

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION

MICHELLE LUJAN GRISHAM
GOVERNOR



FRANK ZUBIA
DIRECTOR

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION
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Albuquerque, NM 87110

Meeting Called to Order

On September 15, 2022, Commission Chair Summa called the September meeting of the New Mexico Crime Victims Reparation Commission to order at 10:00 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 Summa, Commission Chair
David Karst, Commission Vice Chair (Via Web Cast)
Randal W. Brown M.D., Commission Member (Via Web Cast)
Sheriff Kim K. Stewart, Commission Member (Via Web Cast)
Cody Rogers, Attorney, Commission Member (Via Web Cast)

The following NMCVRC staff members were present:

Frank Zubia, Director
MaryEllen Garcia, Grants Bureau Chief
Moises Valdez, Compensation Bureau Chief
Cindy Mok, Chief Financial Officer
Pamela Brendler, State Investigator Supervisor
Debra Yepa, State Investigator
Michelle Moore, State Investigator
Leslie Valenzuela, State Investigator (Via Web Cast)
Rose Martinez, Compensation Management Analyst (Via Web Cast)

The following attendees were present via webcast:

Delilah Tenorio, Assistant Attorney General's Office
Marcie Davis, Executive Director, La Casa Inc
Kari Nunez, La Casa, Inc
Anna Ransom, Board of La Casa Inc.
Lani Bradley, Board of La Casa Inc.
Nitasha Grinsted, Rio Rancho Police Department Victim Assistance Unit
Lt. Richard DeSantis, Rio Rancho Police Department Victim Assistance Unit
Jessica Schil, Board of La Casa, Inc.
Stephanie Wood, Executive Director, Valencia Shelter Services

Review Agenda

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

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Roll call vote of the Commission is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Brown, Commission Member Stewart, aye, Commission Member Rogers, aye.

Review and Approval of August 25, 2022, Commission Meeting Minutes

Commission Members reviewed the Commission meeting minutes for August 25, 2022. Commission Member Rogers made a motion to approve the meeting minutes. Commission Member Stewart seconded the motion. The motion to approve the minutes passed unanimously.

Roll call vote of the Commission is as follows: Commission Summa, aye, Commission Member Karst, aye, Commission Member Stewart, aye, Commission Member Rogers, aye, Commission Member Brown, aye.

Public Comment

FFY2023 VOCA Victim Assistance Request for Proposal Preliminary Award Appeals

Commission Chair Summa informed the agencies appealing to the Commission that they are allowed three to five minutes for their presentation. In addition, Commission Summa has informed these agencies that the Commission was provided with their written appeals.

City Of Rio Rancho Victim Assistance Unit

Lieutenant Richard DeSantis with the Rio Rancho Police Department thanked the Commission for its continued support for their crime victim advocates and for the recent VOCA Victim Assistance Preliminary Award. Lt. DeSantis informed the Commission of the demographics, staffing shortage and challenges they encounter daily. Along with these challenges the victim advocates deal with domestic violence victims in the city and county. Lt. DeSantis is asking the Commission to increase the award amount to fully cover the salaries and to support the victim assistance unit.

Valencia Shelter Services

Stephanie Wood, Executive Director presented to the Commission a review of the mission of Valencia Shelter Service, which began in 1989 and included that the agency serves the surrounding counties of Socorro and Torrance. Ms. Wood indicated that the agency does not agree with the Special Conditions outlined within the Preliminary Award letter. Ms. Wood stressed the importance their agency plays in assisting domestic violence victims. Ms. Wood is requested that the Commission reconsider and increase the funding allocated to Valencia Shelter Services.

La Casa, Inc.

Anna Ransom, Chair, Board of Directors presented La Casa, Inc.'s appeal to the Commission. Ms. Ransom presented to the Commission the reason for appealing this decision. Ms. Ransom called into question the process in which the Proposal Review Process was conducted and believes it is not done in an equitable manner. Ms. Ransom referenced a meeting that was held with the New Mexico Coalition Against Domestic Violence and a discussion concerning cuts to the VOCA Victim Assistance Funds for FY2023. Ms. Ransom stated that La Casa Inc., and Healing House have merged, and funds will be needed to sustain both agencies. La Casa, Inc. requested the Commission cancel the July 7, 2022, VOCA Victim Assistance Request for Proposal and reissue the entire solicitation.

Para Los Niños

Rebecca Girardet, MD, did not present to the Commission and requested Para Los Niños letter of appeal stand for their presentation and request to the Commission.

