

BLUE BOLDED TEXT - Newly Added or Amended Language

Red Text with Strikethrough - Removed Language

Revisions to Section 1.0

SECTION 1.0 Introduction to the Domestic Violence Offender Management Board

The Colorado Domestic Violence Offender Management Board (hereafter Board) was created by the General Assembly in the Colorado Department of Public Safety in July 2000 pursuant to § 16-11.8-103, C.R.S. The legislative declaration in the Board's enabling statute states that the consistent and comprehensive evaluation, assessment, treatment and continued monitoring of domestic violence offenders at each stage of the criminal justice system is necessary in order to lessen the likelihood of re-offense, to work toward the elimination of recidivism and to enhance the protection of current and potential victims (§ 16-11.8-101 C.R.S.)¹. The Board was charged with the promulgation of standards for the evaluation, assessment, treatment, and monitoring of domestic violence offenders defined in § 16-11.8-102, C.R.S. and the establishment of an application and review process for approved providers who provide services to domestic violence offenders in the state of Colorado. The evaluation, assessment, treatment, and behavioral monitoring of domestic violence offenders shall only be provided by those individuals whose name appears on the DVOMB Approved Provider List pursuant to § 16-11.8-104(1) C.R.S.

The Board is committed to carrying out its legislative mandate to enhance public safety and the protection of victims and potential victims through the development and maintenance of comprehensive, consistent and effective standards for the evaluation, assessment, treatment and behavioral monitoring of adult domestic violence offenders. The Board will continue to explore the developing literature and research on the most effective methods for intervening with domestic violence offenders and to identify best practices in the field.²

ACCORDING TO THE STATUTE, TREATMENT IS DEFINED AS "THERAPY, MONITORING, AND SUPERVISION OF ANY DOMESTIC VIOLENCE OFFENDER WHICH CONFORMS TO THE STANDARDS CREATED BY THE BOARD" (§ 16-11.8-102 C.R.S.). THESE STANDARDS GOVERN THE PRACTICE OF MENTAL HEALTH PROFESSIONALS WHO MEET THE QUALIFICATION REQUIREMENTS AND ARE APPROVED BY THE DVOMB.

1.01 Purview of the DVOMB

- I. PURSUANT TO STATUTORY PURVIEW OF § 16-11.8-103(4)(A)(II) C.R.S.³, THE DVOMB HAS PURVIEW OVER A GUILTY PLEAS, PLEAS OF NOLO CONTENDERE, CONVICTIONS AFTER**

¹ Although the term assessment does not appear in § 16-11.8-101, the DVOMB has included this term as part of the treatment process defined by the DVOMB Standards pursuant to § 16-11.8-102(4).

² For more information about the Board, membership, and mandates, please see the DVOMB By-laws.

³ Pursuant to § 16-11.8-103(4)(a)(II) C.R.S., the DVOMB Standards apply to adult domestic violence 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.

CRIMINAL TRIALS, DEFERRED SENTENCES, AND STIPULATION/FINDING OF A DOMESTIC VIOLENCE FACTUAL BASIS. THESE STANDARDS AND GUIDELINES ARE REQUIRED FOR ADULT DOMESTIC VIOLENCE OFFENDERS WHOSE CRIMINAL CHARGES INCLUDE AN UNDERLYING FACTUAL BASIS OF DOMESTIC VIOLENCE (§ 18-6-800.3, C.R.S.) AND ARE REQUIRED TO UNDERGO AN EVALUATION AND TREATMENT BY A DVOMB APPROVED PROVIDER AS:

- ORDERED BY THE COURT TO BE PLACED ON STATE PROBATION, MUNICIPAL⁴, OR PRIVATE PROBATION
- ORDERED BY THE PAROLE BOARD PER THE PAROLE AGREEMENT
- ORDERED AS PART OF THE COMMUNITY CORRECTIONS SENTENCE ~~BY A COMMUNITY CORRECTIONS BOARD~~ (I.E. DIRECT SENTENCE, DOC INMATES OCCUPYING STATE FUNDED COMMUNITY CORRECTION BEDS)
- ORDERED TO COMPLETE AS PART OF A PRE-SENTENCE OFFENDER EVALUATION⁵

