

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION

MICHELLE LUJAN GRISHAM
GOVERNOR



FRANK ZUBIA
DIRECTOR

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION
6200 Uptown Blvd. NE Suite #210
Albuquerque, NM 87110

Video Conferencing Platform – Zoom Meeting

In accordance with the COVID-19, State of New Mexico Public Health Emergency- Executive Order 2020-004 Crime Victims Reparation Commission Virtual Meeting information was posted with detailed instructions on the CVRC Website for members of the public to attend and listen via telephone, live streaming, or other similar technologies.

Virtual Meeting Called to Order

On May 27, 2021, Commission Chair Lee called the May virtual meeting of the New Mexico Crime Victims Reparation Commission to order at 10:06 a.m. Commission Chair Lee announced the names of those members of the public body who are participating remotely.

The following Commission Members were present via webcast:

Marron Lee, Commission Chair
Mark Myers, Commission Vice Chair
Erica Jorgensen, Commission Member

The following NMCVRC staff members were present via webcast:

Frank Zubia, Director
Moises Valdez, Compensation Bureau Chief
MaryEllen Garcia, Grants Bureau Chief
Cindy Mok, Chief Financial Officer
Pam Brendler, State Investigator
Rose Martinez, Compensation Management Analyst

Review Agenda

The agenda was reviewed by Commission Chair Lee and Commission Members and was unanimously approved by all Commission Members.

Review and Approval of April 29, 2021 Commission Meeting Minutes

The Commission meeting minutes were reviewed for April 29, 2021, by the Commission. Commission Vice Chair Myers made a motion to approve the meeting minutes. Commission Member Jorgensen seconded the motion. The motion passed unanimously.

Public Comment

None

Agency Financial Report

Ms. Mok updated the Commission with the FY2021 budget report on victim payments from July 1, 2020, through May 26, 2021. The care and support budget appropriation began with \$2,503,589. The total amount for victim payouts as of May 26, 2021, is \$2,096,677. The remaining available budget is \$406,912 with five weeks remaining to close out the fiscal year. At the current rate of payouts, CVRC projects a remaining budget balance of \$178,558 which will be carried over into the next fiscal year.

FY 2021 Crime Victim Fund payments received for the period of July 01, 2020, to May 26, 2021, by type:

Restitution: \$38,723
Corrections: \$345,781
Civil Settlement: \$42,493
Penalty Assessment: \$205,547
Total received: \$632,543

Commission Chair Lee requested an update regarding the number of applications that are submitted to the agency. Mr. Zubia informed the Commission that we are receiving less compensation applications this fiscal year. However, our agency has experienced an increase in compensation applications for funeral expenses and the victim payments are larger. Mr. Zubia informed the Commission that our agency has paid out 15% less in compensation payments as compared to last year. Mr. Zubia conveyed a possible theory that the decrease in applications could be related to the health pandemic.

Mr. Zubia stated we have seen an increase in homicide compensation applications where families are seeking assistance with funeral costs. Mr. Zubia continued with detailed information that CVRC on average receives three to seven priority processing applications weekly. In some cases, when CVRC reviews the law enforcement verification report, which would sometimes confirm causal behavior by the victim in the incident. In accordance with our statutes, CVRC cannot approve these types of claims and therefore these claims are denied, we have many victims' family who are upset with our determination.

Commission Chair Lee strongly affirmed that the CVRC priority processing compensation funding should not be mistaken as a complimentary funeral fund. The priority processing project was designed to assist eligible victims of violent crimes and their families with funeral expenses.

Mr. Valdez informed the Commission that he concurs with Mr. Zubia's statements. Mr. Valdez updated the Commission regarding the training that our agency conducts with advocates across the state. CVRC is working to ensure that the advocates assist victims with priority processing applications and work with the victims who have financial burdens due to their victimization so that our agency can determine eligibility.

Commission Chair Lee expressed concern for the decline in receiving applications. Mr. Zubia informed the Commission that our agency received 250 less applications compared to last year. This number was compiled and was submitted to the Department of Justice's quarterly report. Although, applications received were at a lower number, CVRC payouts were significantly higher for funeral expenses. He also stated that many victim service providers have seen an increase in requests for services, but most have pivoted the way in which services were being provided. We are preparing for a surge in requests as stay-at-home orders are phased out.

