

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION

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GOVERNOR



FRANK ZUBIA
DIRECTOR

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION
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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 November 19, 2020, Commission Chair Lee called the September virtual meeting of the New Mexico Crime Victims Reparation Commission to order at 10:10 a.m. 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
Pamela Brendler, State Investigator
Rose Martinez, Compensation Management Analyst

Review Agenda

The agenda was reviewed by Commission Chair Lee and made a motion to the approve the agenda, Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Review and Approval of October 22, 2020 Commission Meeting Minutes

The Commission meeting minutes were reviewed for October 22, 2020 by the Commission. Commission Member Jorgensen made a motion to approve the meeting minutes. Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Public Comment

None

Agency Financial Report

Ms. Mok updated the Commission on the FY 2021 budget position report on victim payments for the period of July 1, 2020 through November 18, 2020. The victim payment budget started in the amount of \$2,503,589. The total amount for victim payouts as of today is \$829,263, which leaves a budget balance of \$1,674,326 for the 33

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weeks remaining to close out the fiscal year. At the current rate of pay outs, the current projection will be to carry over \$6,388 balance to the next fiscal year.

Commission Chair Lee inquired about the total annual victim compensation payment over a five-year period. Mr. Zubia informed the Commission that we are paying out less due to COVID-19 and the numbers appear to be fluctuating. Mr. Zubia stated that one week can be \$80,000 or \$90,000 in payouts and then the next week it can decrease to \$30,000 or \$40,000 with the staff processing applications as usual.

Mr. Zubia requested that Mr. Valdez give an update to the Commission on compensation payouts. Mr. Valdez agrees with Mr. Zubia that the agency was on a steady increase prior to the COVID-19 pandemic. State Investigators experienced high caseloads prior. They were able to get caught up with the claims and continue to process the ones that are deemed eligible quicker than before and payments are being processed sooner as well. However, the fluctuation in payment amounts continues to show a decrease.

Ms. Mok provided her feedback to the Commission that she also agrees with Mr. Valdez concerning the decrease in payouts. In comparison to last fiscal year, there is a 13% decrease in victim payouts. Ms. Mok is in agreement that there is an inconsistency of the weekly payout amounts that are processed.

Ms. Garcia also provided information to the Commission regarding the various emergency funding that supports survivors. She explained, with great detail, the emergency funds process and the administering agencies that support these funds. As of now, CVRC has 11 operating agencies with two new agencies that will be added as soon as training is completed. These agencies will assist with emergency funds across the state and also with Priority Processing for victims under compensation.

Ms. Garcia updated the Commission that there is a trend that appears to be driving the increase in applications for emergency funding requests. She explained that this trend is centered on immediate health and safety, and immediate health and safety centered for immediate access to home security. Victims are requesting immediate services in an effort to stabilize their housing stability by requesting rental assistance. A potential reason for these requests is focused on the rate of unemployment due to COVID-19. The increase of emergency fund applications in comparison to a year or two ago shows that these individuals might have not needed to apply for assistance before. They might have had other resources or may have had some savings reserves that they could have accessed. With the COVID-19 pandemic it has made a huge impact on victims' financial capacities. These scenarios have put our agency on target to spend approximately \$250,000 in emergency funds if not more this year.

Ms. Garcia informed the Commission that our agency was spending far less in emergency funds prior to this pandemic in previous years. Due to increased efforts in outreach and training regarding emergency funds, we have seen a steady increase in the utilization of these funds, which were around \$25,000 to \$30,000 a year when Mr. Zubia started at our agency.

Commission Chair Lee stated that it is an alarming amount of money and it will be a difficult time for our agency moving forward. Our Commission will have to deal with the fact that when the economy goes down, the crime goes up.

Ms. Garcia assured the Commission that the emergency funding agencies are ready and prepared to address these issues diligently and are ensuring that these victimizations are centered on immediate health and safety. The lack of resources available are connected to the current pandemic. The emergency funding agencies are good stewards of the funds and are ensuring that survivors have accessibility and will continue working to create less housing instability.

Commission Chair Lee agreed with Ms. Garcia that they are good stewards of the funds allotted.

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Ms. Mok reviewed with the Commission, the Crime Victim Fund payments and stated that we have not received the October check from the Correctional Department which makes the numbers look low. She will present final amounts received for October and November at the next Commission meeting.

FY 2021 Crime Victim Fund payments received for the period of July 1, 2020 to November 19, 2020 by type:

Restitution: \$17,147

Corrections: \$115,399

Civil Settlement:\$4,108

Penalty Assessment: \$78,028

Total received: \$214,682

FY Agency Audit

Ms. Mok informed the Commission that the agency audit is on the last phase of completion. Per the auditor, the financial draft will be available by the end of the day. After the conclusion of the Commission meeting, she will speak once again with the auditor. Ms. Mok informed the Commission that she will provide them with new information when it becomes available.