DISCUSSION POINT: IN CASES WHERE THE DOMESTIC VIOLENCE OFFENDER ENHANCER/TAG HAS BEEN REMOVED, THE COURT MAY STILL ORDER A DEFENDANT TO DOMESTIC VIOLENCE OFFENDER TREATMENT WHEN THE COURT MAKES A FINDING FOR THE REQUIREMENT TO UNDERGO TREATMENT AS BEING REASONABLY RELATED TO THE DEFENDANT'S REHABILITATION, COMMUNITY SAFETY, OR THE GOALS OF PROBATION⁶. DEFENDANTS WHO ARE ORDERED TO UNDERGO DOMESTIC VIOLENCE OFFENDER TREATMENT SHALL MEET THE REQUIREMENTS OF THE DVOMB STANDARDS AND GUIDELINES WHICH INCLUDES ADDRESSING RESPONSIBILITY FOR THE DOMESTIC VIOLENCE RELATED BEHAVIORS IN THE INDEX OFFENSE.

II. There may be other individuals in need of evaluation, assessment, treatment, and supervision who do not meet the statutory definition of a domestic violence offender or are not under the jurisdiction of the Colorado criminal justice system. Approved Providers should consider the use of the DVOMB *Standards* as a best practice guideline and at their discretion for cases that do not fall under the purview of the DVOMB. THE BOARD PROVIDES THE FOLLOWING GUIDANCE REGARDING USE OF THE STANDARDS FOR ADULTS WHO ARE NOT UNDER THE STATUTORY PURVIEW OF THE DVOMB. THESE STANDARDS AND GUIDELINES MAY BE UTILIZED AS BEST PRACTICE IN THE FOLLOWING SITUATIONS WHERE THERE ARE CONCERNS OF ABUSIVE, HARMFUL, OR DOMESTIC VIOLENCE BEHAVIOR FOR:

- ADULTS PLACED ON DIVERSION, WITHOUT A DEFERRED SENTENCE,
- ADULTS REQUESTING A PRE-PLEA EVALUATION⁷,
- ADULTS REQUESTING A DOMESTIC VIOLENCE EVALUATION AS PART OF A DOMESTIC RELATIONS OR CIVIL PROTECTION ORDER CASE PURSUANT TO § 14-10-124, C.R.S.
- WHERE A PARTY IS RECEIVING SERVICES FOR DOMESTIC ABUSE BEHAVIOR PROVIDED BY A COUNTY DEPARTMENT OF HUMAN SERVICES/SOCIAL SERVICES (DHS/DSS) WITHOUT A LEGAL REQUIREMENT.

⁴ C.R.S.13-10-104.5(a)(V)(e), Municipalities shall adopt an ordinance establishing Guidelines and Standards that are consistent with the Guidelines and Standards adopted by the DVOMB pursuant to Section 16-11.8.103(4).

⁵ C.R.S.18-6-801(1)(b), Partners in Change v. Domestic Violence Offender Management Board, within the Division of Criminal Justice of the Department of Public Safety of the State of Colorado, Case Number 06cv10083.

⁶ C.R.S.18-1.3-204(2)(a)(15), Courts possess probationary powers to stipulate conditions.

⁷ Pre-plea matters are not subject to the purview of the DVOMB Standards.

