or administrative policy (cf. 18 U.S.C. 1913), whether conducted directly or indirectly;

(b) *Research and studies*—Research and studies, except for project evaluation under § 94.121(j);

(c) *Active investigation and prosecution of criminal activities*—The active investigation and prosecution of criminal activity, except for the provision of victim assistance services (e.g., emotional support, advocacy, and legal services) to crime victims, under § 94.119, during such investigation and prosecution;

(d) *Fundraising*—Any activities related to fundraising, except for fee-based, or similar, program income authorized by the SAA under this subpart.

(e) *Capital expenses*—Capital improvements; property losses and expenses; real estate purchases; mortgage payments; and construction (except as specifically allowed elsewhere in this subpart).

(f) *Compensation for victims of crime*—Reimbursement of crime victims for expenses incurred as a result of a crime, except as otherwise allowed by other provisions of this subpart;

(g) *Medical care*—Medical care, except as otherwise allowed by other provisions of this subpart; and

(h) *Salaries and expenses of management*—Salaries, benefits, fees, furniture, equipment, and other expenses of executive directors, board members, and other administrators (except as specifically allowed elsewhere in this subpart).

Dated: June 30, 2016.

Karol V. Mason,

Assistant Attorney General, Office of Justice Programs.

[FR Doc. 2016–16085 Filed 7–7–16; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723, 724, 845, and 846

RIN 1029–AC72

[Docket ID: OSM–2016–0008; S1D1S SS08011000 SX066A0067F 167S180110; S2D2D SS08011000 SX066A00 33F 16XS501520]

Civil Penalties Inflation Adjustments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Interim final rule.

SUMMARY: Pursuant to the Federal Civil Penalties Inflation Adjustment Act

Appendix K

Letters documenting support from prosecution, law enforcement, courts and victim services programs.

June 12, 2017

Nadine M. Neufvill, Principal Director
Office on Violence Against Women
U.S. Department of Justice
145 N St., NE, Suite 10W.121
Washington, D.C. 20530

Re: OVW 2017 S.T.O.P. Violence Against Women Formula Grant Program

Dear Director Neufvill,

I would like to offer my enthusiastic support of the New Mexico VAWA STOP Grant funding. Our Coalition continues to have a strong relationship with our NM STOP administrator and office. We jointly discuss the critical need for highlighting oppression in our state, particularly as it relates and informs sexual violence. We share resources and discuss creative ideas for further challenging the system, our non-profits, and our policy makers to better address oppression in all of its forms, so that we may one day truly be able to fully address sexual violence.

We receive STOP VAWA funds for trainings and conferences, task forces and technical assistance provision, policy development and data. Specifically, the Coalition receives the funding to provide statewide Sexual Assault Nurse Examiner coordination and training. This past year we received STOP funds for two PREA trainings – one specific to correctional officers in juvenile facilities, and one specific to mental health workers in juvenile facilities. Our Coalition took the lead, and then as collaborator with our State Auditor, to address the rape kit backlog in New Mexico head on - through an audit of law enforcement agencies policies and practices for collecting and preserving evidence. We also received funds to co-coordinate a tribal law enforcement conference with the Coalition to Stop Violence Against Native Women. We also continue to receive funding to collect, analyze and report on sexual violence incidence data from law enforcement agencies in all segments of our statewide community (urban, rural, reservation, and Mexican border communities). We are profoundly grateful for the STOP funding as we attempt to formalize our process and protocols.

Need and Intended Use of Grant Funds

- Ⓢ New Mexico ranks 8th in the United States in lifetime prevalence of rape among adult women, as 24% or approximately 1 in 4 of New Mexico's adult women have been raped at least once in their lifetime.*
- Ⓢ In 2015, law enforcement responded to 4,346 sexual assault incidents victims, with 1,604 victims categorized as criminal sexual penetration (rape). New Mexico's Sexual Assault Service Providers reported serving 1,631 victims of rape, and our SANE units provided exams to 1,018 survivors.

