

Domestic Violence Offender Management Board

Meeting Notice and Agenda*

February 14th, 2020

Meeting Location: 710 Kipling St., Lakewood, CO, 80215

Time	AGENDA ITEMS	OWNERSHIP	ACTION
9:30	INTRODUCTIONS: BOARD & GUESTS	CHAIR, Nancy Olson	
9:40	ESTABLISH QUORUM & APPROVE JANUARY MINUTES (Attachment 1)	CHAIR	Vote
9:50	ANNOUNCEMENTS & FUTURE AGENDA ITEMS	CHAIR	Input from Board or guests
10:00	DVOMB Annual Board Training (Attachment 2)	Ingrid Barrier	Presentation and Discussion
11:00	Stakeholder Engagement	Jesse Hansen	Discussion and Review
11:30	Lunch		No Business Conducted
12:30	Standard Operating Procedures for Committee Operations (Attachment 3)	Staff	Discussion and Review
1:00	Victim Advocacy Committee - Treatment Victim Advocate Issue (Attachment 4)	Brandy Walega	Presentation and Discussion
1:45	Adjourn		

Please RSVP to Adrienne Corday if you plan to attend. Handouts may not be available for those who do not RSVP. If you require ADA access or special accommodations to attend the event, please contact Adrienne Corday at 303-239-4528 or 1-800-201-1325. Questions or requests for information may also be directed to Adrienne Corday.

*Please note that DVOMB meeting agenda items are subject to change based on the priorities of the Chair and quorum.



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References:

- *CDPS Policy Number 1.07.005*
- *SOMB By-Laws Dated*
- *SOMB Administrative Policies*
- *DVOMB By-Laws Dated*
- *DVOMB Administrative Policies*
- *Section 24-6-401 and 402, C.R.S.*

Introduction

The purpose of this Standard Operating Procedure is to establish professional guidelines for improving the quality, consistency, and overall effectiveness of committee meetings facilitated through the Office of Domestic Violence and Sex Offender Management (ODVSOM). Committees created within the ODVSOM serve a critical role in the governance and policy process for both the DVOMB and SOMB. Board decisions are predicated on Committees developing recommendations for the Board to consider that have been reviewed, discussed, and supported by members of that Committee. Committees serve as the proper forum for issues to be discussed in-depth amongst the relevant stakeholders. Committee operations are complex and should be standardized to the extent possible to ensure that there is fidelity to the policy process. The ODVSOM staff shall strive to ensure that committee meetings promote a culture of collaboration, transparency, and professionalism.

The duties of the Board in fulfilling these statutory mandates are to provide governance and establish research-informed policies which enhance victim safety and promote offender rehabilitation on behalf of the State of Colorado. The duties of Staff in the Office of Domestic Violence and Sex Offender Management (hereafter ODVSOM) are to support the Board's facilitation and development of sound policy, create procedures for the implementation of policies ratified by the Board, and ensure that there are mechanisms for transparency and participation by key stakeholders and members of the public.

Committee Charters

The purpose of convening a Committee is derived from the authority it is given from the approving Board and defined in the scope of work (Committee Charter). The Bylaws governing each respective Board shall specify general requirements of Committees while specific directives and requirements of Committees may further be outlined in the Committee scope of work. The conduct of committee operations shall reflect the guiding principles of each respective Board and shall follow all applicable statutes and policies of the Colorado Department of Public Safety (CDPS).

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If the Committee identifies an additional task, concern, issue, or project of benefit that falls outside of its specified scope of work, the Committee Chair should present the matter to the Board or Executive Committee for discussion regarding whether or not the Board has the purview. If the matter is within the Boards purview, the Board or Executive Committee may decide next steps on modifications to the Committee Charter based on the prioritization of agenda items, availability of resources, and the ability to address the matter.

Membership

Committees shall be led by a current Board member who serves as the Chairperson. If a Committee does not have designated membership, the Staff and Chairperson should actively recruit and outreach potential stakeholders in order to gather representation from all affected professionals. This outreach should be communicated through numerous channels along with direct outreach to professionals who hold specialized and relevant expertise to the subject matter. Committees with designated membership should follow the same process, but may be more limited based on the positions designated on the committee. Each Committee should have a designated a Vice Chair to serve in the absences of the Committee Chair.

All Committees are open to the public pursuant to Section 24-6-401 and 402, C.R.S. Committees should strive to establish regular members who are able to contribute to the overall process. In the event that Committee membership is irregular, staff should make an effort to provide a Committee Road Map to convey what work has been completed and also support the Chair in adhering to the meeting agenda.

Staff shall maintain rosters of active committee members for purposes of continuity in the event that another staff member needs to cover a meeting. To the extent possible, staff should also submit a list of names to the front desk to expedite check-in for meetings at 690 and 700 Kipling Street facilities.

Committee Operations

Ongoing Committee operations are facilitated in three general phases:

1. Planning and Preparation
2. Execution of the Meeting
3. Post-Meeting Action Items

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1. Planning and Preparation

In this stage of the Committee operations cycle, Board staff should work in conjunction with the Committee Chair to prepare an agenda, drafted minutes, and work product subject to review.

The Committee Chair will approve the agenda and have an opportunity to review the work product where applicable. The Board staff will ensure that the meeting will:

1. Be advertised on the public website which will include the date, time, location;
2. Notice Committee members which will include the meeting agenda and other relevant documents in PDF format;
3. Publish all meeting materials in PDF format by email and through the website in advance of any Committee meeting no later than seven working days before any meeting, unless there are extenuating circumstances;
4. Ensure documents including the agenda, minutes, and handouts generally follow the same format;
5. Coordinate for remote participate, when applicable and request by the Committee Chair.

The first 1-2 meetings of a new Committee or an existing committee shifting to a new topic will be devoted to framing the topic and general discussion on the topic. The chair of the committee will determine the amount of time needed.

Best Practice: All Committees should institutionalize remote access to meetings in order to encourage the maximum amount of participation at the Committee level. In such cases, Staff may wear jeans.

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Logistical considerations must also be factored into the planning process for Committees. This includes:

1. Ensuring that the meeting space has enough capacity for members attending in-person;
2. Having the required technological capabilities to host the meeting for remote access and to display the documents under review;
3. Scheduling Committee meetings on recurring dates and timeframes for purposes of consistency;
4. Ordering supplies or food as part of the meeting.

