



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-045000 Victim's Services	Issued: 5/27/09 Effective: 5/27/09	Reviewed/Revised: 11/05/21
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

- A. NMSA 1978, 9-3-3, 31-1-1 thru 31-1-8, 31-26-1 and Sections 31-26-1 thru 31-26-14, as amended.
- B. Article II, Section 24 of the Constitution of the State of New Mexico.

## REFERENCE:

- A. Policy CD-032200 (*Unlawful Discrimination/Sexual Harassment*)
- B. Policy CD-040100 (*Inmate Records*)
- C. ACA Standard 2-CO-4G-02, *Standards for the Administration of Correctional Agencies*, 2<sup>nd</sup> Edition.
- D. ACA Expected Practices 5-ACI-5F-06, 5-ACI-5F-07 and 5-ACI-5F-08 *Performance Based Expected Practices for Adult Correctional Institutions*, 5<sup>th</sup> Edition.
- E. ACA Standard 4-APPFS-1A-04, *Standards for Adult Probation and Parole Field Services*, 4<sup>th</sup> Edition.

## PURPOSE:

To provide a balanced-system approach to public safety in corrections by establishing a direct point of contact for crime victims and their family members who have concerns related to offenders incarcerated or under probation and/or parole supervision.

## APPLICABILITY:

All New Mexico Corrections Department (NMCD or Department) and Contract facility employees.

## FORMS:

None

## ATTACHMENTS:

None

## DEFINITIONS:

- A. Administrative Office of the District Attorneys Victim Notification Coordinator: The designated person at the Administrative Office of the District Attorneys who is responsible

for reporting on offender status to the statewide District Attorney's offices, who in turn notify registered crime victims.

- B. Crime Victim Advocate: Individuals designated as victim advocates in each District Attorney's office in New Mexico.
- C. Crime Victim or Survivor: Any person who suffers physical, emotional and/or financial harm resulting from the commission of a crime.
- D. Criminal Management Information System (CMIS): An automated computer system used by the Corrections Department for the purpose of tracking the status of offenders.
- E. Department's Victim Advocate Representative: Individual assigned to assist the Victim Services Program in providing information, assistance, support and referrals to the victims of offenders sentenced to the NMCD. Serves as a liaison between the NMCD, District Attorney's Office Victim Advocates, state, federal and community victim assistance programs and the New Mexico Adult Parole Board.
- F. Department's Victims' Services Coordinator: The designated person to oversee the implementation of programs, services, procedures and policies to ensure that the rights of victims of the Department's offenders are enforced. Serves as a liaison between the NMCD, District Attorney's Office Victim Advocates, state, federal and community victim assistance programs and the New Mexico Adult Parole Board.
- G. Enumerated crimes: Crimes defined by NMSA 1978, Section 31-26-3, as amended.
- H. Limited English Proficiency (LEP): is defined as the inability to speak, read, write, or understand the English language at a level that permits a person (client) to fully understand the nature of the services they may receive.
- I. In House Parole (IHP) : An inmate who has completed all of his or her basic sentence, including concurrent and consecutive, and who is serving his or her parole term in prison, but who can be released immediately with an approved parole plan and parole certificate.
- J. Victim Information Notification Everyday (VINE): An automated victim notification system that notifies registered individuals of inmate projected release dates (PRD), certified release dates, releases, out-to-court/return from court status, escapes, and deaths. All victim notices are generated by the information that is entered into the Criminal Management Information System (CMIS). Registrants may receive automated telephone, text or e-mail notifications. The system provides notifications in English, Spanish, Navajo and TTY. The website for VINE is [www.vinelink.com](http://www.vinelink.com)

## **POLICY**

- A. The NMCD provides victim services regardless of race, color, national origin sex, religion, disability, and age.
- B. NMCD Victim Services shall develop a procedure to ensure that victims have access to a compliant and/or grievance process.

