

2021



ANNUAL REPORT

COLORADO DOMESTIC
VIOLENCE FATALITY
REVIEW BOARD

ATTORNEY GENERAL
PHIL WEISER
CHAIR

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Dedicated to the Victims Killed in Domestic Violence Related Incidents within Colorado in 2020

The Colorado Department of Law worked with the staff of the Denver Domestic Violence Coordinating Council to collect and analyze information on domestic violence related fatalities in the State of Colorado that occurred in 2020 in order to support the work of the Colorado Domestic Violence Fatality Review Board. The data collected includes information on murders, murder/suicides, collateral deaths, familicides, and any other death determined to be the result of, or occurring within the context of, domestic violence. This report provides an overview of 2020 data and an analysis and summary of that data.

The Report is dedicated to the 39 victims who died in Colorado in 2020 due to domestic violence or occurring within the context of domestic violence, to victims and survivors everywhere, and to those who work every day to prevent these deaths.

Keli Jackson (49)	Ann Jolynne Page Scott (29)	Wendy Cupit (50)
Mya Peña (17)	Tamara Dunn (59)	Nola McCullough (49)
Karen Morales (38)	Elizabeth Reuse (36)	Michelle Johnson (40)
Nicole Stevenson (33)	James Anderson (62)	Shelby “Coty” Delisa (28)
Marcus Hardin (41)	Annie Acevedo (20)	Bianca Jimenez (24)
Yasmin DaHabra (33)	Airica Beaty (20)	Clarissa Ford (33)
Heather Frank (48)	Jamal Thompson (26)	Elena Alinj (23)
Scott Sessions (53)	Alicia Banks-Newton (32)	Minor Kennard (50)
Robin Barrett (56)	Jurii Stolpp (36)	Kristin Olsen Reilly (32)
Greythonia Jackson (22)	Coty Bass (33)	Kanokwan Smith (47)
Katrina Perez (40)	Suzanne Morpew (49)	Eusivio Luevano (42)
Brie Biondolillo (37)	Shakieta Pierce (35)	Hilary Engel (45)
Herbert Pruett (51)	Unknown Woman	Rachel Ream (47)

Message from Attorney General Phil Weiser

As we enter the Colorado Domestic Violence Fatality Review Board's fifth year, we recognize the ongoing importance of this work, particularly as the rate of domestic violence increased during the COVID-19 pandemic. The impact of domestic violence and domestic violence fatalities is felt across our communities. I am most appreciative of the Board's work to learn from these tragedies and curtail future ones.

As we have seen in the Board's first five years, its work to collect and analyze statewide data on domestic violence fatalities is fundamental to assisting Colorado policy makers, advocates, and others. Significantly, this report provides critical information to develop training and intervention strategies necessary to best support victims and survivors of domestic violence and prevent future fatalities. Moreover, the General Assembly benefits from this Board's insights and recommendations; last year, for example, it acted on the Board's call to improve our state's protection order system and to ensure that firearms are removed from those posing a danger to spouses, significant others, and children.

Many of this year's findings provide critical insights into trends and opportunities. This year's report, for example, details the relationship between domestic violence fatalities, housing, and economic instability—specifically noting that almost half of all domestic violence fatalities were preceded by a significant loss in housing for one or both members of the couple involved in the fatality. Another important observation from this year's report is that co-workers of domestic violence fatality victims are among the most likely people to know of past incidents of domestic violence, which reveals an opportunity for workplace training and public education so that communities can more readily support victims and more effectively intervene.

As chair of the Board, I would like to extend my heartfelt gratitude to all of the members of the Board who donate their time and expertise to this critical work. I particularly would like to thank Jenn Doe for her years of dedicated service. Jenn is moving on from this work and, once again, contributed a tremendous amount to this report. I also recognize JoAnne Belknap and Linda Ferry, who worked tirelessly to make this report possible.

The Department of Law is committed to working collaboratively with our partners to prevent domestic violence fatalities and the related trauma that tragically impacts family members, friends, and our communities. We are grateful to the countless Coloradans committed to combating domestic violence, standing with victims and survivors, and building a better Colorado.



Phillip J. Weiser | Colorado Attorney General

Introduction: The Colorado Domestic Violence Fatality Review

The Denver Metro Domestic Violence Fatality Review (DMDVFRT) team was one of the first domestic violence fatality review teams (DVFRTs) formed in the United States and is the longest running team in Colorado. Formed in 1996 with funds allocated from the U.S. Office on Violence Against Women, the DMDVFR is a multi-disciplinary group comprised of more than 25 members from criminal and civil legal systems and community-based entities. The DMDVFR's goals include increasing victim and community safety and offender accountability, as well as reducing the number of deaths related to domestic violence.

A long-time aspiration of the DMDVFR team was to broaden its focus and functions and to expand fatality review statewide. This was achieved with the passage of Senate Bill 17-126 by the Colorado General Assembly, which established the Colorado Domestic Violence Fatality Review Board (CDVFRB or Board). The bill passed with bipartisan support and signed into law on June 8, 2017, as sections 24-31-701 through 24-31-706, C.R.S. The law created the framework for the Board to support communities across Colorado to form their own DVFRTs and enhance existing efforts to prevent domestic violence related fatalities. The Board is required to use the data from DVFRT's to make annual policy recommendations concerning domestic violence to the General Assembly in the form of an annual report.

The Colorado Department of Law organizes and leads the CDVFRB, and Colorado Attorney General Phil Weiser serves as the chair. The collaboration between the Department, Board members, and community partners has helped to improve and expand the collection of domestic violence fatality data. The result is a deeper understanding of the dynamics related to domestic violence fatalities and in the development of meaningful policy and practice recommendations. These recommendations are aimed at improving domestic violence prevention and intervention services.

Executive Summary

Per C.R.S. § 24-31-702(2)(a), the Colorado Attorney General serves as the chair of the Colorado Domestic Violence Fatality Review Board (CDVFRB or Board), which is charged to:

- (a) examine data collected by review teams during the preceding year;
- (b) identify measures to help prevent domestic violence fatalities and near-death incidents;
- (c) establish uniform methods for collecting, analyzing, and storing data relating to domestic violence fatalities and near-death incidents; and
- (d) make annual policy recommendations concerning domestic violence to the Colorado General Assembly.

The findings presented in this report are compiled from information collected on all identified incidents across the state in which domestic violence (DV) resulted in a fatality or attempted/near fatality during 2020. This report reviewed both incidents and related data analyzed by a local domestic violence fatality review team (DVFRT) as well as all other incidents that could be identified that were not reviewed by a DVFRT.

In 2020, Colorado had at least¹ 51 incidents in which DV resulted in a fatality², and 63 people died in these incidents. Although this is a 10% decrease from the 2019 Colorado cases³ (Chart A), 2019 and 2020 have had the most fatalities in the last 5 years.

A finding in this report is the slightly elevated level of risk for domestic violence fatality and attempted/near fatality incidents in rural counties (Chart B). This is the first report that considered domestic violence fatalities (DVF) when controlling for population size. The report controlled for DVFs and attempted near fatality incidents per 100,000 residents and notes a slightly higher risk of DVF and attempted/near fatality incidents, overall, in more sparsely populated counties of Colorado.⁴ Victims in these locations are often more isolated and their access to transportation and resources more limited than in urban areas of the state.

