

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

Meeting Called to Order

On April 27, 2023, Commission Vice Chair Karst called the April meeting of the New Mexico Crime Victims Reparation Commission to order at 10:00 a.m.

Commission Vice Chair Karst 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:

David Karst, Commission Vice Chair
Dr. Randal Brown, M.D., Commission Member
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
Rose Martinez, Compensation Management Analyst

The following Attorney General's Office attendee was present:

Delilah Tenorio, Assistant Attorney (Virtual)

Review Agenda Commission

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

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

Review and Approval of March 23, 2023, Commission Meeting Minutes

Commission Vice Chair Karst and Commission members reviewed the Commission meeting minutes for March 23, 2023. Commission Member Dr. Brown made a motion to approve the meeting minutes. Commission Member Rogers seconded the motion. The motion to approve the minutes passed unanimously.

Commission Meeting April 27, 2023

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

Public Comment

No Public Comment

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 April 20, 2023. The victim payment budget started in the amount of \$2,308,200. The total amount of the compensation victim payouts as of April 20, 2023, is \$1,886,463.

As previously presented, Ms. Mok informed the Commission that CVRC will have a projected negative balance of \$341,743, 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 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 April 20, 2023, by type:

Restitution: \$62,325

Corrections: \$340,535

Civil Settlement: \$5,881

Penalty Assessment: \$136,765

Total received: \$545,506.

Ms. Mok reviewed with the Commission the Crime Victims Funds Status report totaling \$545,506. Ms. Mok informed the Commission that since the month of December, our agency has seen an increase in funds to CVRC. Ms. Mok informed the Commission that CVRC has not received the funds from the Correction's Department for the month of March has not arrived. In addition, Ms. Mok informed the Commission that our agency has not received and funds for the month of April from the Administrative Office of the Courts (AOC) and will present the amounts at the May Commission meeting.

CVRC FY2024 Agency Budget and Junior Appropriation

Ms. Mok presented previously to the Commission a detailed report of the FY 2024 Agency Budget and Junior Appropriation. House Bill 2 has been signed by the Governor with no changes.

Ms. Mok presented and explained the breakdown of House Bill 2 to the Commission. Ms. Mok informed the Commission that our overall agency FY 2024 operating budget is \$26.3 million. Ms. Mok informed the Commission that this amount included the additional \$1.8 million in State General Appropriation.

Ms. Mok provided the Commission a breakdown report of the increased appropriation. The programs are broken down by the following categories: Sexual Assault Victim Services will receive \$1 million, Human Trafficking Victim Services will receive \$150,000, Law Enforcement Based Victim Advocate will receive \$140,000, Crime Victims Care and Support will receive \$184,000, and CVRC Personnel and Operation Costs will receive \$331,700.

Ms. Mok continued to inform the Commission that CVRC also received eight (8) junior appropriations totaling \$2.07 million. This funding amount is in addition to the agency's operating budget of \$26.3 million.

Ms. Mok informed the Commission that the budget for this funding is being finalized and will be submitted to the Department of Finance Administration (DFA) and the Legislative Finance Committee (LFC) by Monday, May 1, 2023.

Commission Meeting April 27, 2023

Mr. Zubia informed the Commission that the junior appropriation is a non-recurring appropriation. CVRC is working with Senators and House Representatives who sponsored the junior appropriation to CVRC to understand their legislative intent. Per the conversation, held with Senator Pinto, she has indicated she wants \$800,000 to go to the northwest part of the state and to include addressing the Murdered and Missing people on the south-east section of the state to include Mescalero.

Mr. Zubia asked Senator Pinto if the funds could also be used to assist agencies with a one-time improvement for example the purchase of technology, repairs to agency buildings and possible HVAC replacement that provide assistance to crime victims. Senator Pinto agreed with Mr. Zubia's suggestions for these funding.

Mr. Zubia also informed the Commission that the Grants Department is working diligently on issuing the solicitation for these junior appropriation. It is scheduled to be released by May 1, 2023, with a tentative date of May 30, 2023, deadline.

Mr. Zubia wanted to commend the Grants Department for simplifying the application process, so that applicants can submit their proposals with little or no stress.