Agency Financial Report

Mr. Zubia informed the Commission that an updated report was submitted to the Commission. Mr. Zubia and Ms. Mok met with Governor's office two days prior to deadline of September 1, 2022. CVRC submitted the agency's proposed budget to the Governor's Office for approval and support. The Governor's Office informed CVRC that

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they would only support \$3 million increase to the agency budget. Mr. Zubia stated to the Commission that CVRC is presenting a revised agency's budget to the Commission today.

FY23 Victim Payment Budget Position and Crime Victims Fund Status

Ms. Mok updated the Commission regarding the fiscal year FY22 budget position report regarding victim payments for the period of July 1, 2022, through September 8, 2022. The victim payment budget started in the amount of \$2,308,200. The total amount of the compensation victim payouts as of September 8, 2022, is \$594,968. Ms. Mok informed the Commission that the rate of payouts that CVRC is experiencing, there is a 20% increase as compared to last year.

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 September 8, 2022, by type:

Restitution: \$10,243

Corrections: \$35,092

Civil Settlement: \$4,945

Penalty Assessment: \$11,162

Total received: \$61,441

Ms. Mok informed the Commission that CVRC has not collected restitution and penalty assessment from Corrections and The Administrative Office of the Courts (AOC) for the month of August. Ms. Mok informed the Commission that the restitution and penalty assessment funds come to the CVRC a month after the previous month is over.

FY24 Proposed Budget Request

Ms. Mok presented the revised FY24 Budget Request Overview spreadsheet as presented to the Commission and she informed the Commission that the FY24 Budget Request was submitted to the Department of Finance and Administration (DFA) and the Legislative Finance Committee (LFC) on September 1, 2022. The budget is currently under review by LFC and DFA. Ms. Mok informed the Commission that CVRC has requested a total of \$3 million State General Appropriation for FY24. This requested amount includes \$2 million for sexual assault victim services, \$460,000 for human trafficking victim service programs, \$208,000 for crime victims care, and support, and \$332,000 for CVRC personnel and operation costs.

Mr. Zubia informed the Commission that our agency CVRC was anticipating and proposing a total of \$5 million budget request in State appropriation. After meeting with the Governor's Office, they informed CVRC that they could support a total of \$3 million budget request. Therefore, CVRC has requested \$2 million for sexual assault victim services instead of \$3 million as initially proposed. Mr. Zubia informed the Commission that this is the first time CVRC is asking for more appropriations for care and support and personnel. Mr. Zubia stated to the Commission that historically our agency was able to use the fund balance to keep up the demand for our services that we provide. Due to the reduction in penalty and inmate wages collections and the increased of payout rates in victim reimbursement, CVRC will have concerns in keeping up with the demand. In addition, Mr. Zubia informed the Commission that our agency has also asked to support for the increased needs in human trafficking victim services, as much of the human trafficking funds from Office for Victims of Crime funding ended for service providers across the state. CVRC is asking for additional funding for human trafficking victim services and service providers. Mr. Zubia and Ms. Mok will keep the Commission apprised of any new developments.

Commission Member Brown inquired if CVRC has a plan B, if the agency does not get the appropriation that is requested. Mr. Zubia informed Commission Member Brown that CVRC would use the crime victims fund to continue paying for victim services and work with Administrative Office of the Courts and the Department of Corrections to ensure assessment and collection of fines, fees, and restitution.

Ms. Mok thanked Commission Chair Summa who was present and available to sign the agency budget.

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FY22 Agency Audit

Ms. Mok updated the Commission from the last meeting that CVRC is having the FY22 audit which will be conducted by Baldwin Accounting and Consulting LLC. Mr. Zubia and Ms. Mok apologized to the Commission for the short notice that the audit entrance conference is scheduled today 1:30 P.M. Mr. Zubia stated to the Commission that all Commission Members are invited to participate virtually, and he will provide the link if any Commission members want to attend. Commission Chair Summa informed CVRC that she will be participating in the virtual meeting. Ms. Mok informed the Commission that the CVRC the audit is due to the State Auditor's Office by November 1, 2022.

New Business

The Council of State Government Justice Center

Mr. Valdez informed the Commission that CVRC has been working on a project with The Council of State Government Justice Center (CSG) since September 2020. This is a three-year project and CVRC was awarded a grant in the amount of \$350,000. This project is designed to do an overall assessment of the Compensation Department. During this assessment, the CSG will review gaps in CVRC's process in receiving applications from around the state, as well as what type of expenses victims are needing that we were unable to consider. The project will also review the restitution recovery collections and penalty assessment funds from the Department of Corrections and the Administrative Office of the Courts (AOC).