An analysis of Colorado's 2020 DVFs found incidents to be highly gendered: (1) men were 5 times more likely as women to kill their current or former partners; (2) men were about 4 times as likely as women to complete suicide in the context of DV (Chart E); (3) all the perpetrators

¹ There may be additional cases that have not been captured in this data and/or additional information that may come to light in the future and would result in changes to this data.

² This figure includes the deaths of victims and perpetrators. ³ The terms incidents and cases are used interchangeably in this report.

³ The terms incidents and cases are used interchangeably in this report.

⁴ We used the U.S. Census designation of rural as areas with fewer than 50,000 residents (and urban areas as those with 50,000 or more residents). The average number of Colorado DVF or attempted/near fatality incidents in 2020 was 1.3 in rural and 1.1 in urban counties.

killed by the police were men; and (4) men were 3 times as likely as women to kill collateral victims (Chart C).

It is important to note that not all DVFs are of the primary DV victim. DVFs include perpetrator deaths and the deaths of collateral victims. While over half of DVFs involved victims killed by their intimate partners (55%), perpetrators who died by suicide were significant (24%), followed-by perpetrators killed by police (10%) and collateral victims (8%).

The analysis also identified 15 DV attempted/near fatality cases in 2020. This analysis revealed that while the most common victims were those killed by current or former intimate partner (47%), *over a quarter (27%) of the attempted/ near fatality victims involved the attempted/near fatality of a responding law enforcement officer*. This finding underscores the risk posed to law enforcement in DV incidents and emphasizes the continued need for nuanced training on effective DV intervention strategies.

Unlike in previous years where the report analyzed fatalities from the preceding year, this year's also report analyzed the 35 Colorado cases that were reviewed by DVFRTs between 2017 and 2020. While this comprehensive review was done in part in reaction to the fewer number of cases DVFRT's were able to review due to the COVID-19 pandemic, it also allowed larger macro trends to be identified. All of the cases reviewed involved DV deaths and attempted/near deaths that occurred in the context of intimate partnerships in which men were the perpetrators and women the victims (Chart E). The authors of this report hope to review a more diverse set of incidents if information is available in the future. Of the 35 cases, there were 42 deaths with an average of 1.2 fatalities per case. In 71% of the cases the perpetrators killed their intimate partners⁵ and in 20% of the cases they almost killed their intimate partners. 14% of the cases included collateral fatalities and 6% included collateral attempted/near fatalities. Perpetrators died by suicide in 29% of the cases and attempted suicide in another 17%. Two cases involved women who killed their intimate partners in self-defense.

Analysis of the 35 cases document the threat of fatalities to those other than the intimate partner victim and perpetrator. In the 35 cases reviewed, a quarter (26%) of the perpetrators were known to have threatened to kill the victims' children, families, and/or friends (Chart Q). Of the five collateral fatalities, two (40%) were minor children and the victims in the remaining three cases were of an intimate partner victim's adult daughter, mother, and new boyfriend. These findings indicate the significant overlap in partner and child fatalities and near fatalities in the context of DV. Other findings note the presence of stepchildren in the home as a risk for DVFs (Chart Q).

⁵ In this report, "IP" or "intimate partner" denotes members of couples who are currently or were formerly together (i.e., married, dating, divorced, formerly dating, etc.) on the date of the incident resulting in a fatality or near fatality.

Analysis of the 35 DVFRT cases also suggests a relationship between domestic violence fatalities (DVs) and housing instability. Almost half (49%) of the cases involved a significant loss in housing for one or both members of the couple involved. The analysis also highlights differences in the perpetrators' and victims' employment and financial support. More specifically, the victims and their friends and family were more likely to be financially supporting the perpetrators than the perpetrators and their friends and family financially supporting the victims (Charts F and G).

The findings in this report indicate that DV, while not kept as much of a secret as it used to be, is still often not disclosed to many individuals (Chart K). The data shows that law enforcement, medical personnel, human services, etc., were not aware of the domestic violence prior to the fatality. This is likely due to the stigma still associated with identifying as a DV victim. *These findings stress the importance of continued training and education for police, human services, and others who respond to DV.*

This report also documents victims' and perpetrators' significant contact with the criminal legal system prior to a DV (Chart L). Some of the criminal histories are for DV-related violations, such as the violation of protection orders—specifically, 34% of the perpetrators had violated a protection order (Chart Q). Additionally, while perpetrators' records are more extensive, as expected, victims have a higher-than-average interaction with law enforcement. This suggests that criminalization of victims can occur. Such criminalization further alienates victims from seeking help while empowering their perpetrators. Given the previous law enforcement contact, these cases indicate that with more training and proactive intervention strategies, some fatalities may be deterred.

Firearms are the predominant weapons used in the reviewed cases and are present in over half (54%) of the incidents (Chart M). This is supported by the presence of “red flag” data (Chart Q) which shows that 31% of perpetrators had threatened their intimate partner victims with firearms prior to the date of incident and 60% had access to firearms. *This finding emphasizes the importance of recent legislative reform efforts related to the relinquishment of firearms and ammunition following the issuance of protection orders in cases involving domestic violence.*

Ultimately, this report underscores the need to continue the work to prevent DV fatalities. Continuing to collect and analyze statewide data is fundamental to assisting Colorado policy makers, advocates, and others by providing the information necessary to develop training and intervention strategies that support victims of domestic violence. Fatality review more broadly remains critical as pointed out in a recent special issue of the *Journal of Family Violence* which advocated “for interagency advocacy, protection orders, and firearm removal, along with reimagining data capture, risk assessment, firearm protocols, and fatality reviews to improve equitable services and care for DV survivors at the highest risk of homicide.” (Bonomi et al.

2021, p. 523). Colorado's decision to collect DVF data at the statewide level five years ago has allowed expansion of the work conducted since 1996 by the Denver Metro Domestic Violence Fatality Review Committee. Through this work critical information on DV fatalities and trends has been identified and has helped shape concrete reform. The Board and the Department of Law are committed to improving our ability to identify these cases to prevent fatalities and near fatalities.

Progress on Previous Recommendations

In previous years, the CDVFRB utilized the multi-disciplinary expertise of the Board to make recommendations in each annual report aimed at improving domestic violence prevention and interventions efforts and to enhance perpetrator accountability. Some of the updates to the recommendations are the result of legislation, some are the result of independent action by community or professional groups. What follows is a summary of progress to date on a selection of past recommendations.

2018 CDVFRB RECOMMENDATIONS

Regarding firearms restrictions for individuals charged with a domestic violence offense, include two check boxes on the protection orders issued at the advisement of rights to include: "I acknowledge that I own/possess/or have access to firearms and will surrender such firearm(s) with 72 hours" and "I do not own/possess/or have access to firearm."

Progress:

The Colorado General Assembly enacted HB21-1255, which was signed into law in June 2021. The law establishes a process for relinquishment of firearms and ammunition following the issuance of a protection order in cases involving domestic violence. The law also closes the "boyfriend loophole" by expanding the definition of "intimate relationship" to include current or former dating relationships.