* (SEX CRIMES IN NEW MEXICO XIV: An Analysis of 2015 Data from The New Mexico Interpersonal Violence Data Central Repository, Betty Caponera, Ph.D, 2016)

The Coalition has the unique privilege of having Dr. Betty Caponera on staff who utilizes a small portion of VAWA dollars towards our annual data collection and report on sexual violence in New Mexico. She is so well received by law enforcement agencies throughout New Mexico that they continue to voluntarily provide her with quarterly data on sex crimes.

Our Coalition also houses the Statewide SANE Coordinator, Constance Monahan, MPH, who has created dozens of nationally recognized protocols for sexual assault examiners, particularly for victims in rural, Mexican border and reservation areas. Our local VAWA grants office provides funds for training all new sexual assault examiners as well as genital skills labs to insure that rural, tribal and border area nurses obtain their preceptor certification in a timely manner.

Additionally, our Coalition receives funding to provide technical assistance (daily by phone and email, monthly by conference call as a team, and three times a year in person at our SASP task force meeting). We also coordinate and distribute VAWA SASP funding to New Mexico's sexual assault services programs, with a special emphasis on funding new projects that address disparity as well as sexual violence.

For this upcoming year, we have received continuation funds to provide additional PREA trainings in collaborative with Just Detention International (JDI) and the National PREA Resource Center.

Expected Results

SANE Training: We provide standardized training for new examiners serving New Mexico (64 hour initial training as well as Genital Skills Labs for rural nurses who must acquire practice). To complement these VAWA funded trainings, the Coalition also receives non-VAWA funding to hold our annual advanced SANE conference each June featuring national presenters. Our statewide SANE coordinator utilizes VAWA funds to implement quarterly SANE task force meetings which include the Executive Director and Clinical Coordinator of every SANE project in the state. SANE staff from throughout New Mexico are continually eager to attend each event. The coordinator also provides daily technical assistance and trouble-shooting with the SANE directors, and as well, purchases current literature and clinical tools for each SANE unit.

Sexual Assault Data: Service Providers and Law Enforcement personnel continue to voluntarily provide their incidence data. Each year, additional agencies join the effort towards 100% participation. Currently, Dr. Caponera has cooperation from 98% of all law enforcement agencies (reporting on 92% of all New Mexicans). She also collaborates with the domestic violence coalition and service providers to collect and report on domestic violence in our state. During this upcoming Federal Fiscal Year, Dr. Caponera has collaborated with the Coalition to Stop Violence Against Native Women to make a concerted effort together towards collecting data from tribal law enforcement.

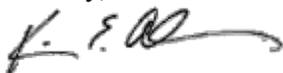
Sexual Assault Services Program Coordinator: Karen Herman, Ph.D., is an expert in research and service provision regarding sexual assault service agencies approaches to serving survivors. In addition to providing daily technical assistance with all current and developing centers, Dr. Herman, in concert with all of the sexual assault service providers, has developed a standardized confidentiality policy, standardized advocate training and standardized trauma centered therapy policy. Dr. Herman has secured additional funding from our state general fund to provide evidence based training twice a year to ensure that all crisis center therapists are offering evidence based, client centered treatment. She continues to coordinate and host three task force meetings of center directors each year and one or two task force conference calls each month. Additionally, our SASP Coordinator convenes an UnderServed Working Group to create policy and funding strategies to ensure that underserved communities are receiving appropriate outreach and direct services (includes LGBTQ, Spanish Speaking and Asian Immigrants, African American communities, persons with disabilities, statewide and local Native representatives).

Demographic Characteristics Of The Population To Be Served

The Coalition provides services to representatives of the criminal justice system, medical examiners, and community response professionals in communities which serve Native and immigrant women (primarily from Mexico), people with disabilities, and rural women who are often isolated to a greater degree.

We greatly appreciate the efforts that your office has made to improve services in our nation regarding violence against women. Omar Mohammed, our OVW contract manager, has been a stellar guide in our work. We continue to be endlessly grateful to the Office on Violence Against Women for the opportunity to create widespread services to sexually victimized people of New Mexico.

