

Domestic Violence Programs For Victims and Batterers

Summary

Domestic violence affects a large number of New Mexicans. Last year there were almost 19 thousand reports of domestic violence by law enforcement, roughly the same number as in 2014. Each year, one-third of these reports generally have children present. However, over the last three years, while CYFD funding increased, providers serve 15 percent fewer clients than in 2017.

The Evaluation: The 2017 evaluation *Domestic violence programs for victims and batterers* highlighted CYFD needs better accountability from programs for offenders and victims. The lack of coordination between multiple systems makes it difficult to determine if offenders are receiving effective programming. The evaluation recommended piloting coordinated community response, establishing new performance measures and examining the effectiveness of batterer intervention programs.

At the recommendation of the 2017 LFC evaluation, the Children, Youth, and Families Department (CYFD) started working with the University of New Mexico to examine the impact of batterer intervention programs. CYFD has also increased monitoring of effective victim safety planning.

In addition to increased monitoring, the state began to use an evidence-based assessment tool to measure offender risk. However, CYFD has yet to implement a pilot of coordinated community response, which may improve outcomes of batterer programs. The state also began requiring prevention services for domestic violence service providers, but lacks adequate coordination for these programs.

Although CYFD is implementing many LFC recommendations, implementation is slow and more work is needed on coordination and performance reporting.

Progress Reports foster accountability by assessing the implementation status of previous program evaluation reports, recommendations and need for further changes.



NEW MEXICO
LEGISLATIVE
FINANCE
COMMITTEE

Domestic violence continues to affect many New Mexicans

The rates of domestic violence have not changed substantially since 2014.

There were 18,884 law enforcement reports of domestic violence in New Mexico in 2018. While this is a slight decline from 2017, the rates of domestic violence have not changed substantially since 2014.

Over the five year period between 2014 and 2018, statewide rates of domestic violence fell by one tenth of 1 percent, however there is large variation depending upon county. In Bernalillo, Dona Ana, and Sandoval counties, rates of domestic violence have increased.

Of the almost 19 thousand reports of domestic violence, 33 percent were witnessed by a child and 77 percent of these children were under 12 years old. Witnessing domestic violence is an adverse early childhood experience (ACE) associated with an increased likelihood of child maltreatment; domestic violence incidents potentially resulted in over 6,000 ACES in 2018 alone. New Mexico currently has child maltreatment rates which are almost double the national average.

Over the last three years, funding increased by 15 percent for domestic violence programs, while the number of clients served decreased by 15 percent.

Funding increased predominantly for domestic violence core services offered by the service providers as well as contractual spending. The contractual spending is for training of protective services and domestic violence provider staff as well as evaluation of programs. Additionally, the state did not draw down as much from the domestic violence offender treatment intervention (DVOTI) fund, only drawing down \$425 thousand, \$225 thousand less than in 2017.

CYFD moved the domestic violence program from protective services to behavioral health to better align services with CYFD's strategic plan.

- CYFD intends to coordinate and align domestic violence with other behavioral health division programs, and with adult behavioral health services, supports and programs.

Chart 1. Domestic Violence Program Overall Budget, FY17-FY20 (thousands)

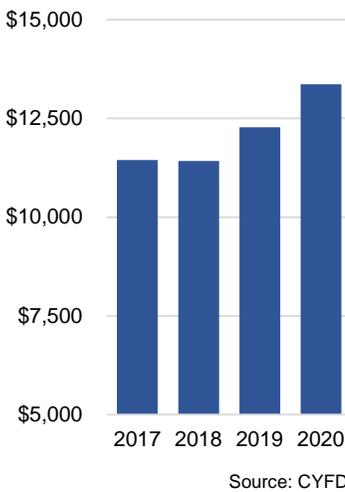
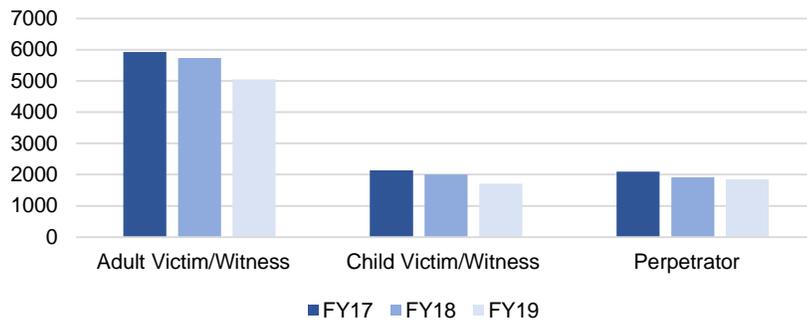