Staff may request RSVPs in an effort to assess for these considerations and to identify whether there are sufficient members for the purposes of reviewing materials on the agenda. However, RSVPs will not serve as a basis for restricting access to Committee meetings.

Staff should as a best practice arrive at the meeting location at least 30 minutes in advance to organize the meeting space, configure all of the technology, and troubleshoot issues in advance of the arrival of Committee members and the public.

2. Execution of the Meeting

Upon convening the meeting, Staff need to ensure that all members and public attendees have signed in on the attendance roster. Chairs may ask for introductions when necessary, especially at the formation of a new Committee or as new members join the Committee overtime.

The Chair serves as the leader of the Committee and, with the support of Staff, should:

1. Regularly attend the Committee meetings;
2. Encourage and allow for discussion from all members on specific topics;
3. Alternate between those in favor and those opposed to the extent possible;
4. Strive to involve all Committee members;
5. Ensure members are aware of any potential conflicts of interest;
6. Follow the procedural rules for the Committee meetings;
7. Remain objective and purposeful
8. Establishes the Committee culture and tone

The Committee Chair should seek approval from the committee members on the planned agenda and ask for any future agenda items. Each Committee meeting should review and ratify previously completed minutes.

Each Committee Chair should establish parameters about the extent to which discussions outside of planned items on the agenda are permitted.

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Committee Chairs should facilitate the meeting by maintaining order, following the agenda, and giving adequate time for members to provide input. While Staff may facilitate meetings in lieu of a Committee Chair when necessary, it is preferred that Staff provide support and guidance to the process. Staff should assist with taking minutes, providing technical assistance, tracking changes to language, and offering general feedback.

Members who join an existing Committee after the general discussions have occurred or after decisions have been made will be required to make arrangements with committee members outside of the committee meeting to get caught up on the committee work. Committee time will not be used to educate new members about the Committee's work.

VOTING: Unless specified and approved by the Board, Committees vote by consensus and do not maintain records of individual votes. Committee members should be aware of direct or potential conflicts of interest as Board members or non-Board members. Committee recommendations to the Board are considered to be a prepared motion to accept when introduced at the Board meeting for a vote.

VOTING WHEN NOT PHYSICALLY PRESENT: When a vote is required at the Committee level (e.g., the Application Review Committee), votes may be cast using electronic modes (e.g. telephone, WebEx, etc.) as requested and approved by the Committee Chair. Votes at the Committee level may be cast by email if there is a time-sensitive matter or as a last resort when all other options to obtain a vote have been exhausted. When voting by email is used, a time frame for submitting the vote shall be established by the Committee Chairperson or Staff. Those who were not present or familiar with the agenda item to be voted upon shall abstain from the vote. Voting results shall be reported at the next Committee meeting through the minutes.

Once decisions have been made by the Committee, the Committee should refrain from revisiting a prior issue unless a later decision requires a modification to a decision that was made earlier by the Committee (such as improved wording or clarification in a standard that has implications for an earlier agreed upon standard).

All Committees shall:

- Follow the ODVSOM Committee Guidelines and Procedures and administrative policies;
- Adhere to the Committee scope of work;
- Solicit and engage relevant and key stakeholder groups;
- Refer and consider research and literature prior to making decisions on policy or governance;
- Submit oral or written Committee reports to the Board at least quarterly;



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- Provide opportunities for public input and discussion so long as it does not adversely impact the policy process.

Confidentiality, Access, Safety, and Security

Staff shall monitor and ensure that all committee meetings adhere to federal, state, and departmental regulations regarding confidentiality, safety, access, and security. Confidential and protected information shall be safeguarded at all times which includes offender, victim, and Provider information. Staff should take measures where necessary and applicable to assess and plan for contentious and potential risks to the safety of all committee members. Assessments for safety concerns may be done as needed, however, Staff should develop and follow contingency plans in the event that an incident occurs. Staff shall adhere to CDPS security requirements when meetings are hosted at a CDPS location. Members of the public shall all have equitable access to participate in committee meetings. To the extent possible, Staff shall support, plan, and provide assistance to ensuring that the meeting spaces are ADA compliant or that there is an alternative method available to access the meeting.

Standards Revision Process

All members of the Committee should be informed of the process by which Standards are revised, referencing the DVOMB and SOMB By-laws. Committee members should understand that any proposed revisions are still subject to the final approval of each respective Board.

The Chair should discuss with Staff when Committee recommendations should be brought before a Board for review in order to obtain any needed preliminary feedback from the Board.

3. Post-Meeting Action Items

Approved minutes should be posted as soon as possible with the expectation that meeting minutes and other formal documentation posted no later than seven days after the meeting adjourns. If the Staff member is unable to post the meeting minutes and formal documents as soon as possible and communicate with the Program Manager about any delays.

Any recorded files of meetings shall be retained according to CDPS policy. Once minutes have been approved by the Committee, Staff may then permanently delete that file. This does not apply to Executive Session recordings which must be retained for 90 days.

Any documentation needed to prepare for the next meeting should be made available by Committee members in advance of the Committee meeting notice. The Committee Chair should support a culture that requests this information to be made available in advance so that Committee members can come to the meeting prepared; having read the materials under consideration.



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If there are materials or drafted documents ready for review at the Board level, Staff shall ensure that these items are communicated to the Executive Committee for review and placement on an upcoming agenda.