More specifically, the law requires that, if the restrained party does not own or possess a firearm at the time the protection order is issued, the person must indicate such non-possession in the affidavit that accompanies the protection order. If the restrained party does own or possess firearms, the affidavit must state the number of firearms, the make and model of each firearm, the reason why the person is still in possession or control of the firearm, and the location of all firearms in the person's immediate possession or control. The restrained party must relinquish firearms and ammunition by a method set out in the law and provide a receipt to the court. A compliance hearing will be held within 12 business days of issuance of the order. Failure to appear at the compliance hearing will be considered contempt of court if related to a civil protection order and a class 2 misdemeanor if the protection order is related to criminal case.⁶

The Board recommends convening a group of content experts to more clearly define the term “knowingly” under the current statute with regard to the distinction intended between Murder in the First Degree (C.R.S. 18-3-102) and Murder in the Second Degree (C.R.S. 18-3-103).

Progress:⁷

This recommendation was made in part in response to the fact that it can be challenging for the general public to understand why someone is charged with or pleads to a particular crime. This confusion stems to some extent from the manner in which the mental state of the defendant impacts the determination of culpability and the sentence for the offense. For example, first degree murder may have a mental state of “intent after deliberation” or “extreme indifference” whereas child abuse resulting in death is first degree murder and only requires a mental state of “knowingly.”

A person convicted of first-degree murder faces life in prison without the possibility of parole. Second degree murder carries a lesser sentencing range of 16-48 years. A defendant charged with first degree murder may choose to plead to second degree murder for the lesser penalty in order to avoid exposure to life in prison without the possibility of parole. Prosecutors recognize that it can be difficult to convince a jury that an act was committed “after deliberation and with intent.” It is sometimes easier for a jury to conclude that a murder was committed “knowingly.” These culpable mental states are defined in statute and incorporated in the Colorado Pattern Jury Instructions.

⁶ Protection order and firearm relinquishment forms are available on the Colorado Judicial website: https://www.courts.state.co.us/Forms/Forms_List.cfm?Form_Type_ID=24.

⁷ Prosecutors with expertise in domestic violence homicide cases contributed to this update.

After consulting with prosecutors for this progress update, it is clear that a number of variables in criminal cases contribute to the to an understanding of the term “knowingly.” It is not possible to define all its applications in a single definition. Therefore, the Board has determined that any deficits in understanding of the term should be addressed through further training programs on a local level as the issue arises.

2019 CDVFRB RECOMMENDATION

Study and explore the need for standardized treatment and age-appropriate responses to juvenile teen dating violence (TDV) and abuse offenders as well as comprehensive programs for youth.

Progress:⁸

Teen dating violence continues to be a pressing issue in Colorado. Emerging research in the field of DV indicates that the onset of abusive behaviors can and do start during adolescence (Johnson, Giordano, Manning, & Longmore, 2015). In fact, according to the Healthy Kids Colorado Survey, 1 in 10 Colorado high schoolers reported being physically hurt on purpose by someone they were dating in 2019. Shorey and colleagues’ (2017, p. 275) reported that “as many as 20% of adolescents are victimized by or perpetrate physical TDV” annually in the U.S., and that these victims have higher depressive and posttraumatic stress symptomatology, alcohol and drug use, risky sexual behavior, and suicidal ideation (compared to their non TDV victimized peers).

Early intervention and prevention of intimate partner violence is critical at the early stages of adolescent development. However, youth under the age of 18 who engage in relationship abuse in their dating relationships do not fall under the criminal definition of domestic violence. This is because domestic violence is codified in Title 18 of Colorado Revised Statutes (C.R.S.) which pertains to adults. There are therefore limited interventions and treatment options for these youth in Colorado despite the fact that domestic violence cases make up approximately 15 percent of all criminal filings in county, district and juvenile courts each year (Flick & English, 2016). Unlike adult domestic violence offenders, there is no mandate for youth who engage in abusive, harmful, and/or illegal acts toward a dating partner to receive treatment that is developmentally appropriate and that addresses dynamics of coercive control.

It is within this context that since 2019, [Violence Free Colorado](#) and various state agencies collaborated with nonprofit partners and individuals to develop a new set of

⁸ Jesse Hansen, MPA, Program Director for the Colorado DV Offender Management Board and CDVFRB member was consulted specifically for this update.

guidelines to work with youth ages 10-17 who engage in relationship abuse. These guidelines address a critical gap in services for youth by offering information and guidance to professionals who work in education, mental health, and juvenile justice and could provide treatment to this population. The Guidelines offer best practice recommendations that are informed by research for working with juveniles.⁹

2020 CDVFRB RECOMMENDATIONS

Review and develop policies and resources to support children exposed to DV and DV fatalities.

Progress:¹⁰

Various efforts have been made addressing this recommendation in the past year. In May 2021 the legislature enacted HB 21-1099. The bill established a domestic abuse task force within the Colorado Department of Human Services as a collaboration between child protection and domestic violence public and private organizations. The task force convened in August 2021 with the goal of finding policy and practice solutions to addressing child welfare in the context of DV. The bill recognized that ensuring the safety of children and non-offending caregivers is paramount to improving the well-being of the child and family as a whole. Specifically, the task force is charged with making best practice and training recommendations for responding to domestic violence as a child abuse and/or neglect concern. The task force will identify protocols for case workers, develop updated training materials, establish training standards, and update assessment policies and procedures for recognizing and responding to child abuse in the context of domestic violence. The task force is asked to consider the role of the offending party, the non-offending caregiver, and the culture of the family or parties. The procedures developed will be mandated for not only child welfare caseworkers but for all mandatory reporters and will be completed by 2023.

Schools are also an important resource for supporting children exposed to domestic violence. The issue is a high priority for many school districts some of whom have partnered with external community nonprofits to provide this work. Additionally, healthy relationship education programming is addressed by the Comprehensive State Education Health Standards which are intended to guide students in personal decision making concerning social and

⁹ More information about the Guidelines can be accessed here: <https://dcj.colorado.gov/best-practice-guidelines-for-working-with-youth-who-engage-in-relationship-abuse>.

¹⁰ Lucinda Wayland Connelly, DPA, CDHS Child Protection and Prevention Manager and member of the CDVFRB was consulted specifically for this update.

emotional well-being. Programming is required across multiple grades and varies from school to school based on available resources.¹¹

Support the implementation of the Lethality Assessment Program (LAP) in communities across Colorado.

Progress:

The Lethality Assessment Program (LAP) is an evidence-based tool of 11 questions that a law enforcement officer can use to assess risk and connect a victim of domestic violence with a victim advocate. This tool is used in Douglas County and parts of Boulder County.

To support implementation of the LAP across Colorado, in April 2021 the Denver Domestic Violence Coordinating Council presented a “Domestic Violence Lethality Assessment” webinar in conjunction with the Colorado District Attorneys’ Council Ending Violence Against Women to 119 law enforcement officers, prosecutors, and system and community victim advocates. Law enforcement officers and victim advocates from Douglas County and Boulder County who currently use the LAP were also presenters and shared their expertise. The training focused on the value of risk assessment, how the LAP is structured and implemented, and on research regarding the LAP’s effectiveness as an assessment tool.

