

 <p>CD-045000</p>	<h1>NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always." Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p>	
	ISSUE DATE: 03/02/05	REVIEW/REVISED: 08/05/14
	EFFECTIVE DATE: 03/02/05	
TITLE: Victims' Services		

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. Article II. Section 24 of Constitution of the State of New Mexico.

REFERENCE:

- A. Policy *CD-040100 (Inmate Records)*
- B. ACA Standard 2-CO-4G-02, *Standards for the Administration of Correctional Agencies*, 2nd Edition.
- C. ACA Standard 4-4447, 4-4447-1, *Standards for Adult Correctional Institutions*, 4th Edition.
- D. ACA Standards 4-APPFS-1A-04, *Standards for Adult Probation and Parole Field Services*, 4th 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

ATTACHEMENTS:

- A. **Victim Notification Form Instructions** Attachment (*CD-045001.A*)
- B. **Victim Notification Sample form** Attachment (*CD-045001.B*)

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: Are those designated as victim advocates in each District Attorney's office in New Mexico.
- C. Crime Victim or Survivor: Victim means any person who suffers physical, emotional and/or financial harm resulting from the commission of a crime.
- D. 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. The Coordinator serves as the primary contact between the Department and crime victims and their families as well as local, state and federal victim assistance programs, including non-profit and community-based programs.
- E. Enumerated Crimes: Are those crimes defined by NMSA 1978, Section 31-26-3, as amended.
- F. Release Eligible Inmate (REI): 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 certificates.

POLICY:

To improve the justice system by committing resources to victims of crime.

- A. Victims' Services provides a single point of contact on issues related to victims' rights and services.
- B. Victims' Services provides information, assistance, support and referrals to the victims of an offender sentenced to the Department, while maintaining the offenders' right to privacy.
- C. The Department provides a victims' assistance toll-free number and web site victims' services page, to facilitate the provision of quality victims' assistance.
- D. The Department is committed to treating victims with respect and sensitivity.

E. When an offender is under the supervision of the Department 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 to custody after an escape. [2-CO-4G-02] [4-4447] [4-APPFS-1A-04]

F. The Coordinator is responsible for coordination of victim's programs and that curriculum is established for providing training to staff involved with victim's issues. [4-4447-1]



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

08/05/14
Date

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AUTHORITY:

Policy CD-045000

PROCEDURES: [4-4447] [4-4447-1]

A. Victims' Services:

Victims' Services is comprised of one coordinator with the title of Victims' Services Coordinator (Coordinator). At this time, this position is the only one performing victims' services functions for the New Mexico Corrections Department (NMCD). This position utilizes numerous other NMCD staff members and local, state and federal victims' assistance programs personnel for assistance and guidance.

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.

1. Victim Notification: [2-CO-4G-02] [4-4447] [4-APPFS-1A-04]

- a. The facility Records Coordinator will notify the Administrative Office of the District Attorney (AODA) Victim Notification Coordinator and the NMCD Victim Services Coordinator at least thirty (30) days prior to the projected release date of an inmate being paroled, discharged to probation, re-paroled, released from the sanctioned parole violator program or discharged with no supervision to follow.
 - 1) Prior to the victim notification form being submitted to the AODA, it is the Records Manager's responsibility to review and ensure that the information on the Victim Notification Form is accurate.

- 2) The **Victim Notification** shall then be completed and forwarded (via e-mail) to the AODA Victim's Notification Coordinator and the NMCD Victims' Services Coordinator.
 - a) Refer to the **Victim Notification Form Instructions** Attachment (*CD-045001.A*) and the **Victim Notification Sample form** Attachment (*CD-045001.B*) on how to complete the victim notification form.
 - b) The Victim Notification Form is an excel document created by the AODA Victim Notification Coordinator and may be requested from the NMCD Victim Services Coordinator.
 - 3) The Victim Notification Form shall be e-mailed to the AODA Victim's Notification Coordinator.
 - 4) The Victim Notification Form must be printed and signed by both the facility Records Coordinator and the Records Manager/Classification Supervisor to verify that the information contained on the Victim Notification Form is accurate.
 - 5) The facility Records Coordinator shall then place a copy of the signed victim notification form and the e-mail submitted to the AODA Victim Notification Coordinator and NMCD Victims' Services in the inmate's file.
- b. If, for unavoidable reasons, the facility Records Coordinator has been unable to provide thirty (30) days written notice of the projected release date to the AODA Victim Notification Coordinator and the NMCD Victim Services Coordinator, no inmate shall be released on parole, reparaoled, released from the sanctioned parole violator program, discharged to probation or discharged until contact has been made with the NMCD Victim Services Coordinator by telephone and e-mail.
- 1) If the NMCD Victim Services Coordinator is unavailable, contact must be made with the Records Bureau.
 - 2) The NMCD Victim Services Coordinator will review, in conjunction with the Records Bureau, the circumstances surrounding the failure to provide adequate notice.