Mr. Zubia and Ms. Mok informed the Commission that there will be a finding in this year's audit. The audit was due for completion on November 2, 2020. Mr. Zubia informed the Commission that our agency has experienced serious challenges and unresponsive communication from this auditor for several weeks at a time. When Mr. Zubia threatened to contact his partners, only then did the auditor finally respond to our agency.

Commission Chair Lee expressed that she had concerns from the initial meeting with this auditor. At that meeting, he displayed little interest and was unfamiliar with our agency. Commission Chair Lee stated that our agency is paying for a service and this auditor was clearly not doing his assigned work. It is noted that he was clearly looking for other employment that was confirmed by a newspaper article. Commission Chair Lee is disappointed and stated that this auditor put our agency's reputation on the line by not responding and delaying our audit.

Mr. Zubia informed the Commission that these concerns will be reported to the auditor's business partners after the final audit is complete. The decision was made to wait until the audit was complete to ensure that further delays could be avoided. Commission Chair Lee declared that these issues are unacceptable. She expressed her appreciation for the hard work from Mr. Zubia and Ms. Mok. Mr. Zubia informed the Commission that he will be composing a letter to the auditor agency and their partners addressing the substandard service provided and will get assistance from Commission Chair Lee to seek reimbursement.

New Business

LFC FY22 Agency Budget Hearing

Mr. Zubia informed the Commission about the Legislative Finance Committee(LFC) FY22 Agency Budget Hearing that was held on November 16, 2020. Mr. Zubia and Ms. Mok participated virtually after they were informed that it would not be an in-person meeting. Mr. Zubia informed the Commission that the hearing was brief, about ten minutes, compared to previous years. CVRC was asked to submit budget cuts and our agency was one of few that complied with cutting it's budget. The other agencies that presented before us were the court agencies and they did not submit budget cuts but were requesting additional funding. CVRC advised the LFC that for the FY2022 budget, our agency submitted a budget cut of 3.57 % instead of 5%. The LFC appeared to be content with the submission and did not have questions.

Lyft/Uber Fees for Medical and Court Appointments

Mr. Valdez informed the Commission that we have had recent requests pertaining to reimbursing victims for utilizing Lyft/Uber fees for medical or court appointments. These victims are primarily coming into Albuquerque and are utilized these services instead of renting a vehicle. It has not been an issue until recently when Mr. Valdez and State Investigator Pamela Brendler received on two separate occasions this request from victims that lived in Rio Rancho and one in Albuquerque. These victims utilized these services for medical appointments and to attend

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court hearings. Mr. Valdez stated that the receipts provided are concerning due to the pickup and drop off locations that are unable to be verified. It becomes an issue when our agency is following the Rules and Regulations that allow us to pay \$.20 a mile if the victim travels thirty miles one way. Under these circumstances, it becomes questionable whether to allow and reimburse for these services. Mr. Valdez is seeking guidance whether to look at the Lyft/Uber the same way or follow the rule requirement that is must be over thirty miles.

Commission Vice Chair Myers stated that he would approve this service if the victim has no other form of transportation and if the victim can confirm the location with a receipt supporting that. Mr. Zubia assured Commission Vice Chair Myers that our agency does confirm that they are actually going to a doctor's appointment or court appearances by verifying with the District Attorney's victim advocates or their medical providers. Verification is required and must be obtained before considering reimbursement. Mr. Zubia explained that our agency has never had to consider this expense since the rule is the thirty-mile requirement for medical, counseling, or if it is court related.

Commission Member Jorgensen inquired if this was extra work for the investigators to obtain receipts to prove the appointment? She also asked if the victims could substantiate these requests and does it become a financial impact on the victims using these services? Mr. Valdez explained the process with Commission Member Jorgensen and stated that it is not difficult process and that the only additional steps would be getting the receipts. He added that the amounts for this service can range from \$7.00 to \$17.00 depending on time of day and location. Mr. Zubia assured the Commission if this service was considered that our agency would impose restrictions to only basic services and would not allow upgraded requests of transportation.

Commission Chair Lee responded by stating that currently our agency does not pay for gas, unless appointments are over thirty miles. She added that there are many different transportation options available. In the past, the D.A.'s offices provide transportation to victims. Commission Chair Lee stated that in order to consider these reimbursements, it would have to be the exception and not the rule.

Mr. Zubia informed the Commission that it is no longer a common practice for the District Attorney's offices around the state to provide transportation. Apparently, it was deemed a liability to provide transportation to victims. However, parking has been an issue in Albuquerque and Santa Fe. Victims have asked for reimbursement for parking fees and that is something or agency does not do. CVRC has offered to pay for parking slots at parking pyramids or parking lots at various court areas and locations with VOCA Victim Assistance funds. Unfortunately, these District Attorney's offices have not taken advantage of this offer.

Commission Chair Lee stated and shared an example about how difficult it is when you witness different agencies giving out bus passes and then seeing victims get in their vehicles. This service is meant for people that have no transportation. In order to consider these services, the victims must provide proof that they have no vehicle and a non-working vehicle is not an option. Most people in our state own a vehicle due to the how widespread our state is. Commission Chair Lee is concerned with victims that have vehicles and decide to use these services because they know that they will be reimbursed. This opens up opportunity for misuse of these services.