To continue this effort, the Department of Law sought and was awarded a federal Justice Administration Grant to contract with a statewide coordinator to assist with the implementation of the LAP across Colorado. The statewide coordinator will provide training to communities wishing to implement the LAP and will coordinate with Police Officer Standards and Training (POST) to prepare communities to implement the LAP. Materials, forms, and guidelines will also be developed to facilitate use of LAP by law enforcement, child welfare, medical professionals, community agencies and others who interact with victims and survivors of domestic violence.

¹¹ Additional information can be found at the Colorado Department of Education at this link: <https://www.cde.state.co.us/cohealth/statestandards>.

2021 CDVFRB Recommendations

The review of previous recommendations made by the Board brought to light matters that have yet to be addressed or would benefit from additional exploration and study. Recommendations regarding more global issues such as improving economic and housing stability for victims of domestic violence are ongoing while others may be resolved by legislation or innovation.

Explore statutory change in response to teen dating violence and the development of resources for victims and offenders in these cases.¹²

The scope of teen dating violence is not adequately documented limiting the potential interventions to address this issue. The Board recommends exploring how cases of teen dating violence are identified in the juvenile court system and how many juveniles are adjudicated for offenses related to relationship abuse. The information will indicate whether legislative action is needed to bring Title 19 of the Colorado Revised Statutes into line with the adult system mandates for treatment. Sentencing mandates should include developmentally appropriate treatment and education for juvenile offenders. The lack of information regarding the scope of teen dating violence inhibits the development of services for victims and offenders as well as the use of the Teen Dating Violence Guidelines¹³, sentencing initiatives for youth that involve education, and early intervention and prevention strategies. Empirical data on the prevalence of teen dating violence may also encourage further partnering with community agencies already engaged in education and prevention work.

Improve domestic violence training for court personnel and the judiciary.

Given the complexity of the legal issues with which victims and survivors of domestic violence may be involved, a previous CDVFRB recommendation suggested looking at the

¹² Issues regarding teen dating violence were identified in large part by Jesse Hansen, MPA, member of the Colorado DV Offender Management Board and CDVFRB.

¹³ Available here: <https://dcj.colorado.gov/best-practice-guidelines-for-working-with-youth-who-engage-in-relationship-abuse>.

potential for establishing coordinated domestic violence courts in Colorado. The benefit of such courts would, in part, ensure that judges, court personnel and others be specifically trained to understand the dynamics and impact of domestic violence. However, creating coordinated domestic violence courts throughout Colorado would require significant resources. While it may remain a goal for future exploration, more immediate steps can be taken to enhance the ability of existing courts to accomplish some of the same goals served by coordinated courts.

The CDVFRB recommends increasing the emphasis on DV specific training for court personnel and the judiciary. A model exists in HB 21-1228 which requires training for court personnel regularly involved in domestic violence cases. The act refers to both initial training and ongoing continuing education but is limited to specific court affiliated professionals including child and family investigators, parental responsibility evaluators, and legal representatives of children. The act also lacks specificity regarding the nature of the training and the individuals approved to provide the training.

Further training could be provided for judges through the development of training modules on domestic violence case management issues that could be made available to all judges and could be offered to judges at the annual statewide judicial conference. The training modules could be provided by qualified experts in the community and could be developed in partnership with the Chief Justice and the Judicial Department. Educating judges is uniquely important as their understanding of the dynamics of DV will assist in better support for victims and effective intervention in the cycle of harm.

The practical application of DV training across the board would be assisted by the use of a bench book, which provides judges with a comprehensive overview of DV law and the context in which DV occurs. In addition, statewide use of the bench book can foster consistency in decision making. Several years ago, the Colorado Bar Association created a bench book for judges handling case in which DV was an issue. Undertaking a review of the CBA bench book to include updates to the law and best practices could serve as a guide for judges in the handling and management of case that involve DV in both the civil and criminal contexts.¹⁴

¹⁴ The Center for Court Innovation provides a comprehensive domestic violence benchbook guide that could be a useful resource in this process. It can be found here: https://www.courtinnovation.org/sites/default/files/documents/DV_BenchbookFinal.pdf.

Explore and study the need for enforcing mandates of domestic violence offender treatment following jail-based sentences and pre-release planning that incorporates assessment risk for intimate partner violence and lethality.

The CDVFRB recommends convening a group of professionals who are experts in offender treatment and risk assessment to address this need. The CDVFRB 2019 Annual Report referenced a Colorado Court of Appeals case, *People v. Trujillo*, 2019 COA 74, 487 P.3rd 1051, which held that a defendant sentenced to a maximum jail sentence can also be required to complete a domestic violence treatment program under C.R.S. § 18-6-801(1)(a). However, after an individual serves a maximum sentence in jail, there are no specific mechanisms for enforcing court orders for DV offender treatment after that individual is released from custody. This means that court ordered DV treatment is unlikely to be completed as the offender is no longer under the jurisdiction of the court. This issue will need to be resolved by litigation at some future point. However, where an offender receives a jail sentence followed by a period of probation, the likelihood that offender treatment will be completed is fairly high.

Whether a DV risk assessment is completed prior to release from custody from an incarcerated setting is a larger issue for jails and the Colorado Department of Corrections. Pursuant to C.R.S. § 18-6-801(2) anyone who is sentenced to the Department of Corrections is exempt from the requirement to complete domestic violence offender treatment in accordance with the Standards of the Domestic Violence Offender Management Board (DVOMB). Domestic violence offenders may be required to complete treatment when they are released to parole or community corrections, but there is no clear statutory mandate that requires it. Consequently, the offenders who are required to complete domestic violence treatment in Colorado are, for the most part, those who are sentenced to probation. The felony level statutory provisions for strangulation and habitual offender in domestic violence offenses can result in sentences to the Department of Corrections. As a result, individuals being sentenced to the Department of Corrections may be at-risk for recidivating when released in the community due to a lack of assessing for their risk.

In light of these issues, the Board will explore working with stakeholders and potential partners to undertake a survey of what is currently being done throughout Colorado as to DV risk assessment and DV offender treatment. There is a lack of information regarding the consistency with which risk assessments are being completed, whether the resources required to create a standard process for incarcerated settings are available, and what actions can be taken for victim safety when the assessment shows that an offender is high risk. Given that the current direction of justice reform efforts is to reduce the number of people in custody, assessing risk to victims must be a higher priority to prevent DV fatalities.

Increased focus on policies aimed at improving economic stability for victims and perpetrators of DV.

The CDVFRB recommends forming a sub-committee of the Board to determine what policies and resources exist to improve economic stability of DV victims and perpetrators and discuss how the Board can support those policies. As indicated in this report, housing and economic insecurity for victims and perpetrators of DV have been identified as stressors that contribute to an increase in the frequency and severity of DV. This report identifies a loss of housing as a risk factor in 49% of fatalities under review and housing insecurity is identified in one of six cases. Public policy discussions concerning housing, homelessness, and the distribution of government funds for housing should include experts on DV and advocates for victims of DV. DV victims and survivors would also benefit from public policies that support economic independence and empowerment such as subsidized childcare, workplace training, family leave and wage increases. DV victims and survivors experience unique barriers related to the trauma they have experienced. Providing services and funding which support economic independence and empowerment should take a holistic approach that addresses all aspects of survivors' needs (rather than solely focusing on economic needs), and is required to address the safety and stability of survivors.