- C. The NMCD Victims' Services provides a single point of contact on issues related to victims' rights and services.
- D. The NMCD Victims' Services provides information, assistance, support and referrals to the victims of an offender sentenced to the NMCD, while maintaining the offenders' right to privacy.
- E. The NMCD Victims' Services provides a victims' assistance toll-free number and victims' section on the NMCD website, to facilitate the provision of quality victims' assistance.
- F. The NMCD is committed to treating victims with respect and sensitivity.
- G. When an offender is under the supervision of the NMCD for a crime of violence, consistent with the law of the jurisdiction, and if the victim(s) requests, there is a system in place that includes, but is not limited to, providing notification:
- Prior to any type of hearing regarding the offenders sentence;
  - Prior to any release from confinement or supervision of the offender;
  - Immediately after the offender escapes from custody or supervision, and;
  - Follow-up notification is communicated to victim(s) when the offender is apprehended and returned from custody after an escape. **[2-CO-4G-02][5-ACI-5F-06][4-APPFS-1A-04]**
- H. The Department's Victims' Services Coordinator is responsible for coordination of victims' programs and that curriculum is established for providing training to staff involved with victims' issues. This curriculum includes the following topics:
- Specific services available to crime victims.
  - Changes in laws impacting victims.
  - Way(s) of gaining access to the services.
  - Confidentiality of victim information.
  - Way(s) for victims to communicate complaints and other concerns.
  - Program-evaluation measures, which include victim input regarding the effectiveness of services and ways for them to make suggestions regarding agency policies and practices intended to assist crime victims. **[5-ACI-5F-07]**
- I. If you are an NMCD employee and believe you are being harassed or have been subjected to discriminatory treatment within the agency refer to policy CD-033200.



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CD-045001 Victim's Services	Issued: 5/27/09 Effective: 5/27/09	Reviewed/Revised: 11/05/21
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

Policy CD-045000

## PROCEDURES: [5-ACI-5F-06][ 5-ACI-5F-07]

### A. Victims' Services:

1. Victims' Services provides a single point of contact on issues related to victims' rights and services. Victims' Services provides information, assistance, support and referrals to the victims of an offender sentenced to the NMCD, while maintaining the offenders' right to privacy. The NMCD provides a victims' assistance toll-free number and victims' section on the NMCD website, to facilitate the provision of quality victims' assistance.
2. If initiated and requested only by a victim or victim/survivor, there is a program survivor that provides an opportunity for such victims or survivors to meet face-to-face or by other means with the inmate responsible for their victimization in a safe, secure, and confidential setting. The victim or victim/survivor will receive thorough preparation with, and the assistance of a properly trained facilitator. [5-ACI-5F-08]

### B. Victim Notification of Offender Information:

In compliance with State law, the NMCD will work in concert with the District Attorneys and the Adult Parole Board (Board) in a coordinated effort to notify victims, witnesses or others of escapes and releases in a timely and appropriate manner.

Victim Notification: [2-CO-4G-02][4-APPFS-1A-04]

1. Records staff will notify the Administrative Office of the District Attorney (AODA) Victim Notification Coordinator and the NMCD Victims Services Coordinator at least thirty (30) days prior to the projected release date (PRD) of an inmate being paroled, discharged to probation, re-paroled, released from the sanctioned parole violator program or discharged with no supervision to follow.
2. In addition, the Information Technology Division will submit, daily and every (2) hours, electronic inmate records to AODA for the purpose of victim notification. The electronic inmate records provide inmate projected release dates, certified release dates, inmate releases, out-to-court status, return from court status, inmate deaths and escape status.

3. Records Responsibilities for Victim Notification to AODA and VINE:
  - a. Records staff will enter the PRD into the CMIS prison release module thirty (30) days in advance (at the time the release audit is conducted) and will e-mail a copy to the NMCD Victim Services and to the AODA Victim's Notification Coordinator. A copy of the prison release module will be placed in the inmate's file.
  - b. The earliest a victim notice may be submitted is sixty (60) days.
  - c. If a notice is not submitted at least thirty (30) days prior to the projected release date, records staff will provide a reason for the late notice to the Offender Management Services (OMS) Bureau Chief.
  - d. Records staff will ensure the case numbers are accurately entered into the CMIS prison release module screen. At the time of the PRD entry records staff will ensure the following information is entered:
    - 1) Release date
    - 2) Release type
    - 3) Legal status
    - 4) Change reasons (must be entered for each case number)
    - 5) Release to location
    - 6) Case status
  - e. If a PRD changes to an earlier date, records staff will update the PRD on the CMIS prison release module and e-mail a copy to NMCD Victim Services and the AODA Victim's Notification Coordinator, with an explanation of the date changes (received LSA, calculation date, etc.).
  - f. If the PRD moves to a later date, records staff will update the PRD on the CMIS prison release module and e-mail a copy to NMCD Victim Services and the AODA Victim's Notification Coordinator.
  - g. If records determine that the PRD in CMIS is past due, over six (6) months, and the PRD needs to be updated, records staff will update the CMIS prison release module to reflect the most current PRD and e-mail a copy to NMCD Victim Services and the AODA Victim's Notification Coordinator.
  - h. If an inmate is IHP and discharges their parole while incarcerated, records staff will update the CMIS prison release module thirty (30) days in advance to reflect the discharges date and updated release reason. Records staff will e-mail a copy of the CMIS prison release module screen to NMCD Victim Services and AODA Victim Notification Coordinator.
  - i. When a victim notification is not submitted thirty (30) days in advance due to circumstances beyond the control of the records staff, the records staff will provide