Chart 2. Number of Clients Served in Domestic Violence Programs FY17-FY19



While funding for the programs increased, there was a 20 percent decrease in the number of children served and a 12 percent decrease in the number of perpetrators served.

In the FY21 budget, CYFD requested a total of \$3.5 million additional funds for domestic violence, which includes funds to conduct a statewide needs assessment. In this assessment, CYFD should focus on the decrease in people

served and how to ensure the appropriate level of services are provided to child victims as well as offenders.

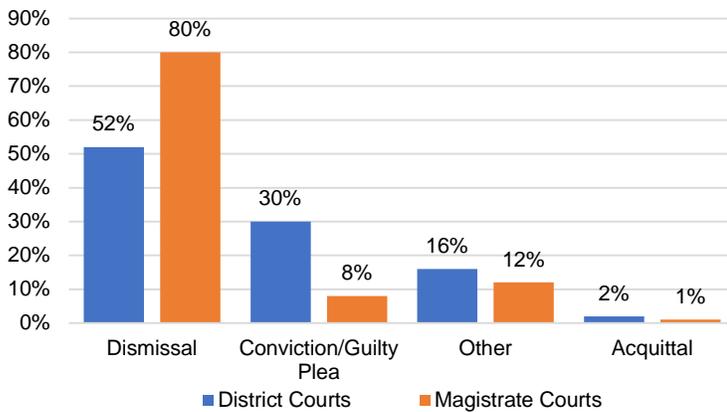
Less than 10 percent of domestic violence funds are spent on offender services which have uncertain outcomes.

Overall, spending for offender services was around \$900 thousand for both FY18 and FY19, less than 10 percent of the total domestic violence budget. Funding for these programs comes from the state general fund as well as the DVOTI fund, which collects \$5 from every person charged with a penalty assessment misdemeanor, traffic violation, petty misdemeanor, misdemeanor, or felony offense.

For offenders, the domestic violence service programs are mostly batterer intervention programs (BIPS, also called domestic violent offender treatment intervention, DVOTI). However, providers also offer other services which include substance abuse and mental health counseling.

To reduce domestic violence prevalence in the state, offenders need to be held accountable by participating in intervention programs that work. Most offenders who enter a BIP are court ordered to participate. However, the majority of domestic cases are dismissed in both district and magistrate courts. Specifically, in 2018 52 percent of cases in district courts and 80 percent of the cases in magistrate courts were dismissed.

Chart 4. Domestic Violence Case Decision Rates for District and Magistrate Courts, 2018



Source: Caponera 2019

The statewide recidivism rate for domestic violence is around 40 percent.

Using data from a 2013-2014 cohort, UNM found 38 percent of offenders are recharged after a previous domestic violence charge. This rate, which is higher than the rate in other parts of the county may be due to a number of factors including the high dismissal rate for domestic violence and the unknown effect of BIPS in New Mexico. As research from other parts of the country have shown BIPS have mixed impacts, the LFC evaluation recommended CYFD rigorously analyze the impact of these programs.

This recidivism information should be used to measure program outcomes and as a baseline for further trends in domestic violence recidivism.

CYFD stabilized the DVOTI fund by decreasing the amount drawn down.

For FY19 and FY20, CYFD drew down \$243 thousand less than the last 4 years.

In FY14-FY16, CYFD budgeted \$667 thousand from the fund, even though it only had an average of \$514 thousand deposited annually.

Chart 3. DVOTI Fund Budget, Expended and Deposited Amounts, FY15-FY19 (thousands)



Source: LFC analysis of SHARE data

CYFD will need appropriations from other sources as offender programs spent approximately \$860 thousand in FY19.

CYFD and AOC need to work together to determine how to ensure consistent collection of these funds.