In response to the COVID-19 pandemic, the federal government enacted the "American Rescue Plan Act of 2021" (ARPA) to assist state, local and tribal governments. The Colorado General Assembly, through SB21-292, has directed some of those funds to victim services and has further acknowledged that the pandemic exacerbated the economic and safety issues faced by DV victims. During the pandemic, not only did survivors face financial struggles, but the incidents of DV were more dangerous and lethal, in part because shelters and domestic violence programs were not able to operate at capacity during Covid (leaving demand for services greater than the supply at many times). To take one example, the need for rental assistance far exceeded the available funds and continues to do so. Consequently, a compelling use for the SB21-292 funds is to establish flexible financial assistance funds for victims. The Colorado Domestic Violence Program and community partners are currently developing plans for the Flex Funds Project with housing assistance for DV victims being among one of the goals for funding. This measure, however, is only a backstop and more permanent resources and policy changes are required to fully address this need.

2020 Statewide Findings

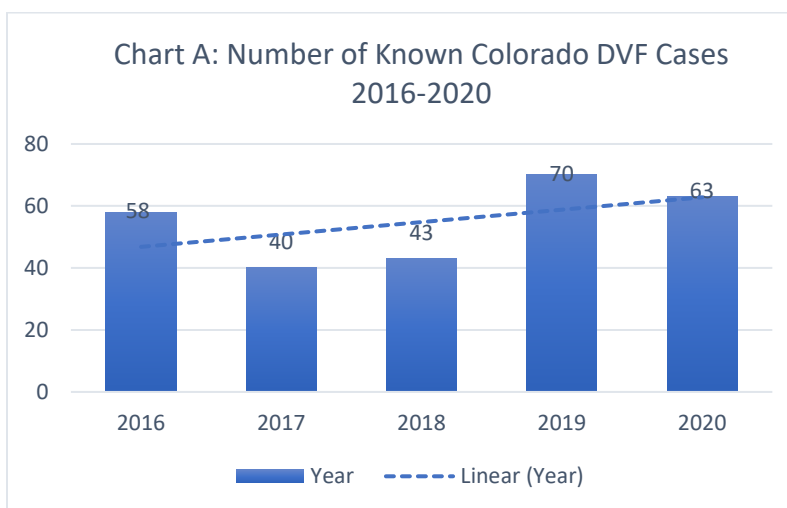
While it is important to document trends and red flags for DV in general and DVFs specifically, it is also important to remember that the DVFs occur among a broad range of individuals, communities, and circumstances. In these findings, intimate partners refer to members of couple who are currently *or* were formerly together (i.e., married, dating, divorced, formerly dating, etc.) on the date of the incident (DOI). DVFs and near fatalities include current and former intimate couples (victim and perpetrator) as well as collateral victims (i.e., victims other than IPs killed or almost killed in the context of DV).

FREQUENCY AND RATE OF DVFs IN COLORADO 2020

Although data is difficult to obtain for DVF cases that are not within the jurisdiction of a DVFRT, the authors of this report methodically reviewed records and conducted outreach to identify as many additional cases as possible. What is known about these cases is reported in this section along with the DVFs reviewed by DVFRTs.

It is difficult to identify all DVFs and attempted/near fatalities. This is particularly difficult when the sole fatality is an intimate partner perpetrators' suicide because these fatalities are less likely to be identified as occurring within the context of DV.

Chart A presents the Colorado DVFs from 2016 to 2020. Fatalities ranged from 40 to 70 annually, with an average of 54.8 fatalities per year, and a generally upward trend. The most fatalities within the period occurred in 2019 (70) followed by 2020 (63).

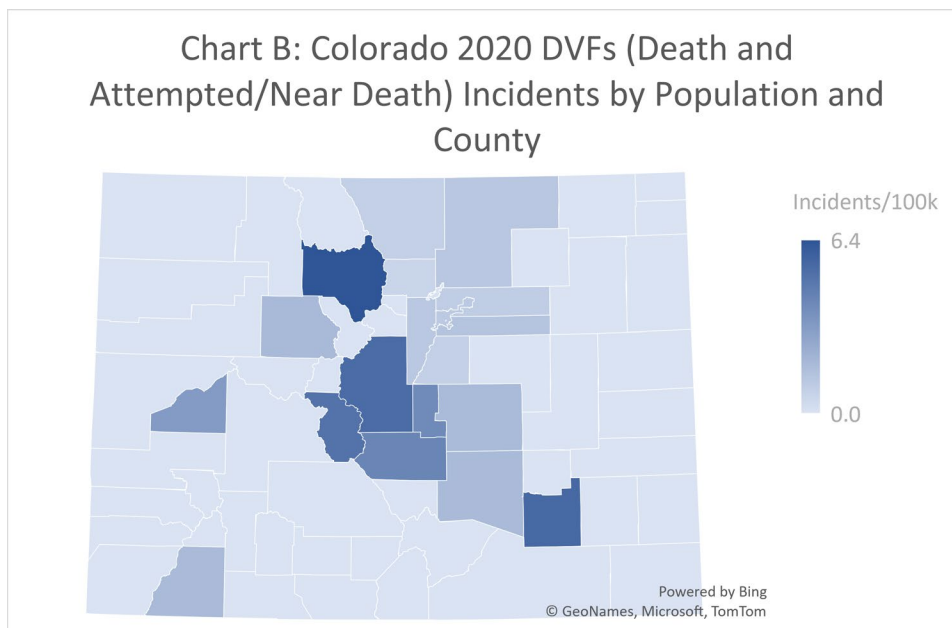


DVFs and attempted/near fatalities were not evenly distributed across Colorado. As expected, they occur most frequently in the most populated counties with urban centers. Yet, analyses indicate *DVF and near/attempted fatality incidents were slightly more likely in rural (rather than urban) areas when controlling for the population size*. Chart B presents the DVFs and attempted/near fatality incidents in Colorado counties in 2020 per 100,000 population. Most counties had 0 per 100,00 but some rural counties had much higher numbers. The totals per county were as follows:

DVFs AND ATTEMPTED/NEAR FATALITY INCIDENTS IN COLORADO COUNTIES IN 2020 PER 100,000 POPULATION.

County	Per 100,000
Grand County	6.4
Otero	5.5
Park	5.3
Chaffee	5.0
Freemont	4.2
Teller	3.9
Delta	3.2
Eagle, El Paso, La Plata, Pueblo	1.8
Arapahoe	1.4
Jefferson, Weld	1.2
Denver	1.1
Adams	1.0
Douglas	0.9
Larimer	0.8
Boulder	0.6

These findings are particularly relevant given recent scholarship which has identified the additional challenges rural DV victims experience including *increased* geographic isolation, poverty, and acceptance and availability of firearms, combined with the *diminished* availability of community services, transportation, and privacy/anonymity (Youngson et al. 2021).