Commission Member Sheriff Stewart asked for clarification of the distribution of the Sexual Assault Services Funds across the state. Mr. Zubia informed the Commission that the agencies in the counties that are earmarked for the funding can apply. Mr. Zubia informed Commission Member Sheriff Stewart that CVRC is the agency that administers this funding.

New Business

Proposed Emergency Shelter with Emergency Assistance Funds Policy

Mr. Zubia presented to the Commission a proposal to revise the Proposed Emergency Shelter with Emergency Assistance Funds (EAF) Policy that was put in place for CVRC. The EAF funds are available to victims from VOCA funds. The VOCA funding source can be accessed by victims that need emergency assistance and are initiated by an victim advocate. The amount of available funding is limited at two-thousand dollars, per victim, and is only available once in a lifetime.

Mr. Zubia explained to the Commission in full detail the challenges that CVRC encounters with the Emergency Assistance Funding requests from across the state.

Mr. Zubia continued with the challenges encountered by agencies that are against putting limitations on the length of stay at hotels. In some cases, some of these individuals need to be monitored and provide case management with their specific situations.

Mr. Zubia informed the Commission that some unfortunate circumstances have resulted in hotel issues and paying the hotels for damages from clients across the state.

Commission Vice Chair Karst and Commission Member Dr. Brown inquired if this change would increase the workload? Mr. Zubia informed the Commission that it would; however, at the rate of funds that CVRC is expending, CVRC will run out of funding if we do not monitor the Emergency Assistant Funds and propose hotel limitations.

As of today, Mr. Zubia informed the Commission that CVRC has expended over \$300,000 dollars in VOCA Emergency Assistance Funds.

Commission Vice Chair Karst does understand the issue with this resource and stated he is in agreement that there must be some kind of control with rules and regulations.

Commission Meeting April 27, 2023

Commission Vice Chair Karst and Commission Members are in favor of a plan of action to be in place when assisting these victims.

Commission Member Dr. Brown made a motion to draft a revised version for administering the Proposed Emergency Shelter with Emergency Assistance Funds Policy and Commission Vice Chair Karst seconded the motion.

Mr. Zubia took a roll call vote of the Commission in favor of drafting a revised version of the Emergency Assistance Funding Policy. The roll call is as follows: Commission Member Dr. Brown, aye, Commission Vice Chair Karst, aye, Commission Member Rogers, aye, Commission Member Stewart, aye. The Commission voted unanimously to approve the drafting of a new Emergency Fund Policy.

CVRC Draft Employee Criminal Background Check Policy (Suitability Plan)

Mr. Zubia presented to the Commission the draft of CVRC's Employee Criminal Background Check policy (Suitability Determination Plan). 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).

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.

Mr. Zubia informed the Commission that no vote was needed at this time. Mr. Zubia will put it on the next meeting agenda.

Proposed Missing and Murdered Indigenous Legislation and Junior Appropriation

Mr. Zubia informed the Commission that he met with Senator Pinto, and she agreed that the junior appropriation should cover for the entire state. Senator Pinto wants to work with CVRC to change the enabling statutes to cover missing persons. As previously stated, a missing person is not considered a crime in New Mexico, it is a status.

Mr. Zubia informed the Commission that our Attorney General Representative Delilah Tenorio is on the Missing and Murdered Indigenous Women Task Force. Ms. Tenorio has suggested Director Zubia attend the next meeting on May 25, 2023. Mr. Zubia is going to give a 5-minute presentation on the funding that is appropriated to assist with victims of missing and murdered persons.

Department of Justice, Office of Chief Financial Officer Financial Monitoring and Technical Assistance Site Visit Closure Letter

Mr. Zubia informed the Commission that there were no findings on our agency audit and the letter was shared with Commission members.

CVRC Victim Advocacy Academy (October 2-6, 2023)

Mr. Zubia informed the Commission CVRC will be hosting the Victim Assistance Training (VAT) on October 2-6, 2023. This training will be at the Embassy Suites in Albuquerque. The VAT will bring a variety of experts from various agencies across the state. VAT will consist of 40 hours of on-line training prior to the 40 hours (one week) of in person training.

The VAT will address various victimizations, such as sexual assault, domestic violence, and child abuse, human trafficking, and victims of homicide.

