

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION

MICHELLE LUJAN GRISHAM
GOVERNOR



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STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION
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Meeting Called to Order

On May 25, 2023, Commission Chair Summa called the May meeting of the New Mexico Crime Victims Reparation Commission to order at 10:01 a.m.

Commission Chair Summa announced the names of the Commission members of the public body and acknowledged those who are participating in person and remotely.

The following Commission Members were present:

Allyn B. Summa, Commission Chair
David Karst, Commission Vice Chair (Virtual)
Dr. Randal Brown, M.D., Commission Member (Virtual)
Cody Rogers, Attorney, Commission Member (Virtual)
Sheriff Kim Stewart, Commission Member (Virtual)

The following NMCVRC staff members were present:

Frank Zubia, Director
Donna Richmond, Grants Bureau Chief
Moises Valdez, Compensation Bureau Chief
Cindy Mok, Chief Financial Officer
Kristen Wood-Hegner, VAWA Grant Administrator
Debra Yepa, State Investigator
Jacqueline Hernandez, Administrative Secretary

The following Attorney General's Office attendee was present:

Delilah Tenorio, Assistant Attorney (Virtual)

Review Agenda

Commission Members reviewed the agenda and Commission Chair Summa asked for a motion to approve the agenda. Commission Member Brown made the motion to approve. Commission Vice Chair Karst seconded the motion. The motion to approve the agenda was passed unanimously.

The roll-call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Member Brown, aye, Commission Vice Chair Karst, aye, Commission Member Rogers, aye, Commission Member Stewart, aye.

Review and Approval of April 27, 2023, Commission Meeting Minutes

Commission Chair Summa and Commission members reviewed the Commission meeting minutes for April 27, 2023. Commission Member Brown made a motion to approve the meeting minutes. Commission Member Stewart seconded the motion. The motion to approve the minutes passed unanimously.

The roll-call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Member Brown, aye, Commission Vice Chair Karst, aye, Commission Member Rogers, aye, Commission Member Stewart, aye.

Public Comment

No Public Comment

Note: Diego Jimenez from Department of Finance Administration (DFA) joined the meeting.

Agency Financial Report

Ms. Mok updated the Commission regarding the FY2023 budget position report regarding victim payments for the period of July 1, 2022, through May 17, 2023. The victim payment budget started in the amount of \$2,308,200. The total amount of the compensation victim payouts as of May 17, 2023, is \$2,248,315.

Ms. Mok informed the Commission that we have nine weeks left to close out the FY23.

As previously presented, Ms. Mok informed the Commission that CVRC will have a projected negative balance of \$386,812, with the FY2023 which ends on June 30, 2023. The negative balance projected will be paid with the VOCA Victim Compensation federal award funding.

Ms. Mok informed the Commission the FY24 budget revision has been submitted to Department of Finance Administration (DFA) for the deficit presented.

Ms. Mok presented the FY 2023 Crime Victim Fund Budget Status report to the Commission.

Below are the payments received for the period of July 01, 2022, to May 17, 2023, by type:

Restitution: \$66,408

Corrections: \$340,548

Civil Settlement: \$5,881

Penalty Assessment: \$155,392

Total received: \$568,229

Ms. Mok reviewed with the Commission the Crime Victims Funds Status report totaling **\$568,229** as of the month of March. Ms. Mok informed the Commission that CVRC has not received the funds from the Correction's Department or from the Administrative Office of the Courts (AOC) for the month of April.

Ms. Mok has informed the Commission that CVRC has submitted the FY24 budget to DFA and the Legislative Finance Committee (LFC) on May 1st.

Commission Member Brown asked for clarification on for funds for the next FY24.

Ms. Mok responded yes, for FY24 CVRC has received additional appropriation for care and support for the victim pay out. CVRC is also in the process of receiving Federal FY23 victim compensation federal award that will be utilized for next FY. When preparing for FY25 budget, CVRC will need to request state appropriations for care and support, however, fines and fees will be eliminated.

Mr. Zubia supported Ms. Mok's response and assured to keep the Commission apprised of any updates with regards to CVRC's budget. The preparation of FY25 budget will be discussed with the Commission in the month

of August 2023. Mr. Zubia informed the Commission further information and context will be discussed at the upcoming Commission retreat.

Commission Member Stewart inquired if CVRC considers the uprise statistics of trending crimes when discussing budget funds.