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Special Committee Procedures

1. Application Review Committee (SOMB)

To be developed. (ERIN)

2. Application Review Committee (DVOMB)

To be developed. (CAROLINA)

3. Best Practices Committee (SOMB)

To be developed. (RAECHEL)

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Appendix A – Agenda Template

_____ **Offender Management Board**
Committee Name
Month, Day, Year (Start Time – End Time)
Meeting Location

Staff Contact: Name, Phone Number, [Email](#)

Chair: Name, [Email](#)

Vice Chair: Name, [Email](#)

Committee Goals & Purpose

- *List out specified goals and purpose from Committee Charter.*

Agenda

1. Introductions (5 minutes)
2. Review Minutes (10 minutes)
3. Item 1 (40 minutes)
4. Item 2 (10 minutes)
5. Next Steps (5 minutes)

Future Meeting Dates

Date	Time	Location
Month, Day, Year	Start/End Times	Address
Month, Day, Year	Start/End Times	Address



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Appendix B - Scope of Work Template

Guidelines for Creating New Board Committee

- I. Purpose**
 - a. Clear statement regarding charge of the Committee
 - b. Define the scope of Committee work
 - c. Identify any Standard(s) that are relevant to be reviewed and considered for revision
 - d. Articulate specific goals and tasks
 - e. Identify any deadlines that may be relevant

- II. Board Assignment of Committee Type**
 - a. Standing or Ad Hoc Committee
 - b. Appointed Membership or Non-Appointed Membership

- III. Chair and Co-Chair**
 - a. Identify Board member responsible for leading the Committee
 - b. Co-Chair

- IV. Supporting Materials Needed**
 - a. Research
 - b. Meeting minutes
 - c. Other

- V. Identified Stakeholders**

- VI. Board Staff Contact**



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Appendix C - Minutes Template

_____ **Offender Management Board**
_____ **Committee**
Month, Day, Year (Start Time – End Time)
Meeting Location

Staff Contact: Name, Phone Number, [Email](#)

Chair: Name, [Email](#)

Vice Chair: Name, [Email](#)

Committee Goals & Purpose

- *List out specified goals and purpose from Committee Charter.*

Agenda

1. Introductions (5 minutes)
Members Present
2. Review Minutes (10 minutes)
3. Item 1 (40 minutes)
4. Item 2 (10 minutes)
5. Next Steps (5 minutes)

Future Meeting Dates

Date	Time	Location
Month, Day, Year	Start/End Times	Address
Month, Day, Year	Start/End Times	Address



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Appendix D – Email Notice

Hi Everyone,

This is a friendly reminder of the _____ Committee meeting scheduled for, **Friday, MONTH, DAY, from START TIME - END TIME.**

We will be meeting at **LOCATION**. The meeting agenda, prior minutes, and updated revisions to date are attached.

If you plan to attend, please RSVP to me at your earliest convenience and let me know if you plan to attend in-person or by phone/computer.

Include additional narrative or instructions.

Attendance In-Person

Attendance By Phone or Computer

For those who plan to attend by phone, we will be facilitating this meeting over WebEx which is an online platform for meetings. This will allow for everyone to see the changes being made real-time over the computer. You do not have to use the computer if you do not feel comfortable doing so, but I would recommend calling in by phone using the **conference line** provided below. To join the meeting, simply click on the link below and enter the meeting password. Once you are in, use your phone and dial into the Audio Connection number listed below and enter the access code provided.

WebEx Instructions:

DVOMB Standards Revision Committee

Friday, Sep 27, 2019 10:00 am | 2 hours | (UTC-07:00) Mountain Time (US & Canada)

Meeting number: 800 772 733

Password: Fh86Mb9Q

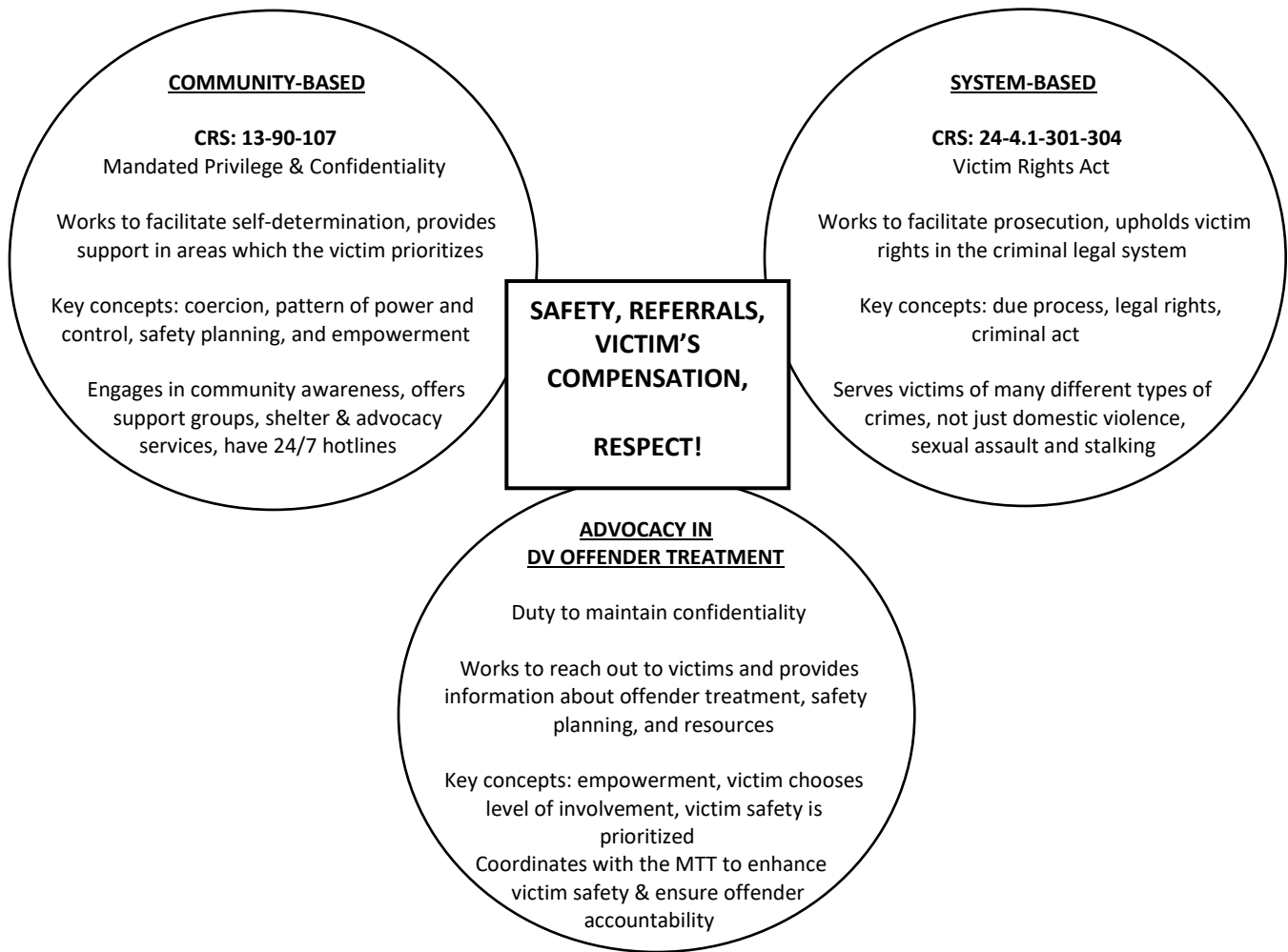
Click Here: <https://coloradogov.webex.com/coloradogov/j.php?MTID=me566f28ce010741d3ed454d36bb9552c>