Sincerely,



Kim Alaburda, Executive Director
kimalaburda@msn.com

Daniel R. Barrone, Mayor

Councilmembers:

Judith Y. Cantu

Nathaniel Evans

Darien D. Fernandez

George "Fritz" Hahn



*Taos Police Department
400 Camino de la Placitas
Taos, NM 87571*

*(575) 758-4656
Fax (575) 751-7527*

*Visit us on our Website at:
www.taosgov.com*

Richard Bellis, Town Manager

Randall Parmer, Chief of Police

June 16, 2017

Nadine M. Neufvill, Principal Director
Office on Violence Against Women
U.S. Department of Justice
145 N St, NE, Suite 10W.121
Washington, D.C. 20530

As the Interim Chief of Police, Taos Police Department I am writing in support of New Mexico's STOP VAWA Grant application for continued funding for our State's efforts to reduce the incidence of domestic violence, sexual assault, stalking and dating violence. The law enforcement allocation has benefited law enforcement agencies around the state through training, technology, specialized officers and victim advocates. Within the Taos Police Department, we are able to have a dedicated Domestic Violence Detective, who also works closely to facilitate our community multi-disciplinary domestic violence team.

The State of New Mexico is the fifth largest state in the country with a widely dispersed rural population, covering a land area of one hundred twenty-one thousand three hundred and fifty-five (121,355) square miles. There is an average of seventeen persons per square mile, as compared to eighty-seven persons per square mile, nationally. According to the US Department of Commerce, Bureau of the Census, 27.1% of the 2,085,572 people reside in a rural region of the state. The US Census Bureau reports that 6.7% of the population is under the age of five, 24.3% of the population is under the age of 18, and 14.7% of the population is over the age of 65. Females comprise 50.4% of the population. The 2009-2013 census records show that 20.4% of the state is below the poverty level and 38.5% of that population is unemployed. Additionally, the Census Bureau reports that 47.3% of the total population is Hispanic or Latin and 10.4% is American Indian and Alaskan Native, demonstrating the diversity of cultures within the state.

Historically, the Law Enforcement allocation for the State of New Mexico's STOP VAWA Grant has supported such training for law enforcement regarding best practices

Daniel R. Barrone, Mayor

Councilmembers:

Judith Y. Cantu

Nathaniel Evans

Darien D. Fernandez

George "Fritz" Hahn



*Taos Police Department
400 Camino de la Placitas
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*(575) 758-4656
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*Visit us on our Website at:
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Richard Bellis, Town Manager

Randall Parmer, Chief of Police

for domestic violence, sexual assault, stalking and dating violence, specialized Victim Liaisons within police departments, dedicated Detectives in smaller, rural jurisdictions and a variety of targeted trainings for law enforcement throughout the state. Funding from this solicitation will support continuing projects such as domestic violence, sexual assault and stalking detectives in the rural towns of Taos, New Mexico; law enforcement based victim advocates in the rural departments of Farmington and Los Alamos; and victim liaisons within the largest city in the state. Additionally, these funds have support local trainings and national training scholarships to officers within state and tribal departments that otherwise would not have been able to attend, thus improving our law enforcement response to victims of domestic violence, sexual violence, stalking and dating violence.

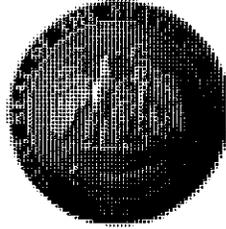
STOP VAWA Grant funding has proven to be an invaluable resource for New Mexico. It is imperative that STOP VAWA Grant funding to the State continues to meet the critical needs of the courts, as well as the needs within the law enforcement, prosecution and victim services allocations.

The Implementation Plan developed for the State of New Mexico builds upon the initiatives and successes of previous year and presents effective strategies for increasing the safety of domestic violence, sexual assault stalking and dating violence victims and for promoting offender accountability. I am committed to participating in the continued development of the Implementation Plan for the State of New Mexico.

If you should have any questions please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "David Maggio".

