

4.03

- I. A PSE shall only be conducted by an DVOMB Approved Pre-Sentence Evaluator.
- II. The PSE is not a required evaluation for offenders. A Pre-Sentence Evaluator may perform a PSE to obtain information that will provide treatment recommendations related to domestic violence and dynamics of power and control, results of any additional psychological testing, strategies for offender containment, monitoring, and supervision requirements based on assessments of an offender's risk, needs, and responsivity.²² The PSE shall comply fully with the Standards and Guidelines, specifically 4.02, 4.05, 4.06, 4.07 and Appendix E of which results in a comprehensive and in-depth offender evaluation (e.g., personality, intelligence, psychopathy, developmental disabilities, etc.).
- III. If a pre-plea evaluation has been performed, once there is a finding of guilt, an offender evaluation that complies with the Standards and Guidelines shall be utilized to determine treatment needs.

Discussion Point: Pursuant to § 18-1.3-101(5), C.R.S.²³, a prosecutor may request a domestic violence treatment evaluation, which includes the use of a domestic violence risk assessment instrument be performed by a DVOMB Approved Provider for the purpose of assisting in the determination of a person's appropriateness for a diversion program. Approved Providers may consider the use of the DVOMB Standard and Guidelines as a best practice guideline and at their discretion for these cases that do not fall under the purview of the DVOMB.

~~Evaluations conducted for the purposes of pre-trial diversion that meet criteria set forth shall conform to these Standards and Guidelines and shall be conducted by a Pre-Sentence Evaluator. Pre-Sentence Evaluators may make recommendations for treatment based on the results of an evaluation for consideration by the prosecuting agency.~~

Discussion Point: Approved Providers are sometimes referred clients whom have neither been charged or convicted of domestic violence in a criminal court, but are subject to court orders from a civil court. Pursuant to § 14-10-124(4)(IV)(f), C.R.S.²⁴, if a finding of domestic

¹ In a jurisdiction that receives state moneys for the creation or operation of diversion programs pursuant to this section, an individual accused of an offense, the underlying factual basis of which involves domestic violence as defined in section 18-6-800.3 (1), is not eligible for pretrial diversion unless charges have been filed, the individual has had an opportunity to consult with counsel, and the individual has completed a domestic violence treatment evaluation, which includes the use of a domestic violence risk assessment instrument, conducted by a domestic violence treatment approved provider by the domestic violence offender management board as required by section 16-11.8-103 (4), C.R.S. The district attorney may agree to place the individual in the diversion program established by the district attorney pursuant to this section if he or she finds that, based on the results of that evaluation and the other factors in subsection (3) of this section, that the individual is appropriate for the program.

violence is made, the offending party may be ordered to participate in a domestic violence offender evaluation and treatment as recommended. Civil orders for evaluations and treatment are not subject to the DVOMB Standards and Guidelines. Approved Providers may choose if and how they are to perform evaluations referred by civil court order and treatment to the participating party. The DVOMB encourages Approved Providers to use the DVOMB Standards and Guidelines as a best-practice guide in conjunction with their professional and ethical judgment appropriately.