Chart 5. Domestic Violence Redivism, All Cases and County Average

Subsequent Outcome	Reference Cohort Case Outcome			
	All	No DV Conviction	DV Conviction – No BIP Required	DV Conviction – BIP Required
Recharged – All Cases	38%	33%	53%	47%
Recharged – County Average	37%	33%	47%	46%
Convicted on Any DV Charge – All Cases	14%	7%	23%	35%
Convicted on Any DV Charge – County Average	21%	12%	32%	37%

Source: Author's calculations based on Administrative Office of the Courts (AOC) data provided by the New Mexico Sentencing Commission (NMSC).

Note: The reference cohort encompasses the first domestic violence case for an individual defendant adjudicated in 2012 and 2013. Subsequent outcomes are based on cases adjudicated through 2016.

Source: UNM Evaluation Lab report 2019

CYFD increased performance monitoring for domestic violence offender and victim services programs

CYFD is determining the effect of BIPs, and identifying needed performance measures.

CYFD began an evaluation of batterer intervention programs (BIPs) in Fall 2017 and will have data collected by January 2020. In examining the effects of BIP programs, LFC recommended CYFD rigorously evaluate these programs to determine if the state is getting the desired outcomes. The UNM evaluation of BIPs should be completed by June 2020 and will help determine if and how BIPs should be changed or expanded in the state.

Metrics Collected on BIPs include:

- Completion rate for offenders;
- Number of BIP classes attended;
- Risk assessment scores for offenders
- Recidivism rate

CYFD should use the metrics collected for the evaluation as performance measures for the batterer intervention program. By collecting and reporting these metrics to the legislature as part of the budget process, domestic violence offender service providers will be accountable for the outcomes of their programs and the state will have a better understanding of whether CYFD is spending money on programs that work.

Beginning spring 2019, CYFD will collect information annually on a number of performance metrics and inputs from BIPs, including if the client completed the required number of court-ordered classes as well as the total number of classes attended. CYFD previously did not collect information on BIP completion and attendance in a measurable way. In addition to measuring these inputs, the evaluation will focus on BIP outcome measures, especially recidivism.

CYFD implemented stronger monitoring for consistent documentation of safety plans.

CYFD is ensuring providers create consistent, documented safety plans. Safety planning standards were created and sent to providers in November 2018. Having standard safety planning measures ensures that each provider creates safety plans with victims in a similar way to ensure consistent quality across providers potentially leading to more victims of domestic violence being safe. In addition to ensuring all providers complete these safety plans

similarly, these standards allow for increased accountability. CYFD uses a safety planning scoring sheet each quarter to determine the quality of the safety plans providers create. CYFD then uses this information to determine the percent of safety plans by provider that meet the standards. To help incentivize providers to comply with standards, CYFD releases to all providers their average safety planning score, along with where they rank compared to other providers. For FY19 quarter 4, 81 percent of safety plans statewide met the standards, with 10 providers out of the 26 averaging below 75 percent of safety plans meeting the standard and 10 with 100 percent of their safety plans meeting the standard.

Domestic violence service providers improved use of best practices, but more should be done

Offender service providers implemented some but not all of the suggested best practices mentioned in the 2017 evaluation.

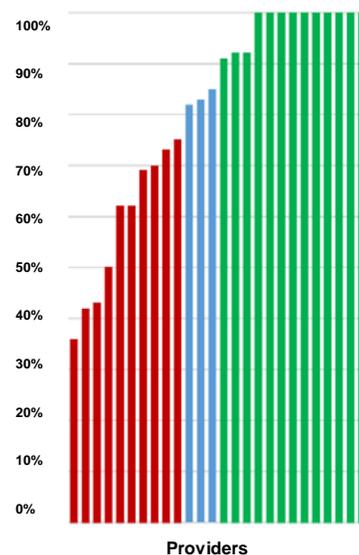
Domestic violence service providers are using an evidence based risk assessment tool for offenders, but have not implemented a pilot for coordinated community response. CYFD requires all providers use the Ontario Domestic Assault Risk Assessment when evaluating offender risk related to intimate partner violence. This tool, developed in Ontario in 1999, is a validated single assessment, which can be used in policing, victim support services, health care and corrections. By using the same tool, New Mexico domestic violence service providers should have a consistent approach in their evaluation of risk, allowing for more appropriate treatment of offenders and better comparisons of programs.