the anticipated date of release based on the inmate's release status and circumstances. Examples include parole violators, calculation errors, re-paroles, or court-ordered releases. Records staff will e-mail a copy of the CMIS prison release module screen to NMCD Victim Services and the AODA Victim's Notification Coordinator.

- j. If the inmate is IHP and a PRD has not been entered in the CMIS prison release module, the records staff will provide the anticipated date of release based on the inmate's release status and circumstances and e-mail a copy to NMCD Victim Services and the AODA Victim's Notification Coordinator.
  - k. If an inmate is a court-ordered release, records staff will enter the estimated date for release in the CMIS prison release module and e-mail a copy to the NMCD Victim Services and the AODA Victim's Notification Coordinator.
  - l. If upon an inmate's initial arrival to NMCD it is determined that an inmate immediately becomes IHP, records staff will project thirty (30) days for the release date in the CMIS prison release module and e-mail a copy to NMCD Victim Services and the AODA Victim's Notification Coordinator.
  - m. If an inmate with an indeterminate sentence, or an inmate who is serving a life sentence is granted parole, records staff are to provide the anticipated date of release based on the inmate's release status and circumstances in the CMIS prison release module and e-mail a copy to NMCD Victim Services and AODA Victim's Notification Coordinator.
  - n. If an inmate is projected to release and OMS determines that the inmate is not eligible for release, the inmate must be taken off the release list. The facility records and/or OMS must notify NMCD Victim Services. Victim Services, in turn will notify the AODA Victim Notification Coordinator.
4. General Components of VINE:
- a. VINE is an automated victim notification system that notifies registered individuals of inmate projected release dates, certified release dates, releases, out-to-court/return from court statuses, escapes, return from escape and deaths. All victim notices are generated by the information that is entered into CMIS. Registrants may receive automated telephone, text or e-mail notifications. The system provides notifications in English, Spanish, Navajo, and TTY. The website for VINE is [www.vinelink.com](http://www.vinelink.com)
  - b. VINE is not intended to replace the statutory duty of the District Attorney's office for notification of inmate releases. VINE is intended to enhance the notification efforts for crime victims.
  - c. The NMCD Information Technology Division will provide oversight of the technical interface with VINE, maintain all hardware and software required to support the VINE system and coordinate troubleshooting in the event of service disruption.
  - d. In addition, the Information Technology Division will submit, daily and every two

(2) hours, electronic inmate records to VINE for the purpose of victim notification. The electronic inmate records provide inmate projected release dates, certified release dates, inmate releases, out-to-court/return from court statuses, inmate deaths, and escape status.

