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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/24/15

SPONSOR Rodriguez LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Study Domestic Violence Offender Program SM 52

ANALYST Klundt

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Minimal	Minimal	Minimal	TBD	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Children, Youth and Families Department (CYFD)

Administrative Office of the Courts (AOC)

Corrections Department (NMCD)

### SUMMARY

#### Synopsis of Bill

Senate Memorial 52 requests that CYFD convene a domestic violence offender treatment or intervention program task force to analyze various aspects of domestic violence offender treatment or intervention programs in New Mexico and to make recommendations for program enhancements. The task force will include a representative from the New Mexico Coalition Against Domestic Violence, CYFD, the legislative finance committee, the Administrative Office of the Courts, Corrections including its adult probation and parole division, the New Mexico tribal-state judicial consortium, and offender treatment/intervention program providers and victim service providers.

The task force will work with current domestic violence offender treatment or intervention programs to assess their operations including but not limited to curriculum, client assessments, qualifications of facilitators, and data collection. The task force will examine the roles of the courts, adult probation and parole in monitoring and enforcing treatment requirements/orders for offenders; review all current New Mexico laws, protocols, and the administrative rule pertaining to domestic violence; and review current research and best practices from programs in New Mexico and other states. The task force will make recommendations on best practices, methods of data collection that measure short and long term offender outcomes and methods to ensure judicial monitoring and enforcement and provide a comprehensive written report to be presented

to the interim legislative Health and Human Services Committee and the Legislative Finance Committee by November 15, 2015.

## **FISCAL IMPLICATIONS**

The Children, Youth and Families Department (CYFD) did not identify any significant fiscal implications at this time.

The FY15 operating budget for domestic violence services in CYFD is about \$11.7 million.

The Administrative Office of the Courts (AOC) reports there will be an indirect fiscal impact upon the judiciary whose staff will be required to participate in the task force, and to provide information and data regarding the role of the courts in monitoring and enforcing treatment requirements and orders for offenders, regarding current, court-related NM laws, protocols and administrative rules pertaining to domestic violence, and regarding best practices, methods of data collection that measure short- and long-term offender outcomes and methods to ensure judicial monitoring and enforcement. However, the fiscal impact was not quantified by the AOC.

## **SIGNIFICANT ISSUES**

Formal evaluation of domestic violence offender treatment and intervention programs in New Mexico and existing research is needed to ensure quality services are provided. Domestic violence offenders are in need of services that hold them accountable for their violent behaviors and teach them skills to be non-violent within their family relationships. CYFD reports it has been challenging to identify positive outcomes as there are no standardized measures to determine success. Recidivism is the most common outcome measure identified; however, there is no clear definition of what this means. For example, it could be re-arrest or conviction rates; self-report of a new incident in group; violation of probation/parole; or violation of an order of protection. This does not capture new incidents that may not be reported to law enforcement, probation/parole, or group facilitators.

Judicial monitoring and enforcement of sentencing requirements is also a key component of holding offenders accountable. If an offender violates program rules or is terminated from the program, there have been reports of inconsistencies across the state in how legal consequences are enforced. This task force will assist in developing standards to ensure offenders are consistently held accountable for their violent behaviors by the criminal justice system and offender service providers collaboratively.

The Corrections Department (NMCD) reports the purpose of this memorial is unclear to the NMCD or its Probation and Parole Division (PPD).

The memorial requires the task force to examine the role of the PPD in monitoring and enforcing treatment requirements and orders for offenders, however the NMCD and its PPD do not know exactly what will be examined or the purpose for the examination. The PPD does currently monitor any treatment provided to domestic violence offenders on probation or parole to ensure they comply with all counseling requirements (attend all sessions, etc.). If these offenders do not comply, the PPD may ask the sentencing court or parole board to sanction the offender or to revoke his probation or parole. NMCD request the memorial clarify reasonable recommendations which would help make PPD more efficient or effective in these monitoring

and enforcement activities, it would be beneficial to the PPD and public safety.

### **PERFORMANCE IMPLICATIONS**

CYFD maintains performance measures focusing on the safety of domestic violence victims.

The courts participate in performance-based budgeting. The AOC believes this memorial may have a minimal impact on performance measures as they relate to judicial budgeting, given the level of staff participation that may be required.

### **ADMINISTRATIVE IMPLICATIONS**

CYFD reports that any additional administrative duties associated with implementing the provisions of the bill can be absorbed by existing resources.

NMCD reports the agency will have to appoint one or more employees to sit and serve on the task force, and believes this memorial may take a substantial amount of time away from normal duties. The NMCD states the department may not be able to absorb this administrative burden at current staffing levels, and may consider hiring additional staff.

### **RELATIONSHIP**

Senate Bill 135 appropriates \$4 million from the general fund to the Children, Youth, and Families Department (CYFD) to contract with a statewide entity that provides leadership, training, and support for programs assisting victims and survivors of domestic violence.

House Joint Memorial 5 (HJM5) requests the Children, Youth and Families Department (CYFD) convene a domestic violence offender treatment or intervention program task force to analyze various aspects of domestic violence offender treatment or intervention programs in New Mexico, and to make recommendations for program enhancements.

Senate Bill 177 appropriates \$1 million from the general fund to the Children, Youth and Families Department for domestic violence services in FY16.

Senate Bill 178 appropriates \$300 thousand from the general fund to the Children, Youth and Families Department to provide temporary care and housing of animals of victims of domestic violence.

### **OTHER SUBSTANTIVE ISSUES**

Section 31-12-12 NMSA 1978 creates the “Domestic Violence Offender Treatment or Intervention Fund” (“fund”), and provides that in order to be eligible for money from the fund a program must include specified components, including strategies to hold domestic violence offenders accountable for their violent behavior, a requirement that group discussions be limited to member of the same gender, a particular education component, and a requirement that domestic violence offenders not be under the influence of alcohol or drugs during a treatment or intervention session.