David Maggio
Interim Chief of Police
Taos, NM



Administrative Office of the District Attorneys

Henry R. Valdez, Director

June 16, 2017

Nadine M. Neufvill, Principal Director
Office on Violence Against Women
U.S. Department of Justice
145 N St., NE, Suite 10W.121
Washington, D.C. 20530

Re: OVW 2017 STOP Violence Against Women Formula Grant Program

Dear Director Neufvill:

I am writing to fully support the state's efforts in continued funding under the STOP VAWA grant. I am the Director of the Administrative Office of the District Attorneys for New Mexico. I am also a member of the Implementation Team as many of our District Attorneys, Assistant District Attorneys, and victim witness assistants are as well. In addition, my office has been a recipient of STOP VAWA Grant funds that supported training for prosecutors and assisted prosecution offices to improve interpretation and translation services to domestic violence, sexual assault and stalking victims with limited English proficiency.

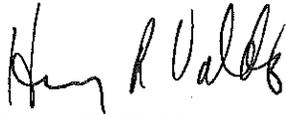
The State of New Mexico is the fifth largest state in the country with a widely dispersed rural population, covering a land area of one hundred twenty-one thousand three hundred and fifty-five (121,355) square miles. There is an average of seventeen persons per square mile, as compared to eighty-seven persons per square mile, nationally. According to the US Department of Commerce, Bureau of the Census, 27.1% of the 2,085,572 people reside in a rural region of the state. The US Census Bureau reports that 6.7% of the population is under the age of five, 24.3% of the population is under the age of 18, and 14.7% of the population is over the age of 65. Females comprise 50.4% of the population. The 2009-2013 census records show that 20.4% of the state is below the poverty level and 38.5% of that population is unemployed. Additionally, the Census Bureau reports that 47.3% of the total population is Hispanic or Latin and 10.4% is American Indian and Alaskan Native, demonstrating the diversity of cultures within the state. These demographics combined with the high rate of domestic violence (26 per 100), sexual assault (1 in 4 women, 1 in 20 men) and stalking (12 per 1000) support the significant need for STOP Grant funds in our State.

Over time, the prosecution allocation of New Mexico's STOP VAWA Grant supported specialized violence against women prosecution units in a few jurisdictions of the State. The State Legislature permanently funded several of these STOP VAWA Grant funded positions as the effectiveness of these units was demonstrated.

The goal of the Implementation Plan is to continue to support specialized units throughout the state and specifically in rural judicial districts. These units are increasing the efficacy of violence against women prosecutions in rural regions of the state and will hopefully be in the position to be recipients of state funding for this purpose once the economy stabilizes.

The impact of the STOP VAWA Grant in New Mexico has been very significant and is even more critical during these trying economic times.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry R. Valdez". The signature is written in a cursive style with some loops and flourishes.

Henry R. Valdez
Director

Administrative Office of the Courts

Supreme Court of New Mexico

Arthur W. Pepin, Director



237 Don Gaspar, Room 25
Santa Fe, NM 87501
(505) 827-4800
(505) 827-4824 (fax)

June 13, 2017

Nadine M. Neufvill, Principal Director
Office on Violence Against Women
U.S. Department of Justice
145 N St., NE, Suite 10W.121
Washington, D.C. 20530

Re: OVW 2017 STOP Violence Against Women Formula Grant Program

Dear Director Neufvill:

I am writing in full support of New Mexico's STOP Grant application for continued funding for our state's efforts to reduce the incidence of domestic violence, sexual assault, stalking and dating violence. The Administrative Office of the Courts has been an active member of the Implementation Team and planning process for the STOP VAWA fund.

New Mexico is the fifth largest state in the country with a widely dispersed rural population, covering a land area of one hundred twenty-one thousand three hundred and fifty-five (121,355) square miles. There is an average of seventeen persons per square mile, as compared to eighty-seven persons per square mile, nationally. According to the US Department of Commerce, Bureau of the Census, 27.1% of the 2,085,572 people reside in a rural region of the state. The US Census Bureau reports that 6.7% of the population is under the age of five, 24.3% of the population is under the age of 18, and 14.7% of the population is over the age of 65. Females comprise 50.4% of the population. The 2009-2013 census records show that 20.4% of the state is below the poverty level and 38.5% of that population is unemployed. Additionally, the Census Bureau reports that 47.3% of the total population is Hispanic or Latin and 10.4% is American Indian and Alaskan Native, demonstrating the diversity of cultures within the state.

