

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 February 25, 2021, Commission Chair Lee called the January virtual meeting of the New Mexico Crime Victims Reparation Commission to order at 10:03 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
Pamela 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 January 14, 2021 Commission Meeting Minutes

The Commission meeting minutes were reviewed for January 14, 2021 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 regarding the FY2021 budget position report on victim payments for the period of July 1, 2020 through February 24, 2021. The victim payment budget started in the amount of \$2,503,589. The total amount for victim payouts as of Friday, February 19 is \$1,415,452 with eighteen weeks remaining to close

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out the fiscal year. At the current rate of payouts, CVRC projects a remaining budget balance of \$254,337. This balance will be carried over into the next fiscal year.

Ms. Mok reviewed with the Commission the Crime Victim Fund payments status report. As of today, the agency has not received payment for February which is expected in March. Ms. Mok informed the Commission that CVRC has collected \$428,528 in payments. As previously reported to the Commission, CVRC continues to not reach our projected revenue target.

FY 2021 Crime Victim Fund payments received for the period of July 01, 2020 to February 24, 2021 by type:

Restitution: \$28,543

Corrections: \$247,034

Civil Settlement: \$22,493

Penalty Assessment: \$130,458

Total received: \$428,528

Commission Chair Lee requested additional information on the Crime Victim Fund report which shows the Department of Corrections revenue amounts are at a steady decline and inquired why this is happening. Mr. Zubia informed the Commission that our agency is actively probing for the answer to this question as well. Mr. Zubia stated to the Commission that he has scheduled a tentative meeting the second week in March with the Department of Corrections Deputy Secretary Karen Kahn, along with three Regional Managers from Probation and Parole to obtain additional information on the steady decline of revenue amounts.

The Department of Corrections Secretary and Deputy Secretary have expressed eagerness in working with CVRC to understand our operations and how to enhance our collaboration. There was also a meeting with CYFD, NM Homeland Security, NM Department of Corrections and NM Department of Public Safety where the sustainability of Victim Information Notification Everyday (VINE) was discussed. On Monday, our agency was advised that the organizations that sustain the VINE program are withdrawing their support for this program. The following agencies Children Youth and Family Department (CYFD), Department of Homeland Secretary (DHS), and Department of Public Safety (DPS) pay the yearly contract with VINE-Appriss. This topic will be on the Commission Meeting agenda in March.

Commission Chair Lee recollected that eight years ago, the same issue surfaced with defunding the VINE program. At that time, the New Mexico Sentencing Commission was involved in saving the program. What occurred with the program to warrant these changes?

Mr. Zubia explained to the Commission that the previous Administration shared the cost with the four departments to fund the VINE program. CYFD's portion for VINE is supposed to be \$5,000, however they have been required to pay \$119,000 and CYFD does not believe they should support this program when their department rarely utilizes this service.

Mr. Zubia added that the Department of Homeland Security stated they do not assist with offenders or victims and will not be supporting this project this next fiscal year. Therefore, they do not want to be responsible for sustaining this program. Also, The Department of Public Safety does not understand why they are supporting this project when they don't utilize the service. CVRC funds four positions with the Department of Public Safety, which include victim advocates that do assist victims. They will also meet with the Department of Corrections Secretary to discuss this further.

Mr. Zubia assured the Commission that the Department of Corrections is willing to support the VINE program, however, cannot support the entire funding amount. They have some concerns about the capacity and the infrastructure to support it.

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Mr. Zubia informed the Commission that the State of New Mexico's technology agency Department of Information Technology (DoIt.) has the VINE contract that is through the host company APPRISS. Mr. Zubia explained that DoIT contributes approximately \$69,784. And provides the infrastructure and coordinator for the VINE program.

Commission Chair Lee expressed how important it is to sustain this program. She added that the VINE program is a constitutional requirement for victim rights to take care of victims. It is vital that a government agency continue to support this project.

Mr. Zubia informed the Commission he and the CVRC Leadership team discussed supporting this project and agreed that our agency can sustain this project for only two (2) fiscal years. In the next couple of weeks, a meeting will be held with the stakeholders to further address supporting the VINE program.

Mr. Zubia will keep the Commission informed with new developments.

FY22 Agency Budget Hearing

Ms. Mok updated the Commission that she and Mr. Zubia on January 27, 2021 had a virtual House Appropriations and Finance Committee (HAFC) Budget Hearing. The HAFC Subcommittee adopted the Executive recommendation without any additional cuts to the CVRC budget. Our agency did not have to reduce our victim service programs who are supported by State General Appropriation by 5% that was previously recommended by Legislative Finance Committee (LFC). The Executive recommendation was adopted and included language limiting our Budget Authority.

Commission Chair Lee requested more details about the Budget Authority language issue that was added to the budget. Mr. Zubia explained in detail that this issue is on the table and he is working with the Office of the Governor to address this issue. This language would impose restrictions to our agency when using our fund balance and the language contradicts with our statutes. LFC's interpretation of our agency's statute is that our fund balance should not be used to fund projects or programs that provide direct victim services throughout the State. Our agency is not in agreement with the LFC's interpretation, and we are requesting assistance from the Office of the Governor.

Mr. Zubia informed the Commission that he was pleased that the agency's budget was not reduced as recommended by LFC. He added that programs that are supported with general appropriations will not have to be cut beginning July 1, 2021.

Commission Chair Lee was pleased and thanked Mr. Zubia and Ms. Mok.