Mr. Zubia informed Commission Member Stewart and the Commission that yes, CVRC considers the statistics of the rising crimes. In addition, Mr. Zubia informed the Commission there are challenges and gaps in our services. The Administrative Office of the Courts (AOC) in comparison to the cases of prosecution they receive versus the number of CVRC applications, there is a huge disparity of approximately 20,000. Currently, CVRC is not reaching the disparity number of potential victims across the state. CVRC does provide funding for these agencies, and they are contractually obligated to assist in filing the compensation application.

Mr. Zubia continued to inform the Commission the last couple of years, CVRC and the Commission has provided these figures to the Legislatures requesting additional funding. The revenue and the Federal funding are decreasing in our agency. In previous years, CVRC has not requested additional appropriation, however, this year CVRC did receive an additional \$203,000 for Care and Support.

Mr. Zubia informed the Commission that CVRC will be requesting additional appropriation this year from the Legislature and will be demonstrating the need by providing statistics on the uprise of crimes in the state. Mr. Zubia wants to assure the Commission that CVRC will continue to enhance services to victims of violent crimes.

Mr. Zubia informed the Commission that CVRC will be preparing an annual report outlining the payouts in compensation, funeral and burial expenses being the highest.

Commission Chair Summa as stated previously to the Commission the disappointment in the challenging process she witnessed while attending the Legislative Finance Committee (LFC) meeting in Santa Fe.

New Business

Office Inspector General Audit Report

As previously informed to the Commission, Mr. Zubia stated that he met with the Office of Inspector General for a closing conference in preparation of final draft, it was determined there were no findings and no recommendations.

Mr. Zubia informed the Commission we are still providing additional information to the Office for Victims of Crime (OVC) regarding their site visit and attempting to mitigate possible issues of resolution. The Compensation Department solicited a federal grant to do an assessment for the department and OVC is recommending that the contract with Counsel of State Governments should have been a subaward and not procured by our agency.

New Mexico Intimate Partner Violence Death Review Team, (IPVDRT)

Mr. Zubia informed the Commission, statutorily our organization was mandated to put this task force together. The team was under the New Mexico Department of Emergency Medicine at UNM, and it has been since the inception of the team in 1997. The New Mexico Department of Emergency Medicine informed CVRC last year their wish to terminate their contract as the administering agency, rather they are taking on new projects. However, they did provide potential alternative organizations within UNM to continue the work. CVRC is currently working and negotiating the contract with Director, Kristen Denim at the New Mexico Statistical Analysis Center UNM Institute for Social Research.

Mr. Zubia stated the team creates an annual report of recommendations that are provided to the legislatures and various organizations and stakeholders, some of which include medical staff, law enforcement, prosecutors' office, etc, across the state provide recommendations in order to improve how individuals are addressing domestic

violence and sexual assault victims across the state related potential deaths. CVRC currently has 12 appointed members that work closely with UNM and are dedicated to ensuring this project is successful.

Resources and Support for Victims in Farmington, New Mexico

Mr. Valdez informed the Commission he and Ms. Jacqueline Sanchez, State Investigator Supervisor, joined other State and Federal service providers to provide onsite services at the Community Center in Farmington. They were able to assist several victims with completing the mass casualty application which is a simplified version of the compensation application. Ms. Sanchez conducted home visits with the victim advocates of the Attorney General's office, while completing a few applications. Onsite counselors were available from Presbyterian Medical Services and were able to meet with some of the onsite victims.

Mr. Zubia, in addition, mentioned CVRC was in communication with service providers in Farmington hours after the incident. Mr. Valdez and Ms. Sanchez, partnered up with local providers, Family Crisis Center and Sexual Assault Services of Northwest New Mexico to expedite payments and possible resources.

Mr. Zubia advised the Commission that good communication with other service providers and also to ensure services were not being duplicated. Expenses are currently being assessed for property damage, unfortunately compensation funds do not cover property damage. However, CVRC has additional Federal emergency funding to cover expenses, such as deductibles. At the time 9 compensation applications have been received.

In addition to working with local providers, Mr. Zubia informed the Commission that CVRC had contacted the Office for Victims of Crime and worked with the Anti-Terrorism and Emergency Funds Assistance program, they were incredibly resourceful. CVRC will assess total expenses and subsequently decide of soliciting the additional federal funding to offset potential deficiencies.

Mr. Zubia was in constant communication with the Attorney General's Office, FBI Victim Witness Specialists, Farmington Police Department Victim Advocates and CVRC's Compensation Department to ensure questions were answered quickly.

Commission Member Stewart expressed appreciation for the rescue response and commended Mr. Zubia for the efforts to bring these entities together. Commission Member Stewart suggested to work with the Divided Communities Project and create a structure between all these entities and have a plan when a mass casualty occurs or significant events in communities that may cause anxiety and animosity.