- e. The NMCD works in collaboration with the New Mexico Department of Information Technology to coordinate and maintain the VINE program.
5. Master Control and Count Room Responsibilities for VINE.
    - a. Refer to the **NMCD Instructional Manual for Inmate Releases and Victim Notification for all NMCD Facilities Attachment (CD-130101.A)**  
**CONFIDENTIAL**
  6. Victims' Services Responsibilities for Escape Notifications
    - a. The NMCD Victim Services staff shall be notified following any escape from confinement. The NMCD Victim Services staff will coordinate with the Offender Management Services Bureau Chief to immediately notify the sentencing judge, the district attorney of the judicial district from which the inmate was committed, the AODA, and the probation officer who authorized the presentence report.
    - b. Follow-up notifications shall be made to the NMCD Victim Services staff when an inmate is returned to custody from an escape. The NMCD Victim Services staff will coordinate with the OMS Bureau Chief to notify the sentencing judge, the district attorney of the judicial district from which the inmate was committed, the AODA, and the probation officer who authorized the presentence report.
  7. Victims' Services Responsibilities for Inmate Deaths
    - a. The OMS Bureau Chief will notify the NMCD Victim Services staff of inmate deaths. The NMCD Victim Services staff shall then notify the AODA Victim Notification Coordinator and/or the respective District Attorney's Office Victim Advocate of inmate deaths.
  8. Victim Correspondence
    - a. All correspondence from victims shall be kept confidential and inmates and offenders, or anyone acting on behalf of inmates, are prohibited from obtaining any information concerning victims who obtain services from the Victim Services Program.
    - b. All information contained in the victims' files is confidential and shall be kept in a secured location. At no time is victim information to be released to inquiring parties.
    - c. The NMCD's Victim Services staff will ensure that only approved personnel have access to victim information and then only for authorized purposes.
  9. Parole Hearings and Victims Attendance

- a. The NMCD Victims' Service staff will coordinate victims' attendance at parole hearings. Victims interested in participating in the parole hearing process are generally referred by the local District Attorney's office Victim Advocates and/or the New Mexico Parole Board.
- b. The NMCD Victims' Services staff will explain all options available for the victim to appear before the Board and assist the victim in presenting testimony before the Board.

#### 10. Victim Awareness and Sensitivity Training [ 5-ACI-5F-07]

- a. The NMCD Victims' Service staff shall coordinate and provide victim awareness and sensitivity classes to classification staff and probation and parole officers.
- b. The NMCD Victims' Services staff shall ensure that the established training curriculum for staff involved with victim's issues includes the following topics:
  - 1) Specific services available to crime victims;
  - 2) Changes in laws impacting victims;
  - 3) Ways of gaining access to the services;
  - 4) Confidentiality of victim information;
  - 5) Ways for victims to communicate complaints and other concerns; and,
  - 6) Program evaluation measures, which include victim input, regarding the effectiveness of services and ways for them to make suggestions regarding agency policies and practices intended to assist crime victims.

#### 11. Community Awareness

- a. The NMCD Victims' Services staff shall conduct public outreach to increase victim and community awareness regarding the availability of victim services through the Department.
- b. The NMCD Victims' Services staff shall work with law enforcement agencies, state and non-profit victims' rights agencies to develop activities each year for the National Victims' Rights Week.

#### 12. Program Development

- a. The NMCD Victims' Services Coordinator will develop policies and procedures for future services of the Program. These services include, but are not limited to:
  - 1) Establish Victims Awareness classes that are offered to help inmates and offenders understand the impact of their crime on the victim, the community and their own families;
  - 2) Implement a Victim-Offender Dialogue Program.

### C. Reporting Procedure

An employee, client, customer, program participant, volunteer, applicant, or consumer who believes she or he has been harassed or been subjected to discriminatory treatment within NMCD because of race, color, national origin, sex, age, religion, or disability, or have been



retaliated against for engaging in protected activity, is urged to file a complaint via options below:

1. Director  
NM Crime Victims Reparation Commission  
6200 Uptown Blvd, Suite 210  
Albuquerque, NM 87110  
Tel: 505-841-9432  
Fax: 505-841-9437  
Frank.Zubia@state.nm.us
2. General Counsel  
NM Corrections Department  
4337 State Road 14  
Santa Fe, NM 87508  
Tel: 505-827-8662
3. Generally, formal complaints must be filed with the Civil Rights Officer within 180 calendar days of the alleged discrimination. The complaint may be filed in a letter, in an email, in person, or over the phone. In anticipation of filing a complaint, an individual may find it beneficial to contact the Civil Rights Officer to obtain policy clarification, advice, or assistance. If the complaint is not filed on time, the Complainant shall provide the reason for the delay and request a waiver of this filing requirement.
4. Referral of Complaint to Civil Rights Officer  

NMCD shall advise the Civil Rights Officer of an employment or services discrimination complaint filed against it within ninety (90) calendar days of receiving the complaint. If an employee of the NMCD other than the Civil Rights Officer receives a discrimination complaint from an employee, client, customer, program participant, volunteer, applicant, or consumer of NMCD she or he shall:

  - a. Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses as soon as possible after the incident;
  - b. Promptly report the incident either to the Civil Rights Officer or their direct supervisor; and
  - c. Submit the complaint to the Civil Rights Officer within five (5) business days of receiving the complaint.