New Business

None

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 practices and trauma informed services during the COVID-19 health pandemic.

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

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

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The VOCA Victim Assistance Quarterly Performance Measure Reports have been submitted to the Office for Victims of Crime.

The VOCA Victim Assistance agencies have submitted their quarterly financial spending projections.

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

The FY2022 STOP VAWA Request for Proposal was issued on January 13, 2021, with a due date of February 26, 2021. The SASP Request for Proposal will be issued by January 15, 2021, with a due date of February 26, 2021. A VAWA question and answer session was held in advance for the solicitation being issued, as well as a grant writing seminar. Both were recorded and provided as assistance in the development of their solicitations.

Ms. Garcia, Grant Bureau Chief stated that Commission Chair Lee, Ms. Washburn, and Ms. Brassie will be joining the Grant Department for the proposal review. It will be a virtual proposal review on March 11, 2021. An Outlook request will be forthcoming with preliminary information for the review committee participates. Applications from subgrantees will be due by 4:00 p.m., mountain standard time tomorrow. Ms. Garcia will review and upload to the Web Grant System for the review committee to preview.

The State Solicitation for Civil legal Services was issued on Monday, January 25, 2021. Applications are due March 4, 2021.

Domestic Violence Resource Center (DVRC)

Ms. Garcia informed the Commission that our agency received complaints over the course of a year concerning the Domestic Violence Resource Center (DVRC). Our agency often receives complaints from survivors and staff. Many complaints are centered around a particular issue regarding delivery of service, and many are related to unrealistic expectations of the agency. Ms. Garcia reviewed with the Commission the policies in place regarding our agency's business practices and policies regarding complaints.

Ms. Garcia explained in detail a complaint that was submitted by survivor who reached out to our agency and to Ms. Garcia while working with another organization. The survivor submitted numerous ethical complaints about a personal relationship that involved a staff member of DVRC. This complaint centered around financial benefits for a staff member from a victim who paid for dinner and other items.

In addition, there were complaints from the community that DVRC was not answering the phone and access to services were not available. Also, complaints involving Emergency Funds that were not issued to assist victims and it placed the survivor in harm's way by not assisting them with access to emergency shelters.

Ms. Garcia informed the Commission that our agency's practice is to notify the Executive Director and Board and set up a meeting with them to discuss and share these complaints. The Board and Leadership will have an opportunity to review the complaints and review their practices, policies and procedures and work to resolve these concerns.

Ms. Garcia has met with the board on several occasions, and they are working with the New Mexico Coalition Against Domestic Violence to conduct an assessment of the entire operation and working to resolve the issues around staff boundaries and internal controls. Also, our agency assisted the survivor with filing a formal grievance. DVRC leadership will develop a corrective action plan to ensure they are in place and moving forward to mitigate these concerns in the future.

SAFE House

Ms. Garcia informed the Commission that our agency received a complaint on behalf of the staff in the midst of COVID-19 a few months ago. CVRC's policies and procedures were also applied in responding to this complaint.

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The complaint involved the Executive Leadership who is accused of creating a hostile work environment by not following policies and procedures.

Ms. Garcia notified the Executive Director and the Board about these concerns. During this time, the Board hired a law firm to examine these complaints which were human resource in nature and did not want to violate any of the staff or client's rights during this process. The Board for SAFEHOUSE stated that this was outside of their expertise and understood the importance of this complaint and decided to seek guidance on how to address this issue and move forward. The Board decided to hire an attorney to investigate these allegations.

Ms. Garcia informed the Commission that the attorney has completed their investigation and she is waiting to receive a copy of the findings.

Commission Chair Lee asked Ms. Garcia how many complaints were submitted and if it was against several individuals. Ms. Garcia explained to the Commission that there were three handwritten complaints against the Executive Director, and it was the board's decision to hire an attorney.

Ms. Garcia stated that the results should become available by the following week. She will report the findings at the March Commission meeting.

Catholic Charities

Ms. Garcia informed the Commission that she is having a meeting with Catholic Charities on Friday. There are some concerns with their financial information not submitted in a timely manner. At this time, they are six months behind in submitting their STOP VAWA invoices. Our agency understands that they are experiencing transition in their leadership. The Grants department has been providing an immense amount of technical assistance to assist their agency with closing out their VOCA awards. Ms. Garcia stated that our agency has been patient and pushing deadlines to assist them during their transition, and with the hiring of financial staff. Ms. Garcia added that upon bringing this to their leadership's attention and trying to provide assistance, they were defensive.

Ms. Garcia informed the Commission that it is the agency's policy and the practice to consider placing this agency on a probationary status. This would mean that they will be required to submit their invoice on the 10th of the month for review and assist them in getting caught up.

Commission Chair and the Commission informed Ms. Garcia that they support her decision with the concerns and the action plan moving forward with this organization.

Commission Chair Lee asked Ms. Garcia to give an update on how many grant subrecipient she manages. Ms. Garcia stated that she has 86 VOCA Victim Assistance Awards and 39 subrecipient awards under the STOP VAWA, and 1 SASP funding with 10 subrecipients under that award. Under State funding there are 10 subrecipients.

Commission Chair Lee complimented Ms. Garcia for all her hard work.

Executive Session

At 10:30 a.m., Commission Vice Chair Myers made a motion to enter into Executive Session. Commission Member Jorgensen 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 11:06 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.