Commission Meeting April 27, 2023

Mr. Zubia also added that the training will address victim rights and what is required by statute from different criminal justice organizations in our state. There will also be training for victim advocates to provide trauma informed and victim centered services.

Mr. Zubia invited the Commission members to participate in the training in October if their schedules permit. Our agency wants to continue to set the standard for providing this training for individuals who are aspiring to become victim advocates and currently providing victim services but have less than three years. Mr. Zubia stated that the training will limit to fifty (50) participants from across the state.

CVRC Office Expansion Las Cruces, New Mexico

Mr. Zubia informed the Commission that CVRC is studying the possibility of expanding a satellite office to Las Cruces. Mr. Zubia stated to the Commission that he has looked at different locations in Las Cruces and would possibly hire a Victim Resource Specialist and a State Investigator in that office.

Mr. Zubia presented to the Commission to consider an CVRC expansion office in Las Cruces. In addition, reviewing possibly opening other satellite offices in the northern, eastern, and western parts of New Mexico where CVRC services are needed.

Mr. Zubia informed the Commission that this expansion is not a voting item, this will be addressed later.

Business

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

Ms. Donna Richmond, Grants Bureau Chief, informed the Commission the following:

The State Human Trafficking Request for Proposal will be released May 1, 2023, Due May 26, 2023. Total funds available \$150,000

The State Law Enforcement Violent Crime Victim Assistance Request for Proposal will be released May 1, 2023, Due May 26, 2023. Total funds available \$220,000

The Sexual Assault Services and Infrastructure Request for Proposal will be released May 1, 2023, Due May 26, 2023. Total funds available \$2,030,000

The Domestic Violence, Sexual Assault, Child Abuse, Human Trafficking and Missing and Murdered People in Northwestern New Mexico Request for Proposal will be released May 1, 2023, Due May 26, 2023. Total funds available \$875,000

Ms. Richmond informed the Commission that the total FY24 funds distributed for victim services in our state, referred to is in the amount of \$5,153,355.

Loudes McKenna, VOCA Grant Administrator informed the Commission the following:

Subgrantee Information

The Grants team undated the site visit monitoring questionnaire and discussed a site visit schedule for this calendar year.

Other Activities

Ms. McKenna also participated in the NM Intimate Partner Violence and Death Review Team meeting and case review.

The Grants team participated in the OVC VOCA Center VA roundtable. Topics discussed included risk assessments, coordination of state and federal funds, conflicts of interest, and match waivers.

Ms. McKenna met with Dulles Technology Partners to discuss upgrade of Webgrants system.

Marivel Baca, State Grant Administrator, informed the Commission of the following.

Ms. Baca reviewed the subrecipients spending of the State Funding. Ms. Baca reviewed the final budgets that have been received and approved spending for the Bernalillo County Sheriff's Office, Albuquerque Police Department, City of Farmington Police Department, and the City of Las Cruces Police Department and will be completed by the end of the fiscal year. This funding is specifically directed to law enforcement response to victims of violent crime.

STOP VAWA FY2024 Preliminary Award Recommendation (Voting Item)

Sexual Assault and Junior Appropriation RFP

Ms. Wood-Hegner in the Commission of the following for the STOP VAWA Request for Proposals FY 2024.

STOP VAWA Request for Proposals FY 2024

The New Mexico Crime Victims Reparation Commission received eighteen (18) competitive proposals for the STOP VAWA solicitation. Of these applications, three (3) were deemed ineligible by the proposal review committee as not adhering to the Certification of Consultation requirement. The proposal review committee reviewed and scored the proposals in accordance with the request for proposal guidelines, which included mandatory allocation and statutory funding priorities. The proposal review committee recommended ten (10) of the proposals be presented to the Commission for preliminary approval. Please see the attached list of recommended competitive and continuation subrecipients for FY 2024.

The New Mexico Crime Victims Reparation Commission received 16 continuation applications in accordance with the guidelines of the request for proposal for the STOP VAWA solicitation. Please see the attached list of recommended competitive and continuation subrecipients for FY 2024.

Mr. Zubia wanted to commend Ms. Wood-Hegner for the great job she did.

VAWA STOP Awards for FY2024

Continuation Funding = \$706,405

New Funding = \$438,988

One-year Funding = \$166,179

Total - \$1,311,572

This funding will be awarded to subrecipients in New Mexico in compliance with the purpose areas and scope of work outlined by OVW, VAWA, STOP program initiatives.