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-044202 The New Mexico Corrections Department Victim Services Limited English Proficiency Plan	Issued: 5/27/09 Effective: 5/27/09	Reviewed/Revised: 11/05/21
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

Policy CD-045000

## PROCEDURES: [5-ACI-5F-06][5-ACI-5F-07]

NMCD Victim Services has developed this LEP plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training required, and how to notify LEP persons that assistance is available.

### A. To ensure meaningful access to all persons, NMCD Victim Services staff and volunteers will abide by the following procedures:

1. The English language ability of all persons seeking information and services will be evaluated and noted on the initial intake form.
2. Each person will be advised of their right to an interpreter and asked if they need/want the services of an interpreter. The response will be noted on the intake form.
3. Competent interpreters shall be provided for LEP persons.
4. Competent interpreter is defined as a person with proficiency in both English and the language of the client who has a commitment to confidentiality, ethics, and an understanding of the boundaries of the role of the interpreter. All efforts shall be made to provide a confidential, competent interpreter who has no other relationship with the client. Family members, friends, children, or other clients should not be used as interpreters. The client should not be responsible for providing the interpreter.
5. All documents requiring the signature of a LEP client and any information regarding expectations, rights, and responsibilities of the client shall be interpreted in full detail to the client.
6. Interpreter arrangements will be made for any scheduled meetings with a victim advocate and a LEP client.
7. All interpreters used by the NMCD Victim Services for clients shall sign a confidentiality statement or have a confidentiality policy on file with their organization.

## **B. Interpretation Services:**

1. The NMCD Victim Services will utilize the services of the Linguistica International, Inc. language line to assist LEP clients who require an interpreter by phone or in-person. The Linguistica International, Inc. language line is accessible to New Mexico state agencies through a statewide price agreement. To access the language line the following steps must be taken:
  - a. Call 1-866-908-5744
  - b. Press 1 to access an interpreter
  - c. Provide account code
  - d. Request the language needed
  - e. Interpreter is provided to interpret the call
  - f. Linguistica International, Inc. charges the NMCD for the service.
2. The NMCD Victim Services staff will be trained to understand the need to provide interpretation services to clients in a manner that is competent and meaningful. Staff will be trained to inform clients about the availability of interpreter services.

## **C. Interpreter Services for the Deaf and Hard of Hearing**

1. The NMCD Victim Services will utilize sign language interpreter services for deaf and hard of hearing clients through the Catholic Community Services, Community Outreach Program for the deaf in Albuquerque, NM. This service is available through a statewide price agreement for all New Mexico state agencies. All interpreters used by the NMCD Victim Services for our clients shall sign a confidentiality statement or have a confidentiality policy on file with their organization.

## **D. Referrals for LEP Clients**

1. The NMCD Victim Services will refer LEP clients to the appropriate resources such as the Coalition Against Native Women, Enlace, the Asian Family Center and other culturally victim centered agencies.

## **E. Printed Materials**

1. The NMCD Victim Services will have all brochures translated to Spanish. If a brochure needs to be translated to another language, interpreter services will be utilized to have the brochure translated.

## **F. Training**

1. All NMCD Victim Services staff will be trained annually in Santa Fe at the NMCD Central Office. Training will include the following:
  - a. The NMCD Victim Services LEP plan policies and procedures.
  - b. How to use interpreters for providing services to LEP individuals.
  - c. Instructions on how to utilize the language interpreter line.
  - d. Instructions on how to request for a sign language interpreter.

2. **NMCD Victim Services will seek other available LEP training opportunities.**

#### **G. Implementation**

1. The NMCD Victim Services Coordinator will be responsible for ensuring compliance with the Limited Proficiency Plan. The list of interpreter services and how to access the services will be maintained electronically. It will be stored in a secure, limited access folder on a shared computer network for easy accessibility. A separate hardcopy will also be maintained in a binder. The list of interpreter services and accessibility of services will be reviewed and revised annually. Training about interpreter services and how to access the services will be provided to all staff and volunteers.