Mr. Zubia appreciated the comment and will get in contact with the Divided Communities Project. Moreover, Mr. Zubia mentioned the American Red Cross was at the Community Center where they provided snacks and food for everyone at the center.

Commission Chair Summa appreciated the approach and recognized the effort it took for all parties.

Mr. Zubia informed the Commission there were individuals that were in the surrounding area that heard the gunshots and according to the federal guidelines regarding degree of victimization. Unfortunately, CVRC has compensation limitations and we will be following the federal guidelines. Mr. Zubia will introduce language regarding degrees of victimization or secondary victims to receive additional direction on how to proceed with those such particular cases.

Business

Grants Status Report (VOCA, VAWA, SASP and State)

Ms. Donna Richmond, Grants Bureau Chief, informed the Commission that the Grants Department is fully engaged in receiving the proposal solicitation applications for Human Trafficking, Law Enforcement Violent Crime, which are due May 26, 2023. In addition, the Sexual Assault Services and Infrastructure request for proposals and the Domestic Violence, Sexual Assault, Child Abuse, Human Trafficking, and Missing and Murdered People, are due June 5th. The VOCA solicitation is due out in July.

The Grants Team members are training for the enhancement of our WebGrants system, we will move to the upgraded version over the summer. We are preparing for the switch to the new system by testing the portal and verifying data conversions. Our Grants Team has our first on site financial and program reviews scheduled for the end of May. The visit will be to one of our local subrecipients. Lourdes McKenna and Donna Richmond attended the OVC bi-annual summit in Washington DC. Current items discussed were VOCA funding reduction, suitability, match waiver and anti-terrorism and emergency assistance funds (AEAP). Below are the reports from our Grant Administrators.

FY2024 STOP VAWA Final Awards (Voting Item)

Ms. Wood-Hegner informed the Commission of the following:

On April 27, 2023, the Commission accepted the proposal review committee's recommendations for State Fiscal Year 2024. The Commission voted to preliminarily approve sixteen (16) STOP VAWA subawards for continuation, nine (9) new competitive STOP VAWA awards, and four (4) one-year STOP VAWA awards, and one (1) VAWA SASP award. Reference was made to the preliminary subrecipients report that was provided to the Commission members and via webcast. All applicants were notified of the preliminary decision and the protest period, in accordance with the guidelines of the request for proposal for the STOP VAWA solicitation. No protests were filed during the protest period.

Ms. Wood-Hegner provided the commission with the FY24 STOP VAWA Final Awards for review and a vote for final approval.

Mr. Zubia informed the Commission that this is a voting item. Commission Member Brown made a motion to approve the FY24 STOP VAWA Final Awards. Commission Member Rogers seconded the motion. The Commission voted unanimously to approve the FY24 STOP VAWA Final Awards.

The roll call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Member Brown, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, aye, Commission Member Rogers, aye.

CVRC Commission Retreat

Mr. Zubia informed the Commission of two potential dates for the Commission Retreat via Survey Monkey. The set date is June 29th, all Commission Members will attend with the exception of Commission Member Brown.

Commission Chair Summa stated she accepts June 29th by all Commission Members.

Mr. Zubia inquired Commission Member Brown the possibility of attending virtually, Commission Member Brown stated he may be available in the afternoon.

CVRC Employee Criminal Background Check Policy

Mr. Zubia presented previously to the Commission the policy of CVRC Employee Criminal Background Check Policy for CVRC employees. Mr. Zubia informed the Commission that this policy is required due to one of our special conditions of our federal awards with the Department of Justice (DOJ), Office for Victims of Crime (OVC), and Office on Violence Against Women (OVW).

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Mr. Zubia informed the Commission that state agencies across New Mexico have a criminal background check policy, for example, CYFD, for their staff and agencies they administer funding. A background check would be required every five years. The background checks would include fingerprinting, criminal background checks, and a review of the sex offender registry. Mr. Zubia added that since our staff works with different types of victimizations and may encounter working with minors, it is vital that backgrounds be administered.

Commission Member Rogers inquired if the CVRC Employee Criminal Background Check Policy was approved by State Personnel Office (SPO), the policy was vetted through SPO.

Actions on Items Discussed in Executive Session (Voting Item)

No executive session.

The next Commission meeting has been scheduled for Thursday, June 22, 2023, at 10:00 a.m. at 6200 Uptown Blvd. N.E., Suite #210, Albuquerque, NM in the conference room. This could change to a virtual meeting depending on direction from the Attorney General.

Adjourned

Commission Chair Summa adjourned the meeting.

The meeting adjourned at 10:59 a.m.

APPROVED:  DATE: 11/17/2022
Commission Chair Summa