In 2020, there were 63 DVFs identified in 52 cases (Chart C).¹⁵ As expected, the fatalities were predominantly murder by a current or former intimate partner (55%), which most commonly involved men murdering women intimate partners. (44%). The totals per type of intimate partner fatality were as follows:

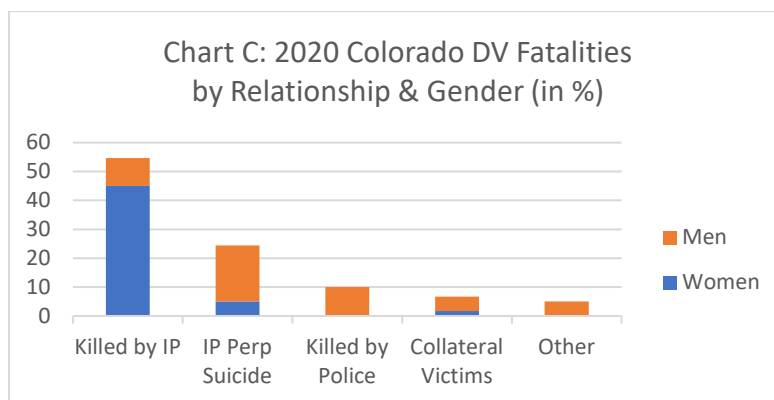
Relationship	Percentage
Intimate Partner (IP) Fatality	Total: 55.0%
Men Murdering Women IP	44.0%
Women Murdering Men IP	8.0%
Women Murdering Women IP	3.2%
Men Murdering Men IP	3.2%

Stated alternatively, men were more than 5 times as likely to murder women intimate partners than women were to murder men intimate partners.

¹⁵ 63 fatalities in 51 DV related cases were identified in Colorado in 2020. However, details in one case so limited that this analysis is based on the 62 fatalities in 50 cases.

The next most common category of fatalities (following victims killed by their current or former intimate partners) were perpetrator suicides (24%). These fatalities were about 4 times as likely among men (19%) as women (5%) intimate partner perpetrators. The third most common category was intimate partner perpetrators killed by law enforcement (10%). All of these fatalities involved men intimate partner perpetrators shot by law enforcement. The fourth most common fatality category was collateral victims (6.5%). There were 4 collateral fatalities in 2020, all were adults—one was the intimate partner victims’ mother, one the father, one the new boyfriend, and one a male neighbor. The collateral victims’ perpetrators were all intimate partner perpetrators, 3 men and 1 woman (in which the woman killed a neighbor).

The final, “other,” fatalities in Chart C were all deaths of intimate partner perpetrators--one was killed by his intimate partner victim in self-defense and 2 were killed by another man (i.e., one neighbor and one victim’s brother) defending women intimate partner victims. These findings attest to domestic violence’s impact and risk to people outside of the couple, including children, parents, friends, new partners, neighbors, and law enforcement.

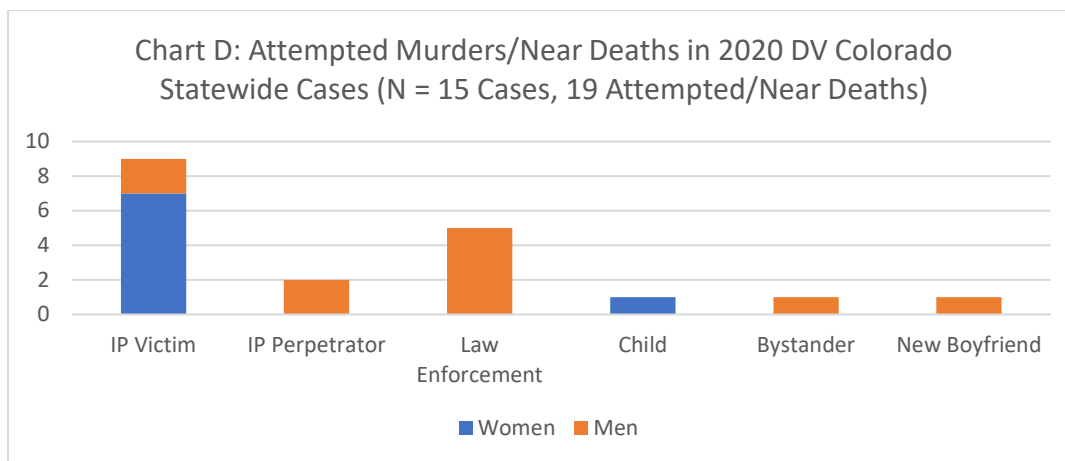


In addition to the 51 DV cases in 2020 that resulted in 63 fatalities, an additional 15 Colorado DV cases in 2020 were identified in which there were no fatalities, but there were attempted murders/near deaths (Chart D).¹⁶ All but two of these cases (73%) involved relationships of women intimate partner victims and men intimate partner perpetrators. The remaining 2 cases involved a male intimate partner victim of a female intimate partner perpetrator, and a male intimate partner victim harmed by a male intimate partner perpetrator. Although the most common attempted murders/near death victim category were intimate partner victims by their current or former intimate partners (47%), the next most common attempted murder/near death category was of a police officers or sheriffs. More

¹⁶ These cases were included with the fatality data in Chart B.

specifically, *over one-quarter (27%) of the attempted murder/near death cases involved attacks on law enforcement—in other words the law enforcement officers themselves were the victims.*

All of the cases involving law enforcement officer victims involved men intimate partner perpetrators and women intimate partner victims—and in all cases the officers were men. In some of these cases, more than one law enforcement officer faced an attempted/near death (i.e., the perpetrator shot at or attacked with another weapon, such as a tire reamer or charged while using a car). In one case, for example, where police responded to a DV probation order violation, the perpetrator charged at responding deputies with a tire reamer (and was eventually disarmed). In another case, SWAT teams from 3 jurisdictions responded to a DV call with an armed intimate partner perpetrator. When the teams surrounded the house the intimate partner perpetrator fired at the officers. The two remaining cases in which law enforcement faced attempted murder/near death involved cars. In one case, the deputies responded to a DV report involving the intimate partner driving a vehicle with a handgun in which his victim and “multiple” children were passengers. When stopped, the perpetrator stabbed the deputy in the face. In the other, the intimate partner perpetrator swerved into oncoming traffic to hit head-on the deputy’s car responding to the DV call and the deputy sustained a broken leg and arm and severe bruising requiring ongoing rehabilitation.



In 2020, there were three other collateral attempted/near death victim categories (5% of the cases for each category). One was a two-year-old child whose pregnant mother was strangled (but not resulting in death) by her boyfriend who then caused a significant brain injury to the two-year old, as well as fracturing the child’s ribs, and causing severe bruising on her face, legs, back, torso, and buttocks. Another collateral victim was a male friend of the intimate partner victim who was trying to save her when her soon-to-be-ex-husband (the intimate partner perpetrator) began shooting at both and the friend covered the intimate partner victim’s body with his own and was shot 7 times, including in the head, but survived with life-altering injuries. The final case was an intimate partner perpetrator who pulled up next

to the car of a stranger his victim had flagged down to save her and the perpetrator shot multiple times at both of them—Neither were hit by a bullet.