Commission Chair Lee questioned what trainings and outreach is the agency conducting? Mr. Zubia informed the Commission that Mr. Valdez and his team and Mrs. Garcia's team have been conducting weekly virtual trainings to our subrecipients and any organization that request training. CVRC at the beginning of the health pandemic provided scheduled drop in trainings for five (5) months and would encourage service providers that even though our office was closed we would still be able to process compensation applications and provide services. Unfortunately, CVRC is not receiving the number of applications that our agency received before the pandemic.

Mr. Zubia expressed an optimistic outlook to the Commission about returning to the office and looking forward to some sense of returning to a "new normal".

Ms. Mok reviewed with the Commission the Crime Victim Fund payments status report. As of today, Ms. Mok informed the Commission that CVRC has collected \$632,543 in payments. Ms. Mok informed the Commission that the transfer from Administrative Office of the Courts (AOC) in penalty assessment has seen an increase for the month of April to \$27,000, it was the highest amount for the fiscal year. Ms. Mok informed the Commission that CVRC has observed steady increases for the months of March and April, because the courts are opening back up. However, the agency continues to be below the targeted revenue by 23%.

Commission Chair Lee strongly emphasized that the below targeted revenue is a perennial issue. Mr. Zubia stated to the Commission that when the courts re-open, CVRC is anticipating an increase in revenue from the penalty assessment. Mr. Zubia will keep the Commission updated at the next meeting.

Commission Meeting May 27, 2021

Mr. Zubia informed the Commission that CVRC received the lowest amount of funds from Administrative Office of the Courts (AOC) in July of last year. This was presented to the Commission in Ms. Mok's spreadsheet that was presented to the Commission. Our agency received \$16,000 in November of last year and CVRC usually would receive \$32,000 prior to pandemic. Mr. Zubia stated to the Commission that funds have decreased significantly.

Commission Chair Lee requested an update on the UNM Research project status involving the penalty assessment shortage. Mr. Zubia stated to the Commission that our agency encountered some issues with the UNM Research project involving transition that UNM is experiencing. Also, Mr. Zubia informed the Commission that the agency was being cautious with expenses until after the legislation session, because LFC had proposed a cut to the agency budget. We anticipate contract negotiations with UNM Research project to start in July 2021. Our agency was waiting for a due date from the Governor to sign the veto (HB2) budget. Mr. Zubia stated that our agency did not receive any budget cuts as stated at the last meeting.

Mr. Zubia updated the Commission that along with UNM research project, Mr. Valdez is also working with the Council of State Government's (CSG) 3-year project that started in October 2020. This research project will focus on a gap analysis for compensation and will study how to provide services throughout the state. This analysis will focus on the rural communities of the state and determine how to work better with the AOC and Department of Corrections to potentially make the process more efficient and making sure stakeholders are educated with the benefits of both penalty assessments and funds collected from the Department of Corrections. Mr. Zubia will inform the Commission when a signed contract is in place with UNM.

Commission Chair Lee provided clarification that AOC will be working UNM research project by providing data to them to use for the assessment research. Mr. Zubia provided detailed information to the Commission that there are two different gap analyses being conducted by CSG and the UNM research. Commission Chair Lee stated that applications received from our metro areas like Albuquerque, Las Cruces, and Santa Fe are submitting more applications due to their population. Our agency is getting less from rural communities who have the same violent crimes as the bigger cities. The gap of services in these areas are lacking resources or service providers to assist in submitting applications.

Commission Chair Lee did not realize that there was a gap of services in these rural areas. Although in Albuquerque, we have higher crime rates based on the population. Commission Chair Lee stated that educating people and focusing on law enforcement that has a high turnover in rural areas. This would provide a consistent message and provide the leverage of the study to show how important the penalty assessment really is.

New Business

None

Business

Agency Personnel Matters

Mr. Zubia informed the Commission the status on the human resource position. CVRC has submitted all necessary paperwork as required. As of yesterday, our agency was advised that the personnel action for the human resource position is on hold at the Workforce Planning Division at State Personnel Office (SPO). Our agency will be following up with the Director of SPO. Mr. Zubia stated that the agency will need to fill this position before June 30, 2021, which is also when SPO will be terminating their human resource services contract with our agency. Mr. Zubia will keep the Commission informed concerning these challenges.

Mr. Zubia informed the Commission that CVRC will be going back to work starting June 1, 2021. CVRC has been teleworking since last March 2020. Mr. Zubia stated that the office will open from 8:00 a.m. – 5:00 p.m., Monday – Friday.

