

2. Once the offender is accepted in the pilot program, he/she would be under intensive supervision requiring treatment, employment/school or community service, and random drug or alcohol screenings. The offenders would be required to attend court reviews. If the offender and victim decide to stay together, the victim would be required to attend counseling which would parallel the offender's treatment plan. Childcare and/or counseling for the children who witness the violence may be offered.

3. The offender could complete the pilot domestic violence program within 52 weeks; however, the length might vary due to offender's attitude and progress with counseling. The program could be based on a points systems. The offender could only be transitioned into progressive phases of the program once a certain number of points is attained.

4. The proposed metropolitan court domestic violence project would address the gap the domestic violence community has with offender treatment and accountability. The proposed project could alleviate the problem of offenders not completing their batterer treatment program as well as offering counseling services to the victims and children of the domestic violence incident. Many women in domestic violence situations do not want the offender to be arrested; they simply want the violence at home to stop. The proposed pilot project in Bernalillo County could offer the victims that choice.

FISCAL IMPLICATIONS

*The appropriation of \$678.0 contained in this bill may be a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2003 shall revert to the general fund.

*In paragraph 5 of SB 619, part of the appropriation to BCMC is specifically for furniture, office equipment and computers. These are considered capital items (defined by DFA as purchases over \$1,500) and are a one-time expense. Therefore, a portion of this appropriation must be designated as nonrecurring if funding is provided in future years for this project.

Here is a table delineating the appropriation by function:

Probation Officers, 2 FTE	\$100,000
Clinical Psychologist	\$ 65,000
Victim's Advocate	\$ 45,000
Court Clerk	\$ 36,000
Office Equipment	\$ 60,000
Supplies, Drug/Alcohol Test Kits	\$ 30,000
Treatment & Counseling	\$322,000
Independent Audit	\$ 20,000
TOTAL	\$678,000

As a pilot project, it is assumed that future funding/continued funding is contingent on success of the pilot project. Performance measures should be developed to measure the project's success, recidivism rate, number of people entering the project, etc.

On a related issue, clarification is needed regarding the \$20.0 designated for "an independent audit of the domestic violence project." Is the \$20.0 for a financial audit to determine where and how the money was spent, or is the funding for evaluation of the project? It seems that spending the money for the latter would be more beneficial to the project by producing an evaluation report of the pilot project—its successes and failures.

ADMINISTRATIVE IMPLICATIONS

It seems that the domestic violence project provides a variety of services to the offender and family and is organized in the same manner as drug court. Since the workload at Bernalillo County Metropolitan Court has substantially increased in the last few years and the judiciary's Weighted Caseload Study indicates that BCMC needs four additional judges to handle its current caseload, it is unknown how BCMC's judges can implement and maintain the duties demanded of the domestic violence project without affecting regular court duties. What are the court's plans if it does receive funding for additional judgeships? Does the court intend on designating a single judgeship to handle domestic violence cases and participate in the pilot project outlined in SB 619?

RELATIONSHIP

- HB 156 focuses on domestic violence arrests by holding an offender arrested for domestic violence for at least 48 hours.
- HB 626 modifies domestic violence protection orders.
- SB 52 provides additional funding for domestic violence shelters and programs.
- SB 426 provides funding for emergency shelter and services in Albuquerque for Native American victims of domestic violence.

TECHNICAL ISSUES

Since this bill does not have an effective date, presumably it would become law sometime in June 2003 if enacted. BCMC would not be able to begin the domestic violence project before the end of FY03 nor would they be able to spend the \$678.0 appropriation included in this bill by June 30, 2003. It is suggested that an effective date of "July 1, 2003" be added to the bill to allow for more planning and implementation time for the project.

OTHER SUBSTANTIVE ISSUES

According to the Department of Health, domestic violence is one of the most serious public health problems in New Mexico. Data available from the *Incidence and Nature of Domestic Violence in New Mexico: An Analysis of 2001 Data from The New Mexico Domestic Violence Data Central Repository* indicates that in 2001, there were 19,913 victims of domestic violence who were identified from 26,544 law enforcement incident reports. Sixty-four percent of offenders served by domestic violence providers used alcohol or drugs at the time of the domestic violence incidence.

POSSIBLE QUESTIONS

1. Will BCMC be seeking statutory authority to assess fees to participants of the domestic violence program similar to proposed legislation allowing fees to be collected from drug court clients?
2. Given the current workload at BCMC and its need for additional judgeships, how will the court be able to effectively administer the domestic violence pilot project if additional judges are not funded?
3. Since the bill states this is a pilot project, when is the project end-date? How will its success or failure be evaluated?
4. What other agencies provide domestic violence assistance, counseling and shelter? How will this project overlap with those agencies functions? Is this project really a function of the court? Or could it be better served in the Department of Public Safety or Corrections?
5. Given that 65 percent of offenders served by domestic violence providers used alcohol or drugs at the time of the domestic violence incidence, how does BCMC plan on interfacing its domestic violence project with its drug court program?

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