VAWA Sexual Assault Services Program (SASP)

The New Mexico Crime Victims Reparation Commission received the requested information from the VAWA SASP continuation agency in accordance with the request for proposal for the VAWA SASP solicitation.

VAWA SASP Continuation Award

New Mexico Coalition of Sexual Assault Programs in the amount of \$566,783.

Mr. Zubia informed the Commission that a vote was needed to approve the STOP VAWA FY2024 Preliminary Award Recommendation and the STOP VAWA Sexual Assault Proposal for FY2024. With permission from Attorney General Office Delilah Tenorio the vote for the solicitations can be voted on together by the Commission.

Commission Meeting April 27, 2023

Mr. Zubia asked the Commission for a motion to approve. Commission Member Dr. Brown made a motion to approve the STOP VAWA FY2024 Preliminary Award Recommendation and the VAWA Sexual Assault Services Program (SASP). Commission Vice Chair Karst seconded the motion. The motion was approved unanimously.

The roll-call vote is as follows: Commission Member Dr. Brown, aye, Commission Vice Chair Karst, aye, Commission Member Rogers, aye, Commission Member Stewart, aye.

Office of Victims of Crime (OVC) Site Visit Status

Mr. Zubia updated the Commission on the Office of Victims of Crime (OVC) site visit. Mr. Zubia informed the Commission that we are anticipating having no findings, but may have some recommendations.

Mr. Zubia will keep the Commission informed with any new information that is received.

Ms. Richmond asked Commission Vice Chair Karst to go back to some Grant information she wanted to give to the Commission. Ms. Richmond informed the Commission of two site visits that the Grants Department will be conducting starting in May.

Ms. Richmond informed the Commission that the Grants Department is anticipating two visits per month starting in June, July, August, and September around the state. The site visits will be through September 30, 2023.

CVRC Commission Retreat

Mr. Zubia informed the Commission from the previous meeting that he will send a survey to the Commission regarding the location and date for the Commission retreat.

In the past, Mr. Zubia stated that the retreat will take place on Friday (Full Day) and on Saturday (Half Day). The arrival will be on Thursday.

Mr. Zubia informed the Commission at the training he will invite Mr. Dan Eddy with the National Association of Crime Victim Compensation Board would be facilitating some of the training.

Mr. Zubia will inform the Commission at the next meeting what the consensus of the Commission is and provide specific details on the location and dates.

Executive Session

At 10:52 a.m., Commission Vice Chair Karst made a motion to enter executive session. Commission Member Rogers second the motion to enter into executive session.

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

Commission Vice Chair Karst 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)

231216
232042
232379

Director Zubia reviewed with the Commission claim #231216. The will of the Commission regarding claim #231216 was to deny. The motion to deny was passed unanimously.

Commission Meeting April 27, 2023

The roll-call vote is as follows: Commission Vice Chair Karst, nay, Commission Member Stewart, nay, Commission Member Rogers, nay, Commission Member Dr. Brown, nay.

Director Zubia reviewed with the Commission claim #232042 to approve. The will of the Commission regarding claim #232042 is to approve. The motion to approve was passed unanimously.

The roll-call vote is as follows: Commission Vice Chair Karst, aye, Commission Member Stewart, aye, Commission Member Rogers, aye, Commission Member Dr. Brown, aye.

Director Zubia reviewed with the Commission claim #232379 to approve. The will of the Commission regarding claim #232379 was to approve. The motion to approve was passed unanimously.

The roll-call vote is as follows: Commission Vice Chair Karst, aye, Commission Member Stewart, aye, Commission Member Rogers, aye, Commission Member Dr. Brown, aye.

Personnel Matter

Commission Vice Chair Karst and Commission members discussed in Executive Session a private personnel matter.

At 11:19 a.m., Commission made a motion to come out of Executive Session. Commission Vice Chair Karst seconded the motion to come out of Executive Session.

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

The next Commission meeting has been scheduled for Thursday, May 25, 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 Vice Chair Karst adjourned the meeting.

The meeting adjourned at 11:20 a.m.

APPROVED: *A. B. Summa* DATE: 5/25/23
Commission Chair Summa