Join by phone

+1-415-655-0001 US Toll

Access code: 800 772 733

DIFFERENCES BETWEEN SYSTEM-BASED, COMMUNITY-BASED & DV OFFENDER TREATMENT VICTIM ADVOCATES



Criminal Justice System-Based Advocates may work for law enforcement agencies, District or City Attorneys' Offices, probation, or parole, to provide victim advocacy within the context of the of the criminal justice system. Colorado law outlines the communications which victims of certain crimes are entitled to, and system-based advocates work to ensure those communications happen. Any information shared by a crime victim with a system-based advocate is subject to subpoena.

Community-Based Advocates and DV Offender Treatment Advocates typically work for organizations that focus on services for people experiencing domestic violence, sexual assault, and/or stalking, for the purposes of increasing safety, providing support, and enhancing options for survivors. Community-based advocates have statute mandated privilege, but both of these types of advocates have a duty to maintain confidentiality when working with victims.

Each of these three types of advocates may be working the same victim.

Differences in Advocacy:

- Level and type of confidentiality
- Who is eligible to receive services
- Types of services provided
- Availability of services

C.R.S. 16-11.8-101

COLORADO REVISED STATUTES

*** Titles 3, 7, 9, 11, and 13 of the Colorado Statutes have been updated and are current through all laws passed during the 2017 Legislative Session, subject to final review by the Colorado Office of Legislative Legal Services. The remainder of the titles are current through all laws passed during the 2016 Legislative Session and are in the process of being updated.

TITLE 16. CRIMINAL PROCEEDINGS
CODE OF CRIMINAL PROCEDURE
ARTICLE 11.8. MANAGEMENT OF DOMESTIC VIOLENCE OFFENDERS

C.R.S. 16-11.8-101 (2016)

16-11.8-101. Legislative declaration

The general assembly hereby declares that the consistent and comprehensive evaluation, treatment, and continued monitoring of domestic violence offenders who have been convicted of, pled guilty to, or received a deferred judgment or prosecution for any crime the underlying factual basis of which includes an act of domestic violence as defined in [section 18-6-800.3 \(1\), C.R.S.](#), and who are subject to the supervision of the criminal justice system is necessary in order to work toward the elimination of recidivism by such offenders. Therefore, the general assembly hereby creates a program that standardizes the evaluation, treatment, and continued monitoring of domestic violence offenders at each stage of the criminal justice system so that such offenders will be less likely to offend again and the protection of victims and potential victims will be enhanced.

HISTORY: Source: L. 2000: Entire article added, p. 907, § 1, effective July 1.

Editor's note: Articles 1 to 13 of this title (excluding articles 2.5, 2.7, 8.5, 11.3, 11.5, 11.7, 11.8, and 11.9) were numbered as articles 1 to 13 of chapter 39, C.R.S. 1963. The provisions of those articles were repealed and reenacted in 1972, resulting in the addition, relocation, and elimination of sections as well as subject matter. For amendments to those articles prior to 1972, consult the Colorado statutory research explanatory note beginning on page vii in the front of this volume. For a detailed comparison of those articles, see the comparative tables located in the back of the index.

C.R.S. 16-11.8-102

COLORADO REVISED STATUTES

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TITLE 16. CRIMINAL PROCEEDINGS
CODE OF CRIMINAL PROCEDURE
ARTICLE 11.8. MANAGEMENT OF DOMESTIC VIOLENCE OFFENDERS

C.R.S. 16-11.8-102 (2016)

16-11.8-102. Definitions

As used in this article, unless the context otherwise requires:

- (1) "Board" means the domestic violence offender management board created in [section 16-11.8-103](#).
- (2) "Domestic violence offender" means any person who on or after January 1, 2001, has been convicted of, pled guilty to, or received a deferred judgment and sentence for any domestic violence offense as defined in subsection (3) of this section.
- (3) "Domestic violence offense" means any crime the underlying factual basis of which includes an act of domestic violence as defined in [section 18-6-800.3 \(1\), C.R.S.](#)
- (4) "Treatment" means counseling, monitoring, and supervision of any domestic violence offender that conforms to the standards created by the board pursuant to [section 16-11.8-103](#).
- (5) "Treatment evaluation" means a determination of treatment amenability as recommended by a domestic violence evaluator approved by the domestic violence offender management board.

HISTORY: Source: L. 2000: Entire article added, p. 907, § 1, effective July 1. L. 2002: (2) amended, p. 1016, § 19, effective June 1. L. 2008: (2) amended, p. 1723, § 1, effective June 2.

C.R.S. 16-11.8-103

COLORADO REVISED STATUTES

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TITLE 16. CRIMINAL PROCEEDINGS
CODE OF CRIMINAL PROCEDURE
ARTICLE 11.8. MANAGEMENT OF DOMESTIC VIOLENCE OFFENDERS

C.R.S. 16-11.8-103 (2016)

Legislative Alert:

[LEXSEE 2017 Colo. SB 201](#) -- See section 1.

16-11.8-103. Domestic violence offender management board - creation - duties - repeal

(1) There is created, in the department of public safety, the domestic violence offender management board consisting of nineteen members with recognizable expertise in the field of domestic violence offenders. The membership of the board shall consist of the following persons:

(a) One member representing the judicial department appointed by the chief justice of the supreme court;

(b) One member representing the department of corrections appointed by the executive director of such department;

(c) One member representing the department of human services appointed by the executive director of such department;

(d) One member representing the department of public safety, division of criminal justice, appointed by the executive director of such department;

(e) One member representing the department of regulatory agencies who is appointed by the executive director of such department;

(f) One member appointed by the chief justice of the supreme court who is a judge;

(g) (I) Five members appointed by the executive director of the department of public safety who are regulated pursuant to Article 43 of Title 12 and have experience in the field of domestic violence.