Over time, the Court allocation of New Mexico's STOP VAWA Grant has supported such court-related projects as compliance monitors, the development of a Sexual Assault Judicial Manual and violence against women training for members of the New Mexico Judiciary at all levels. Training of Judges statewide regarding domestic violence, sexual assault and stalking cases and evidentiary issues, especially for the non-attorney magistrate judges across New Mexico, has been a key part of judicial education here, thanks in large part to efforts possible through STOP Grant funding.

The current grant cycle is providing funding to the Administrative Office of the Courts to develop and implement a Violence Against Women point of contact for the courts. The goal of this position is to improve communication within courts and between courts and other key stakeholders; serve as the Administrative Office of the Courts' statewide point of contact and legal resource for court-related domestic violence, sexual assault, dating violence and stalking issues; enhance court related functions to support best practices on domestic violence, sexual assault, stalking and dating violence cases and; improve coordination between New Mexico state courts, tribal courts and violence against entities. The scope and effectiveness of this project depends on implementation over a multiyear period of time.

STOP Grant funding has proven to be an invaluable resource for New Mexico. It is imperative that STOP VAWA Grant funding to the State continues to meet the critical needs of the courts, as well as the needs within the law enforcement, prosecution and victim services allocations.

Sincerely,

A handwritten signature in blue ink that reads "Arthur W. Pepin" followed by a stylized flourish.

Arthur W. Pepin, Director



Chambers of
Judge Edward L. Benavidez
Chief Judge
Metropolitan Court
Division X

State of New Mexico
Bernalillo County
Metropolitan Court

401 Lomas NW
Albuquerque, New Mexico 87102
P.O. Box 133
Albuquerque, New Mexico 87103
Telephone (505) 841-8297
Fax (505) 222-4810

June 19, 2017

Nadine M. Neufvill, Principal Director
Office on Violence Against Women
U.S. Department of Justice
145 N St., NE, Suite 10W.121
Washington, D.C. 20530

RE: Letter of Support for the State of New Mexico's STOP Grant Application

Dear Nadine M. Neufvill,

We are writing in full support of New Mexico's STOP Grant application for continued funding of our state's efforts to reduce the incidence of domestic violence, sexual assault, stalking and dating violence. The Judiciary, along with the Bernalillo County Metropolitan Court is an active member of the Intimate Partner Death Review Team and consistently participates in the statewide planning process for the STOP VAWA, VOCA Victim Assistance and SASP funding, which supports victim services throughout our state.

The State of New Mexico is the fifth largest state in the country with a widely dispersed rural population, covering a land area of one hundred twenty-one thousand three hundred and fifty-five (121,355) square miles. There is an average of seventeen persons per square mile, as compared to eighty-seven persons per square mile, nationally. According to the US Department of Commerce, Bureau of the Census, 27.1% of the 2,085,572 people reside in a rural region of the state. The US Census Bureau reports that 6.7% of the population is under the age of five, 24.3% of the population is under the age of 18, and 14.7% of the population is over the age of 65. Females comprise 50.4% of the population. The 2009-2013 census records show that 20.4% of the state is below the poverty level and 38.5% of that population is unemployed. Additionally, the Census Bureau reports that 47.3% of the total population is Hispanic or Latin and 10.4% is American Indian and Alaskan Native, demonstrating the diversity of cultures within the state.

Over time, the Court allocation of New Mexico's STOP VAWA Grant has supported such court-related projects as compliance monitors, the development of a Sexual Assault Judicial Manual and violence against women training for members of the New Mexico Judiciary at all levels. Training of Judges statewide regarding domestic violence, sexual assault, stalking cases and evidentiary issues, especially for non-attorney Magistrate Judges across New Mexico, has

been a key part of Judicial Education here, thanks in large part to efforts possible through STOP Grant funding.

The current grant cycle is providing funding to the Bernalillo County Metropolitan Court to help provide evidence based training for our Domestic Violence Specialty Court Judges and their teams, which consists of the Public Defender's Office, District Attorney's office, Probation, Treatment and Administrative Court staff.