Ms. Garcia agrees with Commission Chair Lee and understands this issue. She also has witnessed CPS workers and advocates giving out bus passes and then seeing these victims get into their own vehicles. Ms. Garcia explained in detail that in our strategic planning, they found out that accessibility to transportation was the biggest barrier to our most underserved populations. The District Attorney's offices are continuing to do less work as opposed to doing more for victims. Our non-profit victim service agencies are taking on responsibilities that should be shared by everyone throughout the criminal justice system. Ms. Garcia stated that her perception personally and professionally on this matter is that, if these fees are minimal then they should be considered. With this service, it can provide a point of access for victims to participate in the criminal justice system where without they might not. This would provide favorable acknowledgement in our commitment to serving victims. Agencies such Albuquerque SANE, La Pinon, and ARISE in Portales/Clovis area are using these services to help survivors. With this service they can provide a service to the victim on the first day of the incident.

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Ms. Garcia stated she is in agreement with Mr. Valdez and Mr. Zubia to utilize these services for victims and understand that there is a potential for misuse.

Commission Chair Lee stated that our agency needs to start probing into these District Attorney's office that are doing less for victims. We can work together with these offices and add these service fees to their grant contracts. These agencies have to step up and start helping these victims. If these victim advocates are not actually providing services like they are required to, it is a disservice to our victims and becomes just another warm body in the office. This is not an acceptable to our victims.

Mr. Zubia informed the Commission that he and Ms. Garcia have had numerous meetings with the leadership of the largest District Attorney's offices within our state and addressed these issues. Although they appeared to be receptive, they have not made any significant modifications to address this gap.

Commission Chair Lee stated that if they are not receptive, in their contracts it needs to state that we have the power to make changes and requirements. These agencies will have to be more receptive and more action based or consequences can be imposed. CVRC is the provider of the funds that assist their agencies and keep them operating.

Ms. Garcia informed the Commission that one requirement that is mandated of all programs and projects is the Limited English Proficiency Plan and the Accessibility Plan. These plans show how their survivors with intellectual, physical and mental disabilities can access their programs in the same meaningful way. Ms. Garcia stated that moving forward in the next solicitation and future solicitations there will be a plan to include accessibility to transportation. In addition, agencies will need to include how they will support financially their access to transportation plan and how they will include it in their operational budget. These new measures will be included in the future solicitations along with training.

Commission Chair Lee stated that she is in favor of possibly splitting fees for transportation with the District Attorney's offices. She stated by implementing these plans in their contracts we are making sure that victims with special needs who cannot speak the language have access as well. The Commission agrees to move forward to consider implementing these practices and want to ensure that it is fair.

Mr. Zubia informed the Commission that this consideration should be implemented and our agency will address this service with the service providers. The Commission has agreed to consider these expenses and will reevaluate this expense in the January Commission meeting.

Business

Grants Update (VOCA, VAWA, SASP and State)

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

The Grants Department continues to hold weekly zoom meetings to facilitate immediate access to resources, best practice and trauma informed services during the COVID-19 health pandemic.

The Grants Bureau Chief continues to participate in the national calls with Office on Violence Against Women to address concerns related to the COVID-19 crisis.

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

The quarterly Office for Victims of Crime Performance Measure Reporting (PMT) for all VOCA Victim Assistance subrecipient reports were all reviewed and approved prior to November 15, 2020 deadline.

The Grants Department continues to provide technical assistance program and projects that are funded through CVRC state and federal funding. Ms. Garcia and Ms. Baca will be working to put together the request for solicitation for the State Funds for the FY2022. These funds are for legal services for the office.

Status of Youth Visions VOCA Assistance FFY2021 Award

Ms. Garcia informed the Commission that there is no new information to report. Executive Director was on maternity leave which delayed receiving information. The Grant Department continues to review and close out this subgrantee from the prior fiscal year to ensure that funds were applied properly. Ms. Garcia will inform the Commission with any new developments.

Executive Session

At 10:51 a.m., Commission Member Jorgensen made a motion to enter into Executive Session. Commission Vice Chair Myers seconded the motion.

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

At 10:51 a.m., Commission Chair Lee made 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 stated that pursuant to Section 10-15-1(J) NMSA 1978 the matters discussed in 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)

210992 – Good Cause

Commission Chair Lee reviewed with the Commission Claim #210992 for Good Cause. Commission Vice Chair Myers and Commission Member Jorgensen made a motion to approved Claim #210992. The motion to approve passed unanimously.

The next Commission meeting has been scheduled for Thursday, January 14, 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 Member Jorgensen moved to adjourn the Commission meeting. Commission Vice Chair Myers seconded the motion. The motion to adjourn passed unanimously.

The virtual meeting adjourned at 10:54 a.m.

APPROVED:  DATE: 01/14/21
Marron Lee, Commission Chair