COLORADO CASES REVIEWED BY DVFRRTS FROM 2017 TO 2020

This section provides an analysis of the findings collected by Colorado DVFRRTs' (DVF Review Teams) intensive reviews of cases both DVFs and attempted/near fatalities.¹⁷ DVF Review teams can only review closed cases that is cases that did not go to court (i.e., the perpetrator died) *or* were closed due to completed criminal legal system responses (e.g., the court verdict had been reached). This means that in any given year a DVFRRT may review cases where the date of the incident was 3 to 5 years previous.

The DVFRRTs' case reviews include the same data collected for all the Colorado cases (as reported in the previous section), as well analysis of far more additional data collected by the DVFRRTs via law enforcement and other agencies. This section reports the analyses of the data DVFRRTs reviewed that is not otherwise publicly available. Given that the COVID-19 epidemic significantly slowed down DVFRRTs review process in 2020 (only 5 cases were reviewed statewide), in an effort to more adequately identify trends, the authors of this report decided this year to analyze all 35 cases that a DVFRRT reviewed between 2017-2020.

DESCRIPTION OF THE FATALITIES AND ATTEMPTED/NEAR FATALITIES

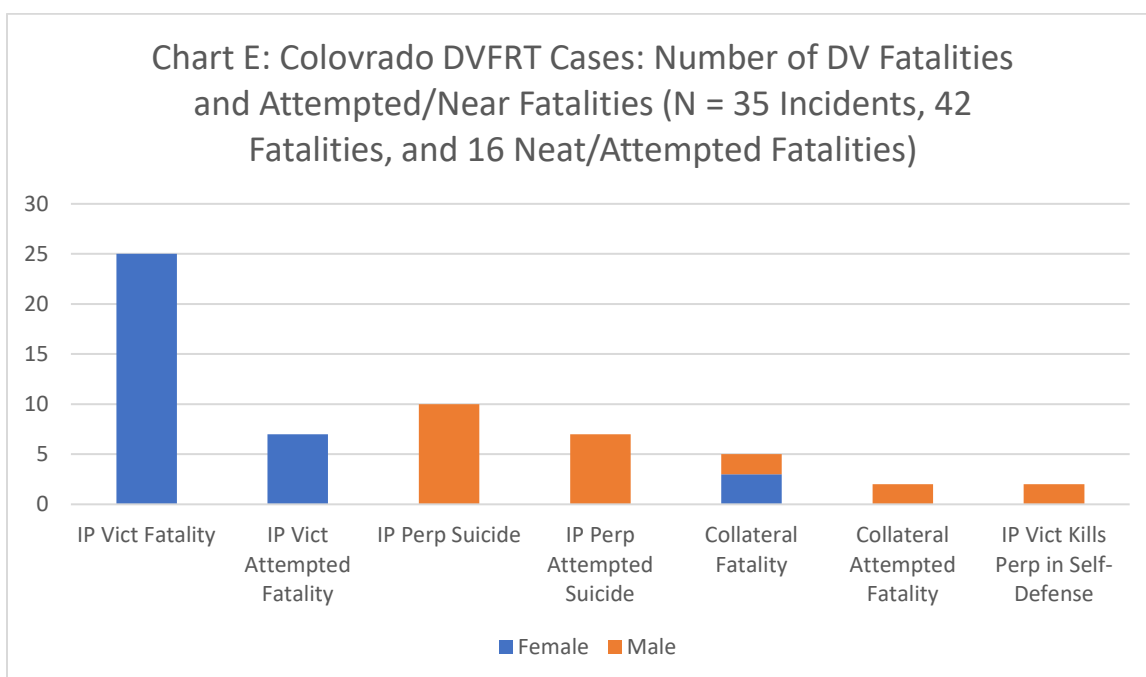
All 35 cases reviewed by DVFRRTs since 2017 involved couples where the DV intimate partner victim was a woman and the DV intimate partner perpetrator was a man (Chart E). As a case can involve more than one fatality or near fatality, the number of fatalities per incident ranged from 0 to 3, with a total of 42 deaths, or 1.2 deaths per incident. All 3 of the cases with no fatalities included attempted murder/near death of the DV victim. There was a total of 16 attempted/near deaths, or an average of 0.5 per incident.

Chart E presents the fatalities and attempted/near fatalities of the 35 cases reviewed by DVFRRTs. As expected, among fatalities (N = 42), the intimate partner victim is most prevalent (60%, n = 25), followed by intimate partner perpetrators who died by suicide (24%, n = 10), collateral victims killed by the intimate partner perpetrators (12%, n = 5), and intimate partner victims who killed their perpetrators in self-defense (5%, n = 2).

Among the attempted/near deaths (n = 16), again the intimate partner victims were most prevalent (44%, n = 7), followed by intimate partner perpetrators who attempted suicide (38%, n = 6), attempted/near fatalities of collateral victims (of intimate partner perpetrators) (12%, n = 2), and one intimate partner victim (6%) who attempted suicide (not reported in Chart E). In two of the 35 cases the criminal legal system deemed that women were intimate

¹⁷ Placeholder for list of existing DVFRRTs

partner victims who had killed their DV perpetrators in self-defense. Regarding the intimate partner victims who killed their perpetrators in self-defense, a large body of research documents the history of women serving long, often life sentences, for killing their intimate partner abusers in self-defense where they were inadequately represented in court (e.g., their lawyers never raised their DV victimization histories). Fortunately, while this still occurs, it is far less common since modern movements pushed successfully for laws protecting against violence towards women (Belknap 2021). A challenge of DVFRTs is to determine whether a case where a woman was identified and convicted by the legal system as the perpetrator was actually a victim who killed in response to DV. This issue did not present itself in the 35 cases reviewed because in the cases in which a women killed her partner, the legal system determined that the partners were killed in self-defense (and the DVFRTs typically agree it was in self-defense).



Of the 5 collateral deaths, two were minor children. In one case the DV perpetrator shot and killed his 10-year-old son (and then himself). This tragedy occurred after years of extreme physical and cyber stalking, threats to his former wife and her new husband, and falsely reporting that his former wife and new husband were abusing the son he then murdered. In the other case, the minor child victim was the intimate partner perpetrator's 19-month-old daughter.

In the remaining collateral fatality cases, DV perpetrators killed their intimate partner victims' adult (45-year-old) daughter, mother, and 25-year-old boyfriend. Both attempted/near fatalities were committed by the intimate partner perpetrators, one was a 35-year-old law enforcement officer shot in the chest by the DV perpetrator, who only survived because he was wearing a bullet-proof vest. The other collateral victim was a 20-year-old male friend of the intimate partner victim who was helping her move out of the apartment she shared with the perpetrator.

