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FISCAL IMPACT REPORT

SPONSOR Garcia Richard **ORIGINAL DATE** 1/26/18
LAST UPDATED _____ **HB** 154
SHORT TITLE Batterer Intervention Programs **SB** _____
ANALYST Klundt

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
	\$350.0	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 159, Senate Bill 110 and Senate Bill 113

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of Bill

House Bill 154 (HB 154) appropriates \$350 thousand from the general fund to the Children, Youth and Families Department (CYFD) for the purpose of training and support for batterer intervention programs.

FISCAL IMPLICATIONS

The appropriation of \$350 thousand contained in this bill is a expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2019 shall revert to the general fund.

SIGNIFICANT ISSUES

A 2017 LFC program evaluation found research on the effectiveness of batterer intervention programs shows inconsistent results, suggesting a need for more rigorous review in New Mexico. The New Mexico Batterer Intervention Task Force found in 2015 research into BIPs is mixed and “confounded” by variations in programs and their place in the overall criminal justice

response to domestic violence. While there have been a number of studies on BIPs nationally, there is little consensus on their effectiveness overall. Some studies show completion of a batterer intervention program in general may lead to lower recidivism rates, while other research suggests this may be related to characteristics of the individuals who complete the BIP, not the BIP itself. Certain models have positive results for program completion and reducing recidivism of offenders in certain locations or with specific populations, while others have shown to be less successful compared to standard criminal penalties. Importantly, the most rigorous studies identified by LFC staff appear to focus on relatively small geographic areas, such as cities or counties, and not entire states or the nation as a whole. This calls into question the applicability of existing research to New Mexico.

Table 6. BIP Curricula In Use by CYFD-funded Providers

Curriculum	Number of Providers	Evidence Based?	
Unspecified/Unknown	14	N/A	
Helping Explore Accountable Lifestyles (HEAL)	11	Limited	
Duluth Model	5	Yes	
Alternatives to Domestic Violence	2	Unclear	
Emerge	2	Limited	
STOP	2	Unclear	
Bridges	1	Unclear	
Catholic Social Services	1	Unclear	
Change is the Third Path	1	Unclear	
Dialectical Behavior Therapy (DBT)	1	Yes	
HOPE	1	Unclear	
Interventions for Men Who Abuse Women	1	Unclear	
Vista for Women	1	Unclear	

Source: CYFD

Many BIP curricula in use in New Mexico do not have widely available evidence of effectiveness. Of those listed in Table 6, the Duluth Model is recognized as an evidence-based practice by the National Institute of Justice and Dialectical Behavior Therapy is a recognized clinical practice that has been a component of larger programming, including the San Francisco Behavioral Health Court model recognized by the National Repository of Evidence-Based and Promising Practices. However, the most widely used curriculum among CYFD-funded BIP providers is Helping Explore Accountable Lifestyles (HEAL), which is used by 11 providers and has very limited research into its effectiveness. Another model with limited evidence is Emerge, a model that originated in Massachusetts. LFC staff were unable to find research on the remaining curricula. Of particular concern, CYFD does not list specific curriculum information for 14 providers, making it impossible to determine if these agencies are engaging in models of treatment that have been the subject of studies into their effectiveness.

The Duluth model, long established and commonly used nationally, is centered on a psychoeducational approach suggesting domestic violence on women occurs due to their relatively weak position culturally, socially, politically and economically. However, while this model has been studied extensively, research on the effectiveness of the model has been mixed

and often does not take into account the coordinated community response (CCR) called for in Duluth standards, which may affect results. Research shows the Duluth model may have some positive effects on recidivism, although it has not been shown to be significantly more effective than other BIP treatment models. Other research found while the Duluth model appeared to reduce types of recidivism there was no statistically significant effect.

Helping Explore Accountable Lifestyles (HEAL) is the most commonly used BIP curriculum in New Mexico, but there is little research on its effectiveness. LFC staff identified just one study published on HEAL that suggests group dynamics present in HEAL sessions may lead to change through group and individual factors. However, as this research study did not include a control group, was qualitative in nature, and did not evaluate the overall effectiveness of the program, it is important for providers to rigorously evaluate their current program to determine how effective the HEAL model is in reducing recidivism in New Mexico.

Two promising BIP models have some scientific evidence of effectiveness. Moral Reconciliation Therapy (MRT) uses a cognitive behavioral framework to change offender behaviors. This therapy can be implemented for a variety of offenses, typically DWI and substance use, but also domestic violence. Meta-analysis found a small, significant effect on reducing recidivism; however the studies used were not focused solely on domestic violence. Research on MRT for domestic violence is much more limited and often sponsored by the program creator, however this research found significantly reduced domestic violence recidivism and overall re-arrest rates. Further independent research is needed to determine the effectiveness of MRT for domestic violence. MRT is currently being used by the Sandoval County district attorney's office for their DWI and domestic violence treatment programs. Sandoval County reports a recidivism rate of 3 percent; however this is for all individuals enrolled in their program, including DWI offenders, and not just those who entered due to domestic violence.

Achieving Change Through Value Based Behavior (ACTV), also known as the Iowa Model, is a relatively new, scientifically promising intervention for violent behavior, specifically inter-partner or domestic violence. Research has found this intervention decreases aggressive behavior and leads to reduced domestic violence recidivism compared to either Duluth or CBT BIPs. CYFD reported the following:

“Currently, New Mexico criminal law outlines probation requirements and mandatory placement of offenders into 52 week Domestic Violence Offender Treatment/Intervention (DVOTI) programs. Fees are also required to be paid (*DVOTI Statute – 31-12-11 and 31-12-12 - Domestic Violence Offender Treatment Fees, Fund and Program Requirements*). These fees are collected and allocated to CYFD-approved DVOTI programs across the state.

Over the past six years, the amount of money being deposited into this account has continued to drop an average of \$40,000 every year. Currently, the has enough money to fund programs through the end of FY18, after which allocations will have to be cut by almost \$300,000. The fund is currently allocating \$667,000 to DVOTI programs, with additional support from state general funds for Domestic Violence.

For FY17, a total of \$976,896 was used to support DVOTI programs across the state. This includes the \$667,000 from the DVOTI fund. The DVOTI amount available will be reduced to under \$400,000, while the system as a whole is using almost a million dollars

a year to support these programs. It will be necessary to either reduce services, or increase state general fund.

In June of 2017, the Legislative Finance Committee Program Evaluation Unit released a report on the state of Domestic Violence Services in New Mexico. They recommended a number of changes be made to the DVOTI system, including implementing a new evidence-based risk assessment tool. That requirement went into effect January 1, 2018, but has required training time and staff time for implementation. A task force and evaluation team has also been pulled together to address the issues raised in the June report.

CYFD has no information as to why the fee collection for DVOTI has decreased, as the need for these programs appears to remain stable.

CYFD currently receives \$9.8 million in general fund per year for domestic violence programs, with an additional \$1.1 million in federal funds that provide services throughout the state. Re-allocation of current funding from a fee-for-service model to a quality-based services model could address some funding issues.

The Crime Victims Reparation Commission also allocates federal funding to domestic violence programs statewide, but this funding cannot be used toward offender services.”

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