Mr. Valdez informed the Commission that last week the CSG team made an onsite visit with Mr. Valdez and the Compensation staff, Director Zubia, and Commission Chair Summa. Mr. Valdez stated that it was a great presentation that outlined the findings of their outreach efforts to the service providers and stake holders across the state. The CSG reviewed the overall statistics that CVRC reports on a quarterly basis and how payments are handled in our agency. With this information gathered, the CSG team shared with CVRC positive feedback and proposed ideas of areas that need improving. Mr. Valdez outlined some of the recommended ideas such as community outreach, online training videos to be readily accessible, peer to peer quality assurance when reviewing claims. In addition, the CSG team also suggested changing job titles and how these titles are interpreted by victims. The CSG team looked at the sexual assault victim cases and the handling and the accessibility to compensation funds.

Mr. Valdez informed the Commission that CVRC is reviewing the positive critique and ready to implement and roll out these changes. Mr. Valdez will keep the Commission informed with any changes going forward.

Commission Chair Summa commented on the meeting with the CSG team and stated she learned a lot about what is effective and what changes are needed to improve and she was appreciative and thankful for the staff's willingness to listen and act on the improvements.

Mr. Zubia informed the Commission that CVRC is in the process of implementing statute changes and changes to the rules and regulations in the next six months. Mr. Zubia informed the Commission that CVRC will be seeking support from the Commission and the Executive Committee when our agency presents the proposed changes during the Legislative Session starting in January. These changes will assist the Compensation department with their daily operations when assisting victims of crime. Mr. Zubia will keep the Commission apprised with new information.

Mr. Zubia stated that the meeting with the CSG team was positive critique, and our Compensation Department strives to improve how they operate and how we can better assist victims of crime in our state.

Mr. Zubia informed the Commission that CVRC was the first in the nation to implement and change our statute that enables eligibility without a police report. This ensures that victims have accessibility to our compensation

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funds. Currently there are ten other states that are replicating our language in processing their claims. Mr. Zubia stated to the Commission that it was a lot of work, and he thanked his team for this accomplishment.

Mr. Zubia invited the Commission to attend the next virtual meeting with the CSG team and thanked Commission Chair Summa for attending the last meeting.

Business

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

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

The VOCA Victim Assistance FFY23 VOCA Competitive Solicitation was released on July 7, 2022, with a due date of August 2, 2022. A Question-and-Answer Session was held on July 6, 2022, for the upcoming FFY23 VOCA Solicitation and a Grant Writing Webinar was included in the solicitation to assist applicants. A review committee met to review and score the applications and have made preliminary award recommendations. Agencies were notified of their preliminary award notification August 25, 2022.

There were four appeals submitted in accordance with the Request for Proposal Solicitation. The agencies appeal letters were submitted to the Commission for review in their September packet. Agencies will present their appeals and request a determination at the September Commission Meeting.

The FVPSA Task Force continues to meet and will be meeting for final recommendations to amend the act on September 23, 2022. This will be presented to the Legislature with recommendations for revisions, amendments and trainings statewide.

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

FFY2023 VOCA Victim Assistance Request for Proposal Preliminary Final Awards Appeals (Voting Item)

Ms. Garcia reviewed with the Commission the FFY 2023 VOCA Victim Assistance Request for Proposal Preliminary Final Awards Appeal process. Ms. Garcia provided to the Commission a detailed and factual presentation of the Request for Proposal Solicitation process, which included a detailed spreadsheet of all VOCA Victim Assistance subrecipients, and the geographic distribution statewide. Ms. Garcia informed the Commission that these decisions were not made by CVRC staff but were recommendations made by a Proposal Review Committee who had valuable information about the needs of survivors statewide. Information provided to the review committee included funding and needs from CYFD, District Attorney's offices, advocacy centers, and the Sexual Assault and Domestic Violence coalitions and other pertinent information.

Commission Chair Summa stated that she participated in the Peer Review process, and she was extremely impressed with the integrity of the team. Each team reviewed information that was factual with the upmost integrity and equity. It was a long process, difficult and exhausting reviewing and scoring all the solicitation applications presented. Commission Chair Summa firmly stated that she supports this process completely and supports Ms. Garcia.