CYFD has yet to implement a legislatively mandated pilot for a coordinated community response due earlier this month. During the 2019 Legislative session, the legislature passed a memorial to pilot the Colorado model in New Mexico, which focuses on creating multidisciplinary treatment teams and changing offenders' behavior and beliefs. Specifically, the model takes a different approach to BIPS such that offenders are not required to complete a specific amount of time in the program, but rather make measurable behavior changes. CYFD will pilot the program in the 11th and 13th judicial districts, which include McKinley, San Juan, Cibola, Sandoval, and Valencia counties. CYFD expanded the scope of work in its contract with UNM to include evaluation of the Colorado model pilot. However, the pilot has not yet started. In the memorial, the New Mexico Coalition Against Domestic Violence was supposed to report the findings of the pilot by October 1, 2019. CYFD and the Coalition Against Domestic Violence should work to implement the pilot and use UNM to evaluate the program as planned.

Coordination between prevention programs needs to increase

As of FY20, CYFD requires all domestic violence service providers to conduct prevention services; CYFD should ensure coordination with existing prevention programs. As of FY20, all provider contracts include development of a prevention plan as part of their scope of work. Additionally, the Crime Victims Reparation Commission (CVRC) operates sexual assault prevention programs. At the provider level, those who also offer sexual assault services may need to ensure their prevention programs are not duplicative,

Chart 6. Safety Planning Scores by Domestic Violence Victim Service Provider, FY19 quarter 4



Source: CYFD

however CYFD should be working with the CVRC to reduce any duplication and ensure prevention services are provided across the state. CYFD's FY21 budget request included an additional FTE to address interdepartmental collaboration to work with income support, law enforcement, protective services, and child support enforcement.

Finding

New Mexico's Response to Domestic Violence is Fragmented and Uncoordinated, Placing Victims, Offenders, and Funds at Risk

Recommendation	Status			Comments
	No Action	Progressing	Complete	
Contingent on legislative authorization, CYFD and the New Mexico Coalition Against Domestic Violence should jointly select a pilot site for a formalized coordinated community response with the goals of increasing the number of batterers who attend and complete a batterer intervention program, connecting victims and children to the services they need, and evaluating program outcomes.				While CYFD has not implemented the pilot yet, they are working towards running the Coordinated Community Response (CCR) pilot. Senate Memorial 106 (From the 2019 session) authorizes a pilot of CCR. CYFD plans to have the New Mexico Coalition Against Domestic Violence "study the feasibility of the creation of two pilot projects to establish effective coordinated community response teams" and to create a pilot CCR in the 13th and 11th judicial districts. CYFD also adjusted the contract for the UNM Evaluation Lab to allow them to monitor the progress and results of the CCR pilot project efforts.

Finding

New Mexico Spends Little on Treatment Programs for Domestic Violence Offenders and Lacks Sufficient Evidence of Their Effectiveness

Recommendation	Status			Comments
	No Action	Progressing	Complete	
CYFD should leverage its existing data systems, the RAD Bureau, and provider self-reports to improve tracking of offender treatment outcomes.				<p>Currently there is little tracking of offender outcomes, however starting in 2019, providers are required to monitor BIP clients using a new data collection tool released to certified DVOTI providers in April and will be collected and analyzed by the Evaluation Lab in early 2020.</p> <p>The new application (online) has been created and was released on the CYFD public website in July. The data from this application will be analyzed by UNM's Evaluation Lab in early 2020.</p> <p>CYFD is requesting additional positions to include a DVOTI program coordinator to increase monitoring of these programs.</p>
CYFD should work with LFC and DFA staff to establish new performance measures for domestic violence offenders, including the percentage of court-ordered offenders who successfully complete a BIP in the court-mandated timeframe, and the percentage of successful BIP completers arrested for a new domestic violence offense within two years.				Through the BIP evaluation, UNM and CYFD will be collecting more performance measures internally, however these are not being reported to the legislature.
CYFD should work with the Administrative Office of the Courts, New Mexico Sentencing Commission, and New Mexico Interpersonal Violence Data Central Repository to determine data needs for the above recidivism performance measure				CYFD through UNM has created these metrics, however they are yet to be shared with the legislature or examined fully by agency staff.
CYFD should work with AOC and DFA to develop a strategy to maximize collection of fees into the DVOTI Fund.				CYFD drew down less from this fund for the last 2 years.
CYFD should require provider risk assessment tools to be evidence-based and include a review of these tools as part of annual provider audits.				CYFD began using the ODARA risk assessment tool for all certified DVOTI providers, including an online training and certification. CYFD Site Visit audit guides have been updated to ensure compliance with the risk assessment requirement.
CYFD should collaborate with the New Mexico Coalition Against Domestic Violence to conduct or contract for a rigorous evaluation of BIPs in New Mexico.				The UNM Evaluation Lab is contracted by CYFD to perform evaluation and groundwork for meaningful outcome and performance measures for DVOTI programs. The evaluation should be completed by June 2020.
CYFD and DV providers should use data from standardized				CYFD and stakeholders have discussed how to measure client behavior change, but have