(II) Of the five members appointed pursuant to this subsection (1)(g), at least three members must be mental health professionals licensed pursuant to Article 43 of Title 12.

(III) Of the five members appointed pursuant to this subsection (1) (g), at least three must be providers on the approved list pursuant to subsection (4)(a)(III)(C) of this section.

(IV) Interested parties shall submit nominations for persons to serve as members appointed pursuant to this paragraph (g). The executive director shall appoint members under this paragraph (g) from the nominees submitted by the interested parties.

(h) One member appointed by the executive director of the Colorado district attorney's council who represents the interests of prosecuting attorneys;

(i) One member appointed by the Colorado state public defender who is a public defender;

(j) One member appointed by the executive director of the department of public safety who is a representative of law enforcement;

(k) Two members appointed by the executive director of the department of public safety who can represent domestic violence victims and victim organizations;

(l) One member appointed by the executive director of the department of public safety who is from a rural area and is active in the local coordination of criminal justice and victim services advocacy for domestic violence;

(m) One member appointed by the executive director of the department of public safety who is from an urban area and is active in the local coordination of criminal justice and victim services advocacy for domestic violence; and

(n) One member appointed by the executive director of the department of public safety, after consultation with a statewide organization of criminal defense attorneys, who is a private criminal defense attorney.

(2) The Board shall elect a presiding officer for the board from among its members who serves at the pleasure of the Board.

(3) (a) Any member of the board appointed pursuant to subsections (1)(a) to (1)(f) of this section serves a term of four years at the pleasure of the official who appointed the member. paragraphs (a) to (f) of subsection (1) of this section shall serve at the pleasure of the official who appointed such member.

(b) Any member of the board appointed pursuant to subsections (1)(g) to (1)(m) of this section serves a term of four years.

(c) No member shall serve more than eight consecutive years.

(4) (a) The board shall carry out the following duties:

(I) Adopt and implement a standardized procedure for the treatment evaluation of domestic violence offenders. Such procedure shall provide for the evaluation and recommend behavior management, monitoring, and treatment and include a procedure for when a treatment provider recommends that an offender does not need treatment. The board shall develop and implement methods of intervention for domestic violence offenders that have as a priority the physical and psychological safety of victims and potential victims and that are appropriate to the needs of the particular offender, so long as there is no reduction in the level of safety of victims and potential victims.

(II) Adopt and implement guidelines and standards for a system of programs for the treatment of domestic violence offenders that shall be utilized by offenders who have committed a crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, and who are placed on probation, placed on parole, or placed in community corrections or who receive a deferred judgment and sentence. The programs developed pursuant to this subparagraph (II) shall be as flexible as possible so that the programs may be utilized by each offender to prevent the offender from harming victims and potential victims. The programs shall be structured in such a manner that they provide a continuing monitoring process as well as a continuum of treatment programs for each offender as that offender proceeds through the criminal justice system and may include, but shall not be limited to, group counseling, individual counseling, outpatient treatment, or treatment in a therapeutic community. Also, the programs shall be developed in such a manner that, to the extent possible, the programs may be accessed by all offenders in the criminal justice system.

(III) Develop an application and review process for treatment providers who provide services to domestic violence offenders pursuant to subsection (4)(a)(I) or (4)(a)(II) of this section. The standards must allow providers to demonstrate that they are in compliance with the standards adopted pursuant to subsection (4)(a)(I) or (4)(a)(II) of this section. The application and review process must consist of the following three parts:

(A) The board shall develop separate application and review processes for standards that apply to the criminal justice component, such as criminal history record checks, for individual treatment providers and treatment programs. Applications for the criminal justice components, including fingerprints, must be submitted to the board. The board shall forward the fingerprints to the Colorado bureau of investigation for use in conducting a state criminal history record check and for transmittal to the federal bureau of investigation for a national criminal history record check. The information obtained from the state and national criminal history record check may be used by the board to determine an applicant's eligibility for placement on the approved provider list. The board is responsible for the implementation of subsection (4)(a)(III)(A) of the application and review process.

(B) The board shall develop an application and review process for the verification of the qualifications and credentials of the treatment providers. The applications must be submitted to the Board. The Board is responsible for the implementation of this subsection (4)(a)(III)(B) of the application and review process. The board shall require that treatment providers complete mandatory continuing education courses in areas related to domestic violence.

(C) After providers have met the criteria of both parts of the application and review process, the board shall publish at least annually a list of approved providers. The Board shall forward the list to the office of the state court administrator, the department of public safety, the department of human services, and the department of corrections. The board shall update the list of approved providers and forward as changes are made.

(D) Notwithstanding any action taken by the department of regulatory agencies against a treatment provider, the board may take action against a treatment provider including, but not limited to, removing a treatment provider from the approved provider list. The board may determine the requirements for a treatment provider's name to be placed on the list after his or her name has been removed from the list pursuant to this subsection (4)(a)(III).

(III.5) Develop a treatment provider renewal process for the continued placement of a person on the approved provider list published pursuant to sub-subparagraph (C) of subparagraph (III) of this paragraph (a).

(IV) Research and analyze the effectiveness of the treatment evaluation and treatment procedures and programs developed pursuant to this article. The board shall also develop and prescribe a system for implementation of the guidelines and standards developed pursuant to subparagraphs (I) and (II) of this paragraph (a) and for tracking offenders who have been evaluated and treated pursuant to this article. In addition, the board shall develop a system for monitoring offender behaviors and offender adherence to prescribed behavioral changes. The results of such tracking and behavioral monitoring shall be a part of any analysis made pursuant to this subparagraph (IV).

(b) After the guidelines and standards required pursuant to subparagraphs (I) and (II) of paragraph (a) of this subsection (4) are adopted, the board shall refer any complaints or grievances against domestic violence offender treatment providers to the department of regulatory agencies for resolution. Notwithstanding any other law or administrative rule, the resolution of any complaint or grievance referred by the board pursuant to this paragraph (b) shall be based on such standards. All complaints and grievances shall be reviewed by the appropriate board pursuant to part 2 of article 43 of title 12, C.R.S., whose decision shall be based on accepted community standards as described in subparagraphs (I) and (II) of paragraph (a) of this subsection (4) and the prohibited activities as defined in [section 12-43-222 \(1\), C.R.S.](#) The department of regulatory agencies shall provide notice of the disciplinary action to the board.