- A PERSON WHO VOLUNTARILY ENTERS INTO TREATMENT DUE TO SELF-DISCLOSED BEHAVIORS RELATED TO DOMESTIC VIOLENCE BEHAVIORS

III. YOUTH WHO ENGAGE IN RELATIONSHIP ABUSE: IT IS NOT THE INTENTION OF THE LEGISLATION, OR THE DVOMB, THAT THESE STANDARDS AND GUIDELINES BE APPLIED TO THE TREATMENT OF JUVENILES WHO HAVE ENGAGED IN TEEN DATING VIOLENCE OR RELATIONSHIP ABUSE. DESPITE MANY SIMILARITIES IN THE BEHAVIOR AND TREATMENT OF JUVENILES AND ADULTS, IMPORTANT DIFFERENCES EXIST IN THEIR DEVELOPMENTAL STAGES, THE PROCESS OF THEIR OFFENDING BEHAVIORS, AND THE CONTEXT FOR JUVENILES WHO MUST BE ADDRESSED DIFFERENTLY IN THEIR DIAGNOSIS AND TREATMENT. PLEASE SEE THE CURRENT PUBLICATION OF THE BEST PRACTICE GUIDELINES FOR WORKING WITH YOUTH WHO ENGAGE IN RELATIONSHIP ABUSE.

1.02 TERMS OF REFERENCE

- I. The DVOMB *Standards* use a variety of terms referencing persons who are subject to these *Standards*. The terms that are frequently used in the *Standards* include domestic violence offender, offender, and client. These terms of reference are used in different sections of the Standards based on the focus of a given section (e.g., treatment, supervision, etc.), as well as the preferred language of professional stakeholders who frequently reference that section. The DVOMB notes that the use of the term ‘domestic violence offender’ is consistent with the statutory definition identifying a person who 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. However, the DVOMB recognizes that the use of the term domestic violence offender is in no way intended to label individuals by their behavior, or suggest that those who undergo treatment cannot live a violence and abuse free life-style.
- II. ADHERENCE TO THE STANDARDS BY APPROVED PROVIDERS IS MONITORED THROUGH THE APPLICATION, COMPLAINT, AND STANDARDS COMPLIANCE REVIEW PROCESSES. STANDARDS ARE MANDATORY AND DESIGNATED BY “SHALL” OR “MUST”, WHILE GUIDELINES ARE DISTINGUISHED BY THE USE OF THE TERM “SHOULD.” ALTHOUGH THE DVOMB DOES NOT HAVE PURVIEW OVER OTHER STAKEHOLDERS INVOLVED IN THE SUPERVISION OF DEFENDANTS CONVICTED OF A DOMESTIC VIOLENCE OFFENSE (FOR EXAMPLE, PROBATION, PAROLE, AND THE JUDICIARY), IT OFFERS THESE GUIDELINES AS A TOOL TO ASSIST IN THE MANAGEMENT OF OFFENDERS AND TO ENHANCE COLLABORATION AMONG STAKEHOLDERS AND TO PROVIDE GUIDANCE ON BEST PRACTICES.

1.03 Legal Definition of Domestic Violence

Pursuant to Section § 18-6-800.3(1), C.R.S., the criminal definition of “domestic violence” means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. “Domestic violence also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when 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.” The criminal definition for domestic violence serves as the legal basis upon which a court determines if an underlying factual basis of domestic violence exists.

1.04 Clinical Features of Domestic Violence and Abusive Behaviors

The following definition of domestic violence is a more comprehensive definition of domestic violence that shall be used for the purposes of evaluation, assessment and treatment of domestic violence offenders under these Standards and Guidelines. Caution should be exercised when applying this definition and list of abuse types in circumstances that have not been identified through the legal system. Not all domestic violence behaviors are illegal, but they may be abusive or harmful to the person who has experienced the behavior. This definition and list of abuse types serve a framework to broadly define domestic violence behaviors in a clinical context that can be used to holistically address all forms of abuse with an offender who has been referred for services.

Domestic violence is an emerging, cyclical, or established pattern of attitudes and/or behaviors that are abusive, controlling, harmful or predatory against a person. Such domestic violence behaviors are choices that attempt to cause a specific outcome rooted in power and control and often intersect with multiple forms of abuse. Domestic violence offenders can present with multiple areas of risk to reoffend (i.e., domestic violence reoffending, lethality, non-domestic violence reoffending). A domestic violence offender is a person who engages in a pattern of one or more of the following abuse categories: dominance, dependence, dissonance, vengeance, surveillance, and violence. This list is not an exhaustive list regarding the forms of abuse related to domestic violence and should be considered and used for clinical purposes.