STOP Grant funding has proven to be an invaluable resource for New Mexico. It is imperative that STOP VAWA Grant funding to the State continues to meet the critical needs of the courts, as well as the needs within the law enforcement, prosecution and victim services allocations.

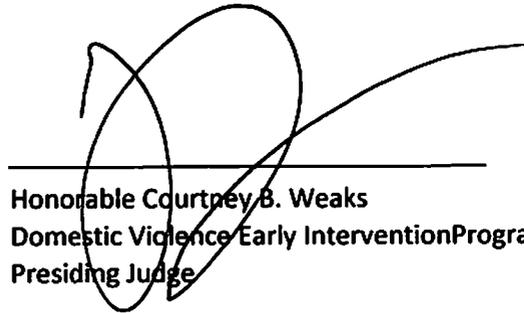
Sincerely,

A handwritten signature in black ink, appearing to read 'Edward L. Benavidez', with a date '6-20-17' written to the right of the signature.

Honorable Edward L. Benavidez
Chief Judge

A handwritten signature in black ink, appearing to read 'Rosemary Cosgrove-Aguilar', written over a horizontal line.

Honorable Rosemary Cosgrove-Aguilar
Domestic Violence Solutions Treatment
Education Program Presiding Judge

A handwritten signature in black ink, appearing to read 'Courtney B. Weaks', written over a horizontal line.

Honorable Courtney B. Weaks
Domestic Violence Early Intervention Program
Presiding Judge

VIA EMAIL

June 16, 2017

Office of Violence Against Women
ATTN: Nadine M. Neufvill
U.S. Department of Justice
145 N. St., NE, Suite 10W.121
Washington, D.C. 20530

Re: New Mexico STOP Grant Application

Dear Madam,

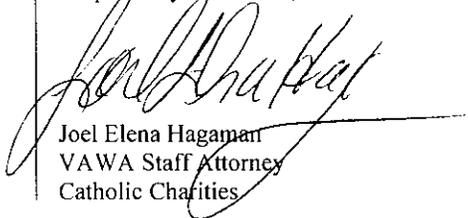
I am writing in full support of New Mexico's STOP Grant application for continued funding for our State's efforts to reduce the incidence of domestic violence, sexual assault, stalking, and dating violence. Catholic Charities' VAWA Immigration Project (VIP) has received STOP funding for many years which has allowed this agency to provide direct service to immigrant victims of domestic violence and sexual assault statewide. The VIP principally assists by applying for immigration legal benefits as well as assisting immigrant victims as they navigate in the justice system and interact with law enforcement in criminal investigations. The VIP also collaborates with other community providers throughout the State to improve victim access to justice and services.

The State of New Mexico is the fifth largest state in the country with a widely disperse rural population, cover a land area of one hundred twenty-one thousand three hundred and fifty-five (121,355) square miles. There is an average of seventeen persons per square mile, as compared to eighty-seven persons per square mile nationally. According to the U.S. Department of Commerce, Bureau of the Census, 27.1% of the 2,085,572 persons reside in a rural region of the state. The U.S. Census Bureau reports that 6.7% of the population is under the age of 5, 24.3% of the population is under the age of 18, and 14.7% of the population is over the age of 65. Females comprise 50.4% of the population. The 2009-2013 census records show that 20.4% of the state is below the poverty level and 38.5% of that population is unemployed. Additionally, the Census Bureau reports that 47.3% of the total population is Hispanic or Latin and 10.4% is American Indian and Alaskan Native, demonstrating the diversity of cultures within the state.