- 3) Further instructions on how to proceed with the release and the submission of the victim notification form to the AODA Victim Notification Coordinator will be provided by the NMCD Victim Services Coordinator and the Records Bureau on a case-by-case basis.
 - 4) The facility Records Manager is also required to submit a memorandum via e-mail to the NMCD Victim Services Coordinator and the Records Bureau advising why the facility failed to provide adequate victim notification.
- c. If a victim notification has been previously submitted, the projected release date changes to an earlier date based on a calculation error and it is less than thirty (30) days, no inmate shall be released on parole, reparaoled, released from the sanctioned parole violator program, discharged to probation or discharged until contact has been made with the NMCD Victim Services Coordinator by telephone and e-mail.
- 1) If the NMCD Victim Services Coordinator is unavailable, contact must be made with the Records Bureau.
 - 2) The NMCD Victim Services Coordinator will review, in conjunction with the Records Bureau, the circumstances surrounding the calculation error.
 - 3) Further instructions on how to proceed with the release and the submission of the victim notification form to the AODA Victim Notification Coordinator will be provided by the NMCD Victim Services Coordinator and the Records Bureau on a case-by-case basis.
 - 4) The facility Records Manager is also required to submit a memorandum via e-mail to the NMCD Victim Services Coordinator and the Records Bureau advising of the calculation error.
- d. If a Lump Sum Award has been issued for an inmate and it was not factored into the projected release date submitted on the initial Victim Notification, the NMCD Victim Services Coordinator shall be notified by telephone and e-mail of the circumstances.
- 1) If the NMCD Victim Services Coordinator is unavailable, contact must be made with the Records Bureau.
 - 2) The NMCD Victim Services Coordinator will review, in conjunction, with the Records Bureau, the circumstances surrounding the failure to calculate the LSA into the projected release date.

- 3) Further instructions on how to proceed with the release and the submission of the victim notification form to the AODA Victim Notification Coordinator will be provided by the NMCD Victim Services Coordinator and the Records Bureau.
- e. If an inmate is a release eligible inmate and a previous victim notification was provided and the inmate paroled at a later date, the Facility Records Manager must notify the NMCD Victim Services Coordinator by telephone and email.
 - 1) The NMCD Victim Services Coordinator will provide a courtesy victim notification, by telephone, to the AODA Victim Notification Coordinator and/or the respective District Attorney's Office Victims' Unit.
 - f. If an inmate is a release eligible inmate and discharges their parole while incarcerated, the Facility Records Manager must submit a discharge notice at least thirty (30) days prior to the projected discharge date to the NMCD Victim Services Coordinator and the AODA Victim Notification Coordinator.
 - g. In the event of an immediate inmate discharge or court-ordered release, the facility Records Coordinator must submit a victim notification form by e-mail to the AODA Victim's Notification Coordinator and the NMCD Victims' Services Coordinator. The facility Records Manager must contact the NMCD Victims' Services Coordinator by telephone and e-mail. If the NMCD Victim Services Coordinator is unavailable, contact must be made with the Records Bureau.
 - h. Any events requiring telephone contact with the NMCD Victims' Services Coordinator shall utilize the following in the event the NMCD Victims' Services Coordinator is unavailable.
 - 1) Telephone contact must be made with the NMCD Central Office Records Bureau Chief.
 - 2) If the NMCD Central Office Records Bureau Chief is unavailable, telephone contact must be made with the NMCD Central Office Deputy Bureau Chief.
 - 3) If the NMCD Central Office Deputy Bureau Chief is unavailable, telephone contact must be made with the NMCD Central Office Records Manager III.