Mr. Zubia stated that the rest of the staff will be phased back in to the office starting in August.

Commission Chair Lee stated that the monthly Commission meeting will be reviewed to either continue meeting through Zoom or meet in person. Further discussion involving the Commission meeting will be discussed later.

Commission Vice Chair Myers and Commission Member Jorgensen stated that the meetings on Zoom have been convenient. Commission Vice Chair Myers suggested that Commission meetings be held quarterly in person. Mr. Zubia informed the Commission that he will meet with Ms. Tenorio, from the Attorney General's Office about future Commission meetings to discuss the rules and regulations.

Grants Update (VOCA, VAWA, SASP and State)

Ms. Garcia, Grants Bureau Chief, informed the Commission of the following:

The Grants Bureau Chief continues to participate on the Board of the Association of VAWA Administrators.

The Grants Department continues to provide technical assistance to program and projects that are funded through CVRC state and federal funding.

The FY2021 SASP Formula Grant Application was submitted to the Office on Violence Against Women.

The FY2022 VOCA Victim Assistance Continuation Solicitation was issued on May 3, 2021. All current subrecipients are eligible to apply for funding at the FFY2021 allocation. Increased funding requests will not be supported under this solicitation.

The Grants Department is prepping all state contracts for FY2022 to ensure a July 1st start date.

The Grants Department participated in the 7th Annual Tribal Leaders Summit on April 27-28, 2021.

The Grants Bureau Chief completed a three-year project with the Office on Violence Against Women and Resource Sharing Project for the Sexual Assault Services Program training curriculum for state administrators regarding the sexual violence across the lifespan.

La Casa

Ms. Garcia, Grants Bureau Chief informed the Commission that CVRC received a complaint about La Casa. This, complaint was received from a survivor/employee of the organization who was seeking services. The complaint stated that the Executive Director engaged in an intimate relationship with a staff member/survivor. La Casa services were not provided to this individual. In addition, this individual sought to engage in the grievance process and was denied access. This victim sent a letter to CYFD, CVRC and to the Office of the Governor.

Ms. Garcia stated that she immediately issued a letter to the Board of La Casa, requesting a current copy of the agency's policies, practices, and procedures. A copy of the letter was provided to the agency concerning the complaint. La Casa notified our agency in writing and by phone that they hired an attorney to conduct an investigation to determine if procedures, policies, practice, or laws have been violated. They have asked our agency to allow them time to engage and start the process by June 1, 2021. La Casa will notify our agency how they will proceed by and will also provide dates.

Commission Chair Lee requested that Ms. Garcia bring this issue before the Commission due to La Casa's continued struggles. Commission Chair Lee pointed out that it is important that the Commissioners be aware of the concerns of one of our subgrantees that continues to be on our radar for issues that jeopardized their funding and our agency providing funding to them as well.

Executive Session

At 10:32 a.m., Commission Member Jorgensen made a motion to enter Executive Session. Commission Vice Chair Myers seconded the motion.

A poll of the Commission Members was made as follows: Commission Member Jorgensen, aye, Vice Chair Myers, aye, Commission Chair Lee, aye.

At 10:36 a.m., Commission Chair Lee asked for a motion to come out of Executive Session. Commission Member Jorgensen made a motion to come out of Executive Session and Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Commission Chair Lee state that pursuant to Section 10-15-1(J) NMSA 1978 the matters discussed the closed meeting (Executive Session) were limited only to those specified in the motion for closure.

Actions on Items Discussed in Executive Session (Voting Item)

212841- Good Cause

Commission Meeting May 27, 2021

Commission Chair Lee reviewed with Commission Members Claim #212841 for Good Cause. The consensus of the Commission is to approve Claim #212841 for Good Cause. The motion to approve passed unanimously.

The next Commission meeting has been scheduled for Thursday, June 24, 2021 at 10:00 a.m. at 6200 Uptown Blvd. N.E., Suite #210, Albuquerque, NM in the conference room. The Commission meeting could change to a virtual meeting depending on direction from the Attorney General.

Adjourned

Commission Chair Lee made a motion to adjourn the Commission meeting. Commission Vice Chair Myers seconded the motion. The motion to adjourn passed unanimously.

The virtual meeting adjourned at 10:40 a.m.

APPROVED:  DATE: 8/26/21
Marron Lee, Commission Chair