The New Mexico Interpersonal Violence Data Central Repository (which is support in part by the Violence Against Women Act) has produced findings of sex crimes data collected between 2010 and 2014 which indicate certain trends in such crimes in New Mexico. Overall, 47% of rape survivors reported a history of domestic violence victimization. The data also showed that 53% of sexual assault survivors who sought services in the identified timeframe report prior victimization. In 2014, only 20% of sexual assault survivors who sought SANE services reported victimization by a stranger while 19% reported to SANE that the offender was a family member. From 2010 to 2014, 70% of survivors reporting to community service providers reported the nature of the rape as incest. This and other data in this study indicated that survivors who are victimized by family members are less likely to report victimization to law enforcement than those who are targeted by strangers. Furthermore, data collected between 2010 and 2014 showed that survivors with a history of domestic violence were three times more likely to be sexually assaulted by someone with a history of domestic violence as opposed to survivors who did not have prior exposure to domestic violence. In 2014, 54% of law enforcement rape case involved a victim under the age of 18. As rates of sexual assault and the link between sexual assault and domestic violence in New Mexico remain troubling, continued funding of support services provided by community-based agencies and law enforcement and courts systems is vital to combating these intimate forms of crime in New Mexico, raising awareness and providing preventive education in communities, and supporting survivors.

STOP Grant funding has been proven to be an invaluable resource for New Mexico. It is imperative that STOP VAWA Grant funding to the State continues to meet the critical needs of the culturally specific victim services programs, as well as the needs within the law enforcement, prosecution and courts allocations. Thank you for the opportunity to write on the importance of continued STOP grant funding. Should you have further questions regarding the content herein, please do not hesitate to contact me by email at hagamanj@ccasnm.org.

Respectfully Submitted,



Joel Elena Hagaman
VAWA Staff Attorney
Catholic Charities

Administrative Offices
3301 Candelaria Rd. NE
Suite B
Albuquerque, NM 87107
Ph: 505.724.4670
Fax: 505.254.2623

2010 Bridge SW
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Ph: 505.247.0442
Fax: 505.247.8335

1234 San Felipe Ave.
Santa Fe, NM 87505
Ph: 505-424-9789
Fax: 505-424-9792

www.ccasnm.org



Appendix L

Coalition to Stop Violence Against Native Women Recommendations



COALITION to STOP VIOLENCE AGAINST NATIVE WOMEN

Recommendations for **NEW MEXICO TRIBAL COMMUNITIES**

2016 Government-to-Government Annual Tribal
Consultation on Violence Against Women
December 6, 2016 | Palm Springs, CA

4 out of 5 Native women are affected by violence

55%
of violence against Native
women is domestic violence

56%
of violence against Native
women is sexual violence

88% of offenders of sexual violence against Native
women and children in New Mexico are Native American

71% of all cases declined for prosecution in Indian Country Crimes in 2015 were due to insufficient evidence, according to the latest federal statistics available. The insufficient evidence category includes circumstances where there is a lack of evidence of criminal intent, weak or insufficient evidence, or witness problems.

The majority of these 2015 cases involved physical assaults or sexual assaults, sexual exploitation, or failure to register as a sex offender.

The Coalition to Stop Violence Against Native Women provides this brief on the status of violence against Native women and children to tribes as a summary of current perspectives and public safety priorities for our Native women and children. While tribal communities in our region face many challenges and have several needs, coordinated and continued communication with federal and state agencies, legislation, ongoing training and technology will aid tribes with addressing sexual assault and domestic violence in their communities. CSVANW is a 20-year-old, New Mexico-based organization with a mission is to stop violence against Native women and children by advocating for social change.

The annual Violence Against Women Tribal Consultation is required by the Violence Against Women and the U.S. Department of Justice (DOJ) Reauthorization Act of 2005 (VAWA 2005) to address the federal administration of tribal funds and programs established under the VAWA 1994 and its subsequent reauthorizations. The purpose is to solicit recommendations from tribal leaders on the following:

- Enhancing the safety of American Indian and Alaska Native women from domestic violence, dating violence, sexual assault, stalking and sex trafficking;
- Strengthening the Federal response to the crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking; and
- Administering grant funds appropriated for tribal government and programs created to benefit tribal governments by the original Violence Against Women Act and subsequent legislation.