Ms. Garcia informed the Commission that this was a voting item for the following appeals:

Rio Rancho Police Department

Ms. Garcia presented to the Commission a spreadsheet with a detailed breakdown of documents from Rio Rancho Police solicitation. The peer review committee closely examined and reviewed their proposal. Ms. Garcia stated to the Commission that it is a timely process, and the review committee spend the time needed in determining what requests could be supported.

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Mr. Zubia polled the Commission for a vote to uphold the recommendation of the review committee.

The roll call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Member Rogers, aye, Commission Member Stewart, Commission Member Brown, aye, Commission Vice Chair Karst, aye. The vote to support the peer review recommendation was passed unanimously.

Valencia Shelter Services

Ms. Garcia presented to the Commission a spreadsheet with a detailed breakdown of documents from Valencia Shelter Services solicitation. The peer review committee closely examined and reviewed their proposal. Ms. Garcia stated to the Commission that it is a timely process, and the review committee spend time needed in determining what requests could be supported.

Mr. Zubia polled the Commission for a vote to uphold the recommendation of the review committee.

The roll call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Member Rogers, aye, Commission Member Stewart, Commission Member Brown, aye, Commission Vice Chair Karst, aye. The vote to support the peer review recommendation was passed unanimous.

La Casa Inc.

Ms. Garcia presented to the Commission a spreadsheet with a detailed breakdown of documents from La Casa Inc. solicitation. The peer review committee closely examined and reviewed. Ms. Garcia stated to the Commission that it is a timely process, and the review committee spend time needed in determining what requests could be supported.

Mr. Zubia polled the Commission for a vote to uphold the recommendation of the review committee.

The roll call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Member Rogers, aye, Commission Member Stewart, Commission Member Brown, aye, Commission Vice Chair Karst, aye. The vote to support the peer review recommendation was passed unanimous.

Para Los Niños

Ms. Garcia presented to the Commission a spreadsheet with a detailed breakdown of documents from Para Los Niños solicitation. The peer review committee closely examined and reviewed. Ms. Garcia stated to the Commission that it is a timely process, and the review committee spend time needed in determining what requests could be supported.

Mr. Zubia polled the Commission for a vote to uphold the recommendation of the review committee.

The roll call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Member Rogers, aye, Commission Member Stewart, Commission Member Brown, aye, Commission Vice Chair Karst, aye. The vote to support the peer review recommendation was passed unanimously.

FFY2023 VOCA Victim Assistance Request for Proposal Final Awards (Voting Item)

Ms. Garcia informed the Commission that the spreadsheet for the final award for federal fiscal year 2023 VOCA Victim Assistance competitive solicitation is attached to the packet. There were 78 competitive applications submitted and approved for preliminary award recommendations. One agency Santa Fe Recovery Center declined the award. Attached to the packet is the 77 agencies for the final award approval. The total amount that will be allocated is \$10,042,438.

Mr. Zubia polled the Commission for a vote to support the FY2023 VOCA Victim Assistance Request for Proposal Final Awards approval.

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The roll call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Member Rogers, aye, Commission Member Stewart, Commission Member Brown, aye, Commission Vice Chair Karst, aye. The vote to approve the FFY2023 VOCA Victim Assistance Request for Proposal Final Awards was passed unanimously.

Executive Session

At 11:41 a.m., Commission Chair Summa asked for a motion to enter Executive Session. Commission Member Brown made a motion and Commission Member Rogers seconded the motion.

A poll of the Commission Chair Summa, aye, Commission Member Rogers, aye, Commission Member Stewart, Commission Member Brown, aye, Commission Vice Chair Karst, aye.

At 11:51 p.m., Commission Chair Summa made a motion to come out of Executive Session. Commission Vice Chair Karst seconded the motion. The motion passed unanimously

Ms. Tenorio 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)

203978- Additional Counseling

Director Zubia reviewed with the Commission claim #203978 for additional counseling. The will of the Commission was to deny claim #203978 for additional counseling. The roll call vote is as follows: Commission Chair Summa, Aye, Commission Vice Chair Karst, Aye, Commission Member Brown, Nay, Commission Member Stewart, Nay, Commission Member Rogers, Nay. The motion for additional counseling was denied (3-2).

The next Commission meeting has been scheduled for Thursday, October 20, 2022, 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 asked for a motion to adjourn. Commission Member Brown made a motion to adjourn, and Commission Member Stewart seconded the motion to adjourn the Commission meeting. The motion to adjourn passed unanimously.

The meeting adjourned at 11:55 p.m.

APPROVED: *Ally Summa* DATE: 10/20/2022
Commission Chair Summa