<p>Dominance</p>	<p><u>Coercive Control</u> - engaging in a pattern of behaviors to gain control and power by eroding a victim's autonomy, self-efficacy, and self-esteem, marked by domination and entrapment that extends across the spectrum of violent tactics.⁸</p> <p><u>Cultural Abuse</u> - using culture as a means to excuse, minimize, or otherwise justify their abusive behavior. This may include disparaging the victim's culture, forcing a victim to embrace the offender's culture, isolating a victim from mainstream culture, using culture to silence a victim, using language barrier to isolate a victim, using other language to shut a victim out, etc.</p> <p><u>Emotional Abuse</u> - using non-physical behaviors that may be subtle or more obvious which are meant to control, isolate, or frighten the victim. This type of abuse may present as threats, insults, yelling, constant monitoring, excessive jealousy, manipulation, humiliation, intimidation, or dismissiveness. While these emotionally abusive behaviors do not leave physical marks, they do cause harm, disempower, and traumatize the victim who is experiencing the abuse.</p> <p><u>Financial Abuse</u> - controlling, exploiting, limiting, or withholding access to economic assets, employment or resources to negatively impact the financial capacity of the victim.</p> <p><u>Psychological Abuse</u> - An intense or repeated pattern of confusing or doubt inducing behavior that creates psychological stress, confusion or doubt in the victim. This may include threats or acts of self-harm or homicide, denial of abuse, gaslighting, or stalking.</p> <p><u>Verbal Abuse</u> - Using words or verbal iterations to as a means to control, coerce, manipulate, intimidate, ridicule, or degrade the victim and negatively impact their psychological health or otherwise cause harm.</p> <p><u>Collateral harm or abuse</u> - causing harm to secondary victims whether directly or</p>
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⁸ Dutton, M. A., Goodman, L., James, R. J. (2006). Development and Validation of a Coercive Control Measure for Intimate Partner Violence: Final Technical Report.

	indirectly to harm, manipulate, intimidate or coerce in an abusive or controlling manner. <u>Reproductive Abuse</u> – using coercion, control, deceit, manipulation or threats to impact pregnancy, sabotage of contraceptives, use of contraceptives, access to contraceptives, and unilaterally decides reproductive choices as a method to gain power and control over another person(s).
Dependence	<u>Immigration or Legal Status Abuse</u> - Using or exploiting a victim or their family's lack of documentation, legal or illegal status, or citizenship as a means to threaten, control or, coerce the victim. <u>Isolation and Social Abuse</u> - attempting to foster conditions that aim to isolate a victim from their friends, family or community. These behaviors cause harm by cutting off healthy relationships, limiting social engagement, interfering with social networks, disrupting social interactions, or attempting to cause reputational harm.
Dissonance	<u>Substance Abuse</u> – using mood altering substances as a tool to perpetuate coercive control against the victim, including but not limited to SABOTAGING SOBRIETY or LIMITING RESOURCES. The use of mood-altering substances by an offender does not cause domestic violence nor is it an excuse for abuse. ⁹ <u>Intellectual Abuse</u> - disrespecting another's learning style, ability, ways of thinking or intellectual interests. This can involve ridiculing a victim's ideas, devaluing a victim's opinions, or controlling the victim's access to educational or other learning opportunities. <u>Gaslighting</u> - attempting to create self-doubt and confusion in the victim's mind, by distorting reality and forcing the victim to question their own judgment and intuition. <u>Spiritual Abuse</u> - using faith, spirituality, religion, or the lack thereof as a means to intimidate, hurt, or control the victim.
Vengeance	<u>Animal abuse</u> - mistreating, threatening, or killing any pet or animal, such as torturing, tormenting, mutilating, maiming, poisoning, or abandoning to emotionally manipulate or coerce the victim. ¹⁰ <u>Administrative Abuse through Systems</u> - utilizing systems intended to provide safety to a victim to harass, threaten, intimidate and/or control the victim instead. <u>Using children</u> - using or manipulating children as a means to control, coerce, manipulate, or otherwise cause harm to a victim. <u>Destruction of Property</u> - damaging, destroying, devaluing or taking possession of the tangible property of the victim as an act to harm, retaliate or intimidate the victim.
Surveillance	<u>Monitoring Abuse</u> - using or manipulating the environment physically or virtually to gain access and gather information about a victim regarding their schedule, activities, whereabouts, and interactions. These behaviors are a violation of the victim's expectation of and right to privacy regardless of consent, awareness or knowledge. These behaviors can undermine a victim's sense of safety, sanity, and security. This definition may include unwanted advances by the domestic violence offender in the pursuit of the identified victim. <u>Stalking</u> - engaging in a pattern of behavior directed at a specific person that attempts to develop, expand or maintain a relationship with the victim. These behaviors can cause substantial emotional distress or fear for the victim's safety or the safety of others.