(5) The board and the individual members thereof shall be immune from any liability, whether civil or criminal, for the good faith performance of the duties of the board as specified in this section.

(6) Repealed.

(7) (a) This section is repealed, effective September 1, 2022.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **amend** (23)(a) introductory portion; **repeal** (13)(a)(I); and **add** (23)(a)(IX) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment – legislative declaration - repeal. (13) (a) The following agencies, functions, or both, will repeal on September 1, 2017:

(I) The domestic violence offender management board created in section 16-11.8-103, C.R.S.; (23) (a) The following agencies, functions, or both, will ARE SCHEDULED FOR repeal on September 1, 2022: (IX) THE DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD CREATED IN SECTION 16-11.8-103;

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless PAGE 5-SENATE BILL 17-201 approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the

governor.

HISTORY: Source: L. 2000: Entire article added, p. 908, § 1, effective July 1.L. 2003: (1)(g)(III) amended, p. 1990, § 30, effective May 22.L. 2004: (4)(b)(III)(A) amended, p. 815, § 3, effective July 1.L. 2007: IP(1), (1)(l), and (1)(m) amended and (1)(n) added, p. 556, § 2, effective April 16.L. 2008: (4)(a), (4)(b), and (7) amended, p. 1723, § 2, effective June 2; (6) repealed, p. 1884, § 23, effective August 5.L. 2009: (7)(a) amended, ([SB 09-292](#)), ch. 369, p. 1948, § 28, effective August 5.L. 2010: (1)(g)(III) and (4) amended, ([HB 10-1422](#)), ch. 419, p. 2070, § 28, effective August 11.

COLORADO REVISED STATUTES

*** Titles 3, 7, 9, 11, and 13 of the Colorado Statutes have been updated and are current through all laws passed during the 2017 Legislative Session, subject to final review by the Colorado Office of Legislative Legal Services. The remainder of the titles are current through all laws passed during the 2016 Legislative Session and are in the process of being updated.

TITLE 16. CRIMINAL PROCEEDINGS
CODE OF CRIMINAL PROCEDURE
ARTICLE 11.8. MANAGEMENT OF DOMESTIC VIOLENCE OFFENDERS

C.R.S. 16-11.8-104 (2016)

16-11.8-104. Domestic violence offender treatment - contracts with providers - fund created

(1) On and after January 1, 2001, the department of corrections, the judicial department, the division of criminal justice within the department of public safety, or the department of human services shall not employ or contract with and shall not allow a domestic violence offender to employ or contract with any individual or entity to provide domestic violence offender treatment evaluation or treatment services pursuant to this article unless the individual or entity appears on the approved list developed pursuant to [section 16-11.8-103 \(4\)](#).

(2) (a) The board shall require any person who applies for placement, including any person who applies for continued placement, on the approved provider list developed pursuant to [section 16-11.8-103 \(4\)](#) to submit to a current background investigation that goes beyond the scope of the criminal history record check described in [section 16-11.8-103 \(4\) \(a\) \(III\) \(A\)](#). In conducting the current background investigation, the board shall obtain reference and criminal history information and recommendations that may be relevant to the applicant's fitness to provide domestic violence offender treatment evaluation or treatment services pursuant to this article.

(b) The board may assess a fee to a person who applies for initial placement or renewed placement on the approved provider list not to exceed three hundred dollars per application to cover the costs of conducting the current background investigation required by this subsection (2) and the costs associated with the initial application review and the renewal process pursuant to [section 16-11.8-103 \(4\) \(a\) \(III\)](#) and other costs associated with administering the program. All moneys collected pursuant to this paragraph (b) shall be transmitted to the state treasurer, who shall credit the same to the domestic violence offender treatment provider fund, which fund is hereby created and referred to in this paragraph (b) as the "fund". The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs associated with the current background investigation required by this subsection (2) and the application review and renewal process and other costs associated with administering the program. Any moneys in the fund not expended for the purpose of this subsection (2) may be invested by the state treasurer as provided by law. All interest and income derived from the investment

and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

HISTORY: Source: L. 2000: Entire article added, p. 912, § 1, effective July 1.L. 2004: Entire section amended, p. 814, § 2, effective July 1.L. 2008: (2) amended, p. 1725, § 3, effective June 2.L. 2010: (2) amended, (HB 10-1422), ch. 419, p. 2072, § 29, effective August 11.

ANNOTATION

Law reviews. For article, "Domestic Violence Intervention: 2010 Update", see 39 Colo. Law. 83 (September 2010).

18-6-803.6 C.R.S.

(1) When a peace officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in [section 18-6-800.3\(1\)](#), has been committed, the officer shall, without undue delay, arrest the person suspected of its commission pursuant to the provisions in subsection (2) of this section, if applicable, and charge the person with the appropriate crime or offense. Nothing in this subsection (1) shall be construed to require a peace officer to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence. Additionally, nothing in this subsection (1) shall be construed to require a peace officer to arrest either party involved in an alleged act of domestic violence when a peace officer determines there is no probable cause to believe that a crime or offense of domestic violence has been committed. The arrested person shall be removed from the scene of the arrest and shall be taken to the peace officer's station for booking, whereupon the arrested person may be held or released in accordance with the adopted bonding schedules for the jurisdiction in which the arrest is made.

(2) If a peace officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer shall consider the following:

- (a) Any prior complaints of domestic violence;
- (b) The relative severity of the injuries inflicted on each person;
- (c) The likelihood of future injury to each person; and
- (d) The possibility that one of the persons acted in self-defense.

(3)(a) A peace officer is authorized to use every reasonable means to protect the alleged victim or the alleged victim's children to prevent further violence. Such peace officer may transport, or obtain transportation for, the alleged victim to shelter. Upon the request of the protected person, the peace officer may also transport the minor child of the protected person, who is not an emancipated minor, to the same shelter if such shelter is willing to accept the child, whether or not there is a custody order or an order for the care and control of the child or an order allocating parental responsibilities with respect to the child and whether or not the other parent objects. A peace officer who transports a minor child over the objection of the other parent shall not be held liable for any damages that may result from interference with the custody, parental responsibilities, care, and control of or access to a minor child in complying with this subsection (3).