assessments, rather than client surveys, to measure changes in client attitudes, beliefs, and behaviors before, during, and after BIP treatment.				yet to determine how to best accomplish this.
--	--	--	--	---

Finding

Victim Services Are Inconsistent Throughout the State and More Services Are Needed for Child Survivors of Domestic Violence

Recommendation	Status			Comments
	No Action	Progressing	Complete	
CYFD should create standardized, written safety plan instructions to ensure consistency across the state, adjust the performance measures to require documented safety plans, and change the survivor survey to ask whether there is a documented safety plan				<p>Safety planning standards were created and released in November 2018. Assessment of safety planning practices are measured each quarter, with a tightening of methodology in the 4th quarter of SFY19.</p> <p>Programs are challenging this safety planning assessment due to confidentiality concerns of detailed safety plans as in Taos a judge approved subpoenas for client records in a victim service provider organization including safety plans.</p>
Work together to increase coordination with Child Protective Services through collaborative safety planning for children involved with Protective Services and a domestic violence provider.				<p>CYFD has contracted with a program aimed at increasing coordination between protective services and domestic violence providers. Training should start in FY20 for providers, PS caseworkers, attorneys, hearing officers and judges. Some of this training will be done by UNM Judicial Education Center.</p>
Work with the Human Services Department to leverage Medicaid funds for all appropriate mental health, screening, and assessment services provided to offenders and adult and child domestic violence survivors by ensuring providers of eligible services are Medicaid certified and can bill Medicaid while taking appropriate precautions to ensure the privacy and confidentiality of survivors' personal information.				<p>The State Coalition invited providers to consider Medicaid funding. However, the Medicaid billing approach was rejected as a viable option for victim service providers due to federal confidentiality laws and the ending of the domestic violence exception for domestic violence victims in Medicaid.</p> <p>Furthermore, only 1 CYFD funded BIP provider uses Medicaid funds for services offered to offenders beyond BIP.</p>

Finding

More Work Is Needed to Implement Effective Domestic Violence Prevention Programs in New Mexico

Recommendation	Status			Comments
	No Action	Progressing	Complete	
CYFD should, as the primary funder for domestic violence activities, stipulate in contracts with the domestic violence service providers that the providers offer primary prevention services as part of the required outreach.				The Scope of Work for all providers includes the development of a prevention plan in SFY20 for future funding applications (SFY21 and beyond).
CYFD should stipulate in the domestic violence service provider contracts that some funds should be allocated to provide secondary prevention services to child victims, as these victims are at an increased risk of becoming victims or perpetrators of domestic violence in the future.				<p>The Children's Capacity Building Project (CCBP), which has shown significant success through the application of the validated Parental Stress Index (PSI) tool, was expanded to 5 additional programs in SFY20. Additional funding is being requested for SFY21 to expand the program to all Victim Service Providers.</p> <p>However the success of the CCBP may be due to the more successful providers offering this program or to staff retention measures that were put in place for the positions in the funded programs as part of the CCBP and therefore additional rigorous analysis may be needed to fully determine the benefit of CCBP.</p>