⁹ Rivera, E. A., Phillips, H., Warshaw, C., Lyon, E., Bland, P. J., Kaewken, O. (2015). An applied research paper on the relationship between intimate partner violence and substance use. Chicago, IL: National Center on Domestic Violence, Trauma & Mental Health.

¹⁰ Fabres et al., (2014). Adulthood Animal Abuse Among Men Arrested for Domestic Violence. Violence Against Women, 20(9) 1059-1077.

	<p>Victims may or may not be aware of these behaviors.¹¹</p> <p><u>Technology-Facilitated Abuse</u> - using technologies to bully, harass, stalk or intimidate. These behaviors may include non-consensual image sharing.</p>
Violence	<p><u>Physical abuse</u> - using any physical act or object (including weapons) with the potential for causing harm, injury, disability, or death to exert power and control over the victim. Such physical acts can include targeting anyone or anything the victim may have an attachment to. Physical abuse can include coercing other people to commit any physical acts against the victim.</p> <p><u>Strangulation</u>¹² - impeding or restricting the airway or circulation of the blood of a victim by applying pressure to the neck or chest, or by blocking the nose or mouth.¹³</p> <p><u>Sexual abuse</u>¹⁴ - using any physical act, behavior, or exploitation that is sexual in nature and causes harm to the victim without consent.</p>

1.05 General Overview of the Evaluation and Treatment Process

- I. Upon order by the Court or Parole Board, an offender is required by statute to receive an evaluation and attend treatment as recommended.¹⁵ The offender evaluation will result in treatment recommendations that assess the offender’s need for treatment, determine what type of treatment is needed, and identify the initial risk level and any additional needs the offender may have related to containment, stabilization and safety (Section 4.0). Please refer to the Figure 1 below for a visual depiction of this process.
- II. Treatment is the comprehensive set of planned therapeutic experiences and interventions designed to assist the offender in changing any power and control dynamics, abusive thoughts, and behaviors (Section 5.01). Treatment requires the offender to attend in-person group or individual sessions at a minimum of once a week or more depending on the offender’s treatment level (Section 5.03). Treatment is individualized and progress is assessed during a Treatment Plan Review (TPR), which occurs every two to three months (Section 5.07). The degree to which an offender progresses in treatment and remains compliant is based on meeting goals associated with the core competencies rather than the passage of a specific amount of time or sessions (Section 5.08).
- III. Progress through treatment and victim safety is monitored by the Multi-Disciplinary Treatment Team (MTT) consisting of the Approved Provider, the supervising officer, a Treatment Victim Advocate (Section 7.0), and any other adjunct member of the MTT (Section 5.02). The MTT communicates regularly and shares information about the

¹¹ Woodlock, W. (2017). The Abuse of Technology in Domestic Violence and Stalking, *Violence Against Women*, 23(5) 584-602; Senkans et al. (2017). Assessing the Link Between Intimate Partner Violence and Postrelationship Stalking: A Gender-Inclusive Study, *Journal of Interpersonal Violence*, 1-31.

¹² § 18-3-202(1)(g), C.R.S.: “With the intent to cause serious bodily injury, he or she applies sufficient pressure to impede or restrict the breathing or circulation of the blood of another person by applying such pressure to the neck or by blocking the nose or mouth of the other person and thereby causes serious bodily injury.”