(b) For purposes of this subsection (3), "shelter" means a battered women's shelter, a friend's or family member's home, or such other safe haven as may be designated by the protected person and which is within a reasonable distance from the location at which the peace officer found the victim.

(4)(a) The arresting agency shall make reasonable efforts to collect and preserve any pertinent evidence until the time of final disposition of the matter, including, but not limited to, the following:

- (I) Any dispatch tape recording relating to the event;
- (II) Any on-scene video or audio tape recordings;
- (III) Any medical records of treatment of the alleged victim or the defendant; and
- (IV) Any other relevant physical evidence or witness statements.

(b) However, in the absence of bad faith, any failure to collect or preserve any evidence listed in paragraph (a) of this subsection (4) shall not be grounds to dismiss the matter.

(4.5) When a peace officer responds to a call or is otherwise responding to a report about an alleged offense involving domestic violence, as defined in [section 18-6-800.3\(1\)](#), or other domestic dispute, the officer shall include in his or her written or oral report concerning such incident whether children may have seen or heard the alleged offense; except that, in the absence of bad faith, the failure of a peace officer to note that a child may have seen or heard the alleged offense shall not be grounds to dismiss the matter.

(5) A peace officer shall not be held civilly or criminally liable for acting pursuant to this section if the peace officer acts in good faith and without malice.

§ 18-6-801

(1)(a) In addition to any sentence that is imposed upon a person for violation of any criminal law under this title, any person who is convicted of any crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in [section 18-6-800.3\(1\)](#) , or any crime against property, whether or not such crime is a felony, when such crime is used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship shall be ordered to complete a treatment program and a treatment evaluation that conform with the standards adopted by the domestic violence offender management board as required by [section 16-11.8-103\(4\)](#), [C.R.S.](#) If an intake evaluation conducted by an approved treatment program provider discloses that sentencing to a treatment program would be inappropriate, the person **shall** be referred back to the court for alternative disposition.

(b) The court may order a treatment evaluation to be conducted prior to sentencing if a treatment evaluation would assist the court in determining an appropriate sentence. The person ordered to undergo such evaluation shall be required to pay the cost of the treatment evaluation. If such treatment evaluation recommends treatment, and if the court so finds, the person shall be ordered to complete a treatment program that conforms with the standards adopted by the domestic violence offender management board as required by [section 16-11.8-103\(4\)](#), [C.R.S.](#)

(c) Nothing in this subsection (1) shall preclude the court from ordering domestic violence treatment in any appropriate case.

(2) Subsection (1) of this section shall not apply to persons sentenced to the department of corrections.

(3) A person charged with the commission of a crime, the underlying factual basis of which includes an act of domestic violence as defined in [section 18-6-800.3\(1\)](#) , shall not be entitled to plead guilty or plead nolo contendere to an offense which does not include the domestic violence designation required in [section 16-21-103, C.R.S.](#) , unless the prosecuting attorney makes a good faith representation on the record that such attorney would not be able to establish a prima facie case that the person and the alleged victim were currently or formerly involved in an intimate relationship if the defendant were brought to trial on the original domestic violence offense and upon such a finding by the court. The prosecuting attorney's record and the court's findings shall specify the relationship in the alleged domestic violence case which the prosecuting attorney is not able to prove beyond a reasonable doubt and the reasons therefor. No court shall accept a plea of guilty or nolo contendere to an offense which does not include the domestic violence designation required in [section 16-21-103, C.R.S.](#) , when the facts of the case indicate that the underlying factual basis includes an act of domestic violence as defined in [section 18-6-800.3\(1\)](#) unless there is a good faith representation by the prosecuting attorney that he or she would be unable to establish a prima facie case if the defendant were brought to trial on the original offense.

(4) No person accused or convicted of a crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in [section 18-6-800.3\(1\)](#) , shall be eligible for home detention in the home of the victim pursuant to [section 18-1.3-105](#) or [18-1.3-106](#) . Nothing in this subsection (4) is intended to prohibit a court from ordering a deferred sentence for a person accused or convicted of a crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in [section 18-6-800.3\(1\)](#) .

(5) Before granting probation, the court shall consider the safety of the victim and the victim's children if probation is granted.

(6) Nothing in this section shall preclude the ability of a municipality to enact concurrent ordinances.

(7)(a) Any misdemeanor offense that includes an act of domestic violence is a class 5 felony if the defendant at the time of sentencing has been previously convicted of three or more prior offenses that included an act of domestic violence and that were separately brought and tried and arising out of separate criminal episodes.

(b) The prior convictions must be set forth in apt words in the indictment or information. For the purposes of this section, "conviction" includes any federal, state, or municipal conviction for a felony, misdemeanor, or municipal ordinance violation.

(c) Trials in cases alleging that the defendant is an habitual domestic violence offender pursuant to this subsection (7) must be conducted in accordance with the rules of criminal procedure for felonies. The trier of fact shall determine whether an offense charged includes an act of domestic violence.

(d) Following a conviction for an offense which underlying factual basis includes an act of domestic violence:

(I) If any prior conviction included a determination by a jury or was admitted by the defendant that the offense included an act of domestic violence, the court shall proceed to sentencing without further findings as to that prior conviction by the jury or by the court, if no jury trial is had;

(II) For any prior conviction in which the factual basis was found by the court to include an act of domestic violence, but did not include a finding of domestic violence by a jury or that was not admitted by the defendant, the trial court shall proceed to a sentencing stage of the proceedings. The prosecution shall present evidence to the trier of fact that the prior conviction included an act of domestic violence. The prosecution has the burden of proof beyond a reasonable doubt.

(III) At the sentencing stage, the following applies:

(A) A finding of domestic violence made by a court at the time of the prior conviction constitutes prima facie evidence that the crime involved domestic violence;

(B) Evidence of the prior conviction is admissible through the use of certified documents under seal, or the court may take judicial notice of a prior conviction;

(C) Evidence admitted in the guilt stage of the trial, including testimony of the defendant and other acts admitted pursuant to [section 18-6-801.5](#), may be considered by the finder of fact.