CSVANW RECOMMENDS

1. Advocate for expanded tribal jurisdiction over all non-Natives who commit crimes on tribal lands. CSVANW calls for DOJ to consult with tribal governments about the development of a federal bill that would expand tribal jurisdiction and fill the gaps left by VAWA 2013. The bill would reaffirm tribal authority to prosecute non-Natives for crimes committed on tribal lands. Some proposed legislation that includes expansion of jurisdiction but does not fully cover gaps such as expanded jurisdiction for sexual violence crimes include:
 - a. S. 2785: Tribal Youth and Community Protection Act of 2016
 - b. Reauthorization of VAWA of 2018
2. Support the reauthorization of the Tribal Law and Order Act (2010). TLOA took a comprehensive approach to improving public safety in tribal communities and assisting our tribal justice systems in reforming prevention, response, law enforcement, detention, court processes and rehabilitation. Many of the key opponents of TLOA expired in 2014. Reauthorization of TLOA should be prioritized in the next two years.
3. Hold DOJ accountable to prioritizing and supporting tribes in the investigation and prosecution of crimes in our communities. CSVANW calls for more comprehensive training of tribal law enforcement, criminal investigators and first responders to ensure the comprehensive investigative and prosecution processes are conducted in accordance to meet defined standards for prosecution. CSVANW also calls on a continued trust and relationship-building with the U.S. Attorney's Office (USAO).
4. Ensure tribal governments have access to federal criminal information databases. In 2015, DOJ launched the pilot programs Tribal Access Program (TAP) and Purpose Code X to further address the long-standing issue of tribal access to the federal criminal information databases. This access facilitates sharing of information, including protective orders, criminal history and sex offender status across jurisdictions. These programs should be expanded to all tribes, and federal funding should be appropriated to increase the facilitation and enforcement of protection orders and offender registries.
5. Support the congressional call for a National Day of Awareness for Missing and Murdered Native Women and Girls. This congressional call seeks to designate May 5th as a national day of awareness to commemorate the lives of missing and murdered Native American women and girls. CSVANW asks our tribal leaders to support this resolution.
6. Support federal appropriations for direct streams of funding for tribal victims of crime. The Crime Victims Fund (VOCA) pays for itself by collecting criminal fines, forfeited appearance bonds, penalties, special assessments, gifts and donations. Currently, every state has access to a set-aside fund but unfortunately these funds reach our tribal communities at very low rates, despite significant need for victim assistance. According to DOJ, Native American victims (who experience the highest crime victimization rates in the country) receive less than 0.5% of all VOCA funds annually. A federal tribal set-aside for 10% is being requested.
7. Invest in violence prevention, early intervention and offender reintegration. CSVANW calls for tribal leaders to prioritize Native youth violence prevention and early intervention efforts. Native youth who experience violence in the home are 75% more likely to become a future victim of violence or a perpetrator. CSVANW humbly asks tribal leaders to invest in prevention efforts simultaneously with offender reintegration to ensure that offenders who return back to our communities have the support and services they need to live healthier and balanced violence-free lives.

U.S. Department of Justice Indian Country Investigations and Prosecutions CY2015

State	Cases Resolved by USAO	USAO Declinations	Cases Resolved Other Than by Federal Declination	USAO Declination Rate
Arizona	848	224	624	27%
Colorado	21	11	10	52%
New Mexico	216	105	111	49%
West Texas	1	0	0	0%

About the Coalition to Stop Violence Against Native Women

In 2016, CSVANW provided education and training to **614** individuals **41%** of NM tribal communities are impacted positively by CSVANW's technical assistance through such efforts as grant management aid, tribal code & policy development, and resource sharing.

CSVANW is a member-driven tribal coalition that represents the broadest and most unified voice in advocating and collectively addressing violence against Native women and children across the region. An alliance of more than 50 passionate, distinguished and highly committed organizations and individuals, the CSVANW staff, Board of Directors and committed membership work aggressively to raise awareness about the safety of Native women and children at the state, tribal and federal levels, in addition to providing the utmost critical lifeline services to those affected by violence. CSVANW provides training, advocate support, and technical assistance for tribes and law enforcement seeking help in working with tribes. The Coalition also offers policy advocacy on behalf of tribes.

CSVANW has four main focuses: training, technical assistance, policy advocacy and support. Within this framework, CSVANW chooses to also focus on prevention, early intervention and breaking the cycle of violence.

In 2015, CSVANW helped 11 tribes and Pueblos with their grant applications. Nine were successfully funded.

For more information about CSVANW or to become a member, go to www.csvanw.org.

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