- 4) The NMCD Victims' Services Coordinator, the NMCD Records Bureau Chief, the NMCD Central Office Deputy Bureau Chief, or the NMCD Central Office Records Manager III shall be responsible for contacting the AODA Victim's Notification Coordinator and/or the respective District Attorney's office Victim Advocate, by telephone, to provide the information about projected or actual release date changes.
 - i. The NMCD Victims' Services Coordinator shall be notified following any escape from confinement. The NMCD Victims' Services Coordinator shall notify the AODA Victim Notification Coordinator and the respective District Attorney's office of the inmate escape from confinement. Follow-up notifications, by telephone, shall be made to the NMCD Victims' Services Coordinator when an inmate is returned to custody from an escape. The NMCD Victims' Services Coordinator shall notify, by telephone, the AODA Victim Notification Coordinator and/or the respective District Attorney's office Victim Advocate.
 - j. The Health Services Bureau, Medical Records Manager, shall notify the NMCD Victims' Services Coordinator of inmate deaths. The NMCD Victims' Services Coordinator shall then notify the AODA Victim Notification Coordinator and/or the respective District Attorney's office Victim Advocate of inmate deaths.
2. 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 maintained by the Coordinator is confidential and shall be kept in a secured location. At no time is victim information to be released to inquiring parties.
 - c. The Department's Victim Services Coordinator will ensure that only approved personnel have access to victim information and then only for authorized purposes.
3. Parole Hearings and Victims Attendance:
- a. The NMCD Victims' Services Coordinator 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 (Board).

- b. The NMCD Victims' Services Coordinator will explain all options available for the victim to appear before the Board and assist the victim in presenting testimony before the Board.

4. Victim Awareness and Sensitivity Training: [4-4447-1]

- a. The NMCD Victims' Services Coordinator shall coordinate and provide victim awareness and sensitivity classes to classification staff and probation and parole officers.
- b. The NMCD Victims' Services Coordinator 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) Way (s) 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.

5. Community Awareness:

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

6. Program Development:

The NMCD Victims' Services Coordinator will develop policies and procedures for future services of the Program and review them annually. These services include, but are not limited to:

- e. Establish Victim Awareness classes that are offered to help offenders understand the impact of their crime on the victim, community and own families;

- f. Collaborate with local, state and federal agencies.



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

08/05/14
Date

New Mexico Corrections Department
Victim Notification Form Instructions

Step 1: Type Facility Name and Date on top portion of the form.

Step 2: Type the inmate's first name first and then the last name. Example: John Smith. If there are aliases, please include them on the form.

Step 3: Type inmate's NMCD number.

Step 4: Type date of birth in the following format 00/00/0000. If there are multiple dates of birth, please include all dates.

Step 5: Type the full cause number, if available. Example: D-307-08-12267. If there are multiple cause numbers, you must enter each cause number onto a separate row and reenter the inmate's name, NMCD #, D.O.B., county of conviction, projected release date, crimes and release type.

Step 6: Type County of conviction.

Step 7: Type the crime (s). If there is more than one crime listed for a cause number, you must enter all the crimes belonging to that cause number onto one column. Enter each crime separated by commas.

Step 8: Type the projected release date. When there are multiple cause numbers with different release dates (i.e. inmate may have discharged his sentence 2 years ago while in prison), you do not need to list all the projected release dates. You only need to list the date the inmate is leaving the facility.

Step 9: Type the release type for each cause number (Parole, discharge or discharge to probation).

Step 10: Type the facility records coordinator name and records manager name. Please ensure all signatures are on the victim notification form.

Helpful reminders:

- If there is one cause number with multiple crimes, you will use one row to enter the information.
- If there are multiple cause numbers you must enter the information onto a separate row. When entering information onto a separate row, you must reenter the inmate's name, NMCD number and D.O.B.
- Do not modify the form, including the font and size.
- Do not use all caps when typing the information.

**New Mexico Corrections Department
 Victim Notification Sample Form**

				Victim Notification			
				Victim Notification Coordinator, Administrative Office of the District Attorney's			
				To:			
				Facility:			
				Date:			
Inmate's Name	NMCD Number	Date of Birth	Cause Number (s)	County (s) of Conviction	Crime (s)	*Projected Release Date	Release Type
SAMPLE							
Facility Records Coordinator						Date	Sign Name
Records Manager						Date	Sign Name

*Projected Release Date: On or about date the inmate will be released.