(8)(a) In addition to any sentence that is imposed upon a defendant for violation of any criminal law under this title, if a defendant is convicted of any crime, the underlying factual basis of which is found by the court on the record to be a misdemeanor crime of domestic violence, as defined in [18 U.S.C. sec. 921\(a\)\(33\)](#), or that is punishable by a term of imprisonment exceeding one year and includes an act of domestic violence, as defined in [section 18-6-800.3\(1\)](#), the court:

(I) Shall order the defendant to:

(A) Refrain from possessing or purchasing any firearm or ammunition for the duration of the order; and

(B) Relinquish any firearm or ammunition in the defendant's immediate possession or control or subject to the defendant's immediate possession or control; and

(II) May require that before the defendant is released from custody on bond, the defendant shall relinquish, for the duration of the order, any firearm or ammunition in the defendant's immediate possession or control or subject to the defendant's immediate possession or control.

(b) Upon issuance of an order to relinquish one or more firearms or ammunition pursuant to paragraph (a) of this subsection (8), the defendant shall relinquish any firearm or ammunition not more than twenty-four hours after being served with the order; except that a court may allow a defendant up to seventy-two hours to relinquish a firearm or up to five days to relinquish ammunition pursuant to this paragraph (b) if the defendant demonstrates to the satisfaction of the court that he or she is unable to comply within twenty-four hours. To satisfy this requirement, the defendant may:

(I) Sell or transfer possession of the firearm or ammunition to a federally licensed firearms dealer described in [18 U.S.C. sec. 923](#) , as amended; except that this provision shall not be interpreted to require any federally licensed firearms dealer to purchase or accept possession of any firearm or ammunition;

(II) Arrange for the storage of the firearm or ammunition by a law enforcement agency; except that this provision shall not be interpreted to require any law enforcement agency to provide storage of firearms or ammunition for any person; or

(III) Sell or otherwise transfer the firearm or ammunition to a private party who may legally possess the firearm or ammunition; except that a defendant who sells or transfers a firearm pursuant to this subparagraph (III) shall satisfy all of the provisions of [section 18-12-112](#) , concerning private firearms transfers, including but not limited to the performance of a criminal background check of the transferee.

(c) If a defendant is unable to satisfy the provisions of paragraph (b) of this subsection (8) because he or she is incarcerated or otherwise held in the custody of a law enforcement agency, the court shall require the defendant to satisfy such provisions not more than twenty-four hours after his or her release from incarceration or custody or be held in contempt of court. Notwithstanding any provision of this paragraph (c), the court may, in its discretion, require the defendant to relinquish any firearm or ammunition in the defendant's immediate possession or control or subject to the defendant's immediate possession or control before the end of the defendant's incarceration. In such a case, a defendant's failure to relinquish a firearm or ammunition as required shall constitute contempt of court.

(d) A federally licensed firearms dealer who takes possession of a firearm or ammunition pursuant to this subsection (8) shall issue a receipt to the defendant at the time of relinquishment. The federally licensed firearms dealer shall not return the firearm or ammunition to the defendant unless the dealer:

(I) Contacts the bureau to request that a background check of the defendant be performed; and

(II) Obtains approval of the transfer from the bureau after the performance of the background check.

(e) A local law enforcement agency may elect to store firearms or ammunition for persons pursuant to this subsection (8). If an agency so elects:

(I) The agency may charge a fee for such storage, the amount of which shall not exceed the direct and indirect costs incurred by the agency in providing such storage;

(II) The agency may establish policies for disposal of abandoned or stolen firearms or ammunition; and

(III) The agency shall issue a receipt to each defendant at the time the defendant relinquishes possession of a firearm or ammunition.

(f) If a local law enforcement agency elects to store firearms or ammunition for a defendant pursuant to this subsection (8), the law enforcement agency shall not return the firearm or ammunition to the defendant unless the agency:

(I) Contacts the bureau to request that a background check of the defendant be performed; and

(II) Obtains approval of the transfer from the bureau after the performance of the background check.

(g)(I) A law enforcement agency that elects to store a firearm or ammunition for a defendant pursuant to this subsection (8) may elect to cease storing the firearm or ammunition. A law enforcement agency that elects to cease storing a firearm or ammunition for a defendant shall notify the defendant of such decision and request that the defendant immediately make arrangements for the transfer of the possession of the firearm or ammunition to the defendant or, if the defendant is prohibited from possessing a firearm, to another person who is legally permitted to possess a firearm.

(II) If a law enforcement agency elects to cease storing a firearm or ammunition for a defendant and notifies the defendant as described in subparagraph (I) of this paragraph (g), the law enforcement agency may dispose of the firearm or ammunition if the defendant fails to make arrangements for the transfer of the firearm or ammunition and complete said transfer within ninety days of receiving such notification.

(h) If a defendant sells or otherwise transfers a firearm or ammunition to a private party who may legally possess the firearm or ammunition, as described in subparagraph (III) of paragraph (b) of this subsection (8), the defendant shall acquire:

(I) From the transferee, a written receipt acknowledging the transfer, which receipt shall be dated and signed by the defendant and the transferee; and

(II) From the licensed gun dealer who requests from the bureau a background check of the transferee, as described in [section 18-12-112](#), a written statement of the results of the background check.

(i)(I) Not more than three business days after the relinquishment, the defendant shall file a copy of the receipt issued pursuant to paragraph (d), (e), or (h) of this subsection (8), and, if applicable, the written statement of the results of a background check performed on the transferee, as described in subparagraph (II) of paragraph (h) of this subsection (8), with the court as proof of the relinquishment. If a defendant fails to timely file a receipt or written statement as described in this paragraph (i):

(A) The failure constitutes a class 2 misdemeanor, and the defendant shall be punished as provided in [section 18-1.3-501](#); and

(B) The court shall issue a warrant for the defendant's arrest.

(II) In any subsequent prosecution for a violation of this paragraph (i), the court shall take judicial notice of the defendant's failure to file a receipt or written statement, which will constitute prima facie evidence that the defendant has violated this paragraph (i), and testimony of the clerk of the court or his or her deputy is not required.

(j)(I) A law enforcement agency that elects in good faith to not store a firearm or ammunition for a defendant pursuant to sub-subparagraph (B) of subparagraph (III) of paragraph (b) of this subsection (8) shall not be held criminally or civilly liable for such election not to act.

(II) A law enforcement agency that returns possession of a firearm or ammunition to a defendant in good faith as permitted by paragraph (f) of this subsection (8) shall not be held criminally or civilly liable for such action.