§ 18-3-203(1)(h)(i), C.R.S.: “With the intent to cause bodily injury, he or she applies sufficient pressure to impede or restrict the breathing or circulation of the blood of another person by applying such pressure to the neck or by blocking the nose or mouth of the other person and thereby causes serious bodily injury.”

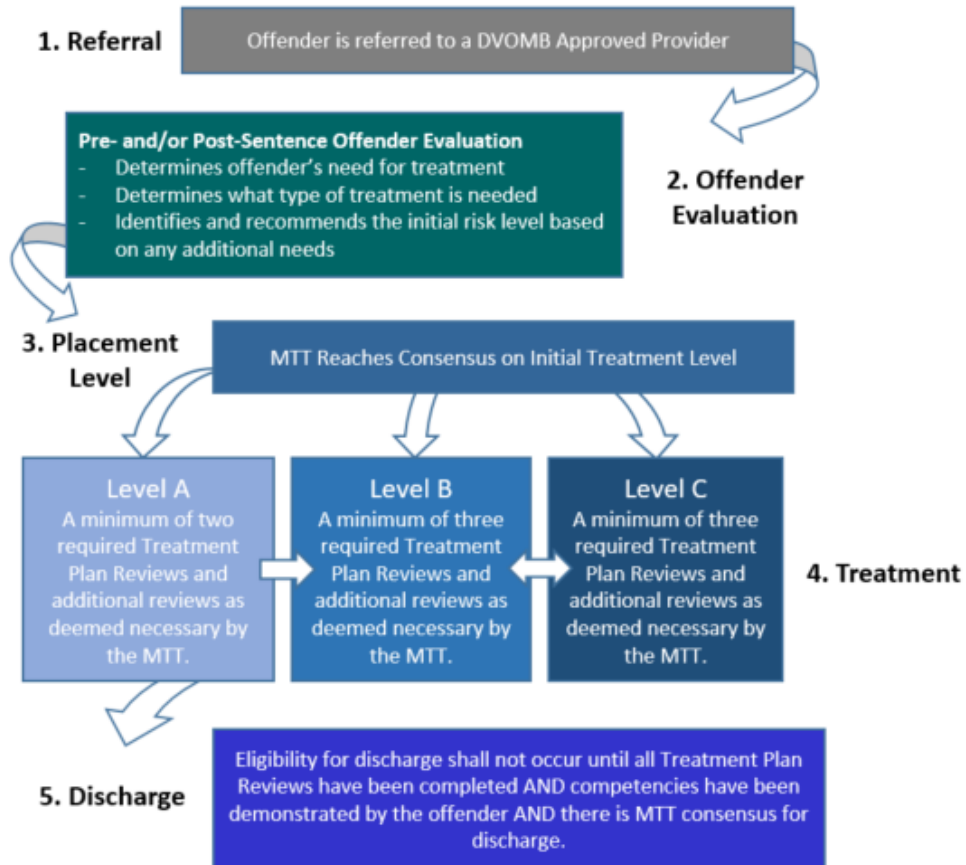
¹³ Mcquown et al. (2016). Prevalence of strangulation in survivors of sexual assault and domestic violence. *American Journal of Emergency Medicine*, 34, 1281-1285; Thomas et al. (2014). “Do You Know What It Feels Like to Drown?": Strangulation as Coercive Control in Intimate Relationships, *Psychology of Women Quarterly*, Vol. 38(1) 124-137; Zilkens et al. (2016). Nonfatal strangulation in sexual assault: a study of clinical and assault characteristics highlighting the role of intimate partner violence, *Journal of Forensic and Legal Medicine*, 43, 1-7.

¹⁴ §16-11.7-102(3), C.R.S.

¹⁵ C.R.S. 18-6-801(1)(a)

offender during the course of treatment in order to mitigate risks, support accountability, and improve victim safety. At the conclusion of treatment and as required by the Standards, an offender can be discharged as complete, unsuccessful, or administratively (Section 5.09).

Figure 1. Overview of Offender Treatment



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