Near fatalities are usually far more difficult to locate data for than fatalities. An advantage of DVFRs is the enhanced ability to do this. Notably, 29%, or 2 of the 7 collateral fatalities and near fatalities, were of minor children. In both cases the child was killed by the intimate partner perpetrator. There was however, no attempted or near fatalities of minor children in any of the 35 cases reviewed. Recall that in the 2020 Colorado statewide data reported above, although none of the collateral fatality victims were children, the one near fatality of a minor involved severe harm to the child. Specifically, a 2-year-old girl was almost killed by her mother's new boyfriend (Chart D). She had dark bruises all over her body, broken ribs, and a serious brain injury. *Taken together, these data indicate that when intimate partner perpetrators want to kill children, they will likely succeed, or, at the very least, cause life-changing injuries.*

DESCRIPTIONS OF THE INTIMATE PARTNER VICTIMS AND PERPETRATORS

THE INTIMATE PARTNER VICTIM AND PERPETRATOR RELATIONSHIP CHARACTERISTICS

About three-fifths (57%, n = 20) of the victims and perpetrators were or had been married to each other. Marriages ranged from 11 months to 28 years, with an average of 10 years. Couples who had never married had been together from 4 months to 13 years, with an average of 4 years. In one case, the victim was pregnant. 43% of the couples were divorced/separated/broken-up on the date of the incident (DOI).

Two themes emerged from analysis of the couples' relationship. First, consistent with a large body of research, the most dangerous/lethal time for DV victims is when they are leaving

their abusers as noted by the fact that of the couples who were still together at the time of the DOI, 43% of the victims were planning to leave their partners (e.g., Belknap 2021). A second theme that arose, less acknowledged in extant research, is the impact of housing insecurity as a risk factor for DVFs. Of the 35 DVF cases, almost half included a significant loss of housing for one or both members of the couple (49%) near the time of the DOI. Many cases involved a move out of a joint home which can be challenging for anyone (e.g., finding a place so children can stay in same schools). One-in-six cases involved the victim, perpetrator, or both experiencing housing insecurity which included living in a storage facility, a hotel room, with 4 generations in a trailer, and so on. Recent research stresses that many DV victims face homelessness when leaving abusive partners and that housing instability made it difficult for victims to access services and law enforcement assistance (Weatherall & Tennent, 2021).

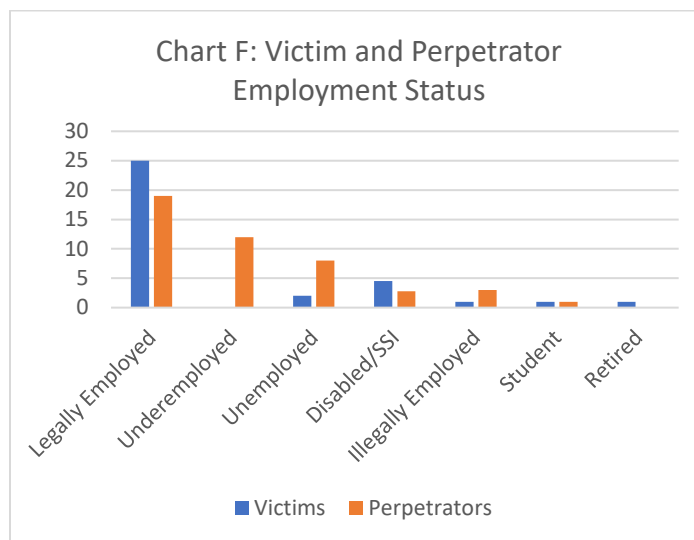
THE INTIMATE PARTNER VICTIM AND PERPETRATOR DEMOGRAPHIC CHARACTERISTICS

The victims' and perpetrators' ages ranged from 21 to 73. The average age of the victims was 37.2 years old, and the perpetrators' average age was 40.2 years old. The victims (73%, n = 25) were more likely than the perpetrators (54%) to be white, and of Asian descent (6% of victims and none of the perpetrators). The perpetrators were more likely than the victims to be Latinx (36% and 18%) and Black (6% and 3%). We recognize that African American/Black victims are underrepresented in the data and future reviews need to more directly attempt to assess cases involving these victims.

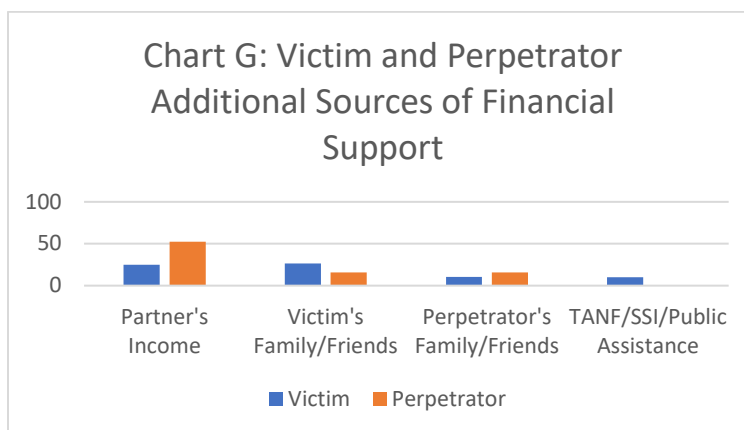
Ninety percent (n = 32) of both the victims and perpetrators were U.S. citizens by birth (n = 32), with an additional 6% documented immigrants (n = 2), and the remaining 4% undocumented immigrants (n = 1). Although these percentages were identical across victims and perpetrators, the unique relational pairing was not. More specifically, in one case, both the victim and perpetrator were documented immigrants, but in another case the perpetrator was a documented immigrant and the victim an undocumented immigrant, and another the perpetrator was an undocumented immigrant, and the victim was a U.S. born citizen, and in yet another the perpetrator was a U.S. born immigrant and the victim was a documented immigrant.

Comparing the victims' and perpetrators' class indicators in terms of employment and other sources of financial support, as well as educational attainment, suggests that victims have a higher status in both. The victims' and perpetrators' employment statuses (Chart F) indicate strong patterns of perpetrators' under- and unemployment and their victims relatively higher legal employment as being risk factors for committing DVFs. The victims were far more likely to be legally employed and far less likely to be under- and unemployed. Notably, one victim was a

stay-at-home mom who was not a student or employed in any manner, which is different than simply being unemployed.¹⁸

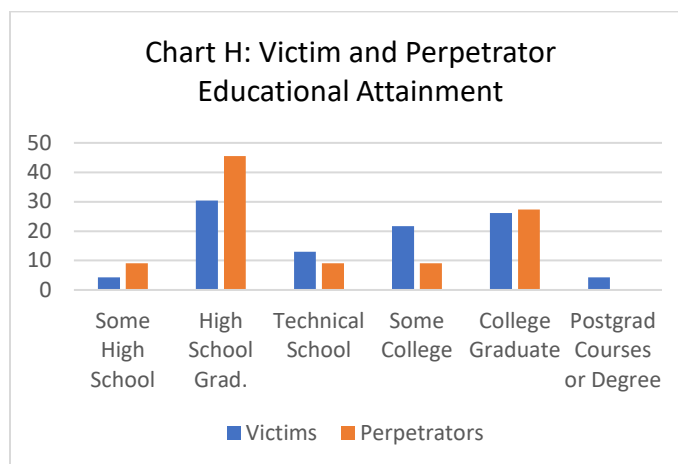


Given the strong victim-perpetrator differences in employment, it is not surprising that relative to victims, perpetrators were (1) twice as likely to receive additional income from their intimate partners; and (2) a third as likely to receive additional income from their intimate partners' family/friends. There were only indications of victims (not perpetrators) receiving public assistance and in at least one of the cases, the perpetrator's abuse included stealing and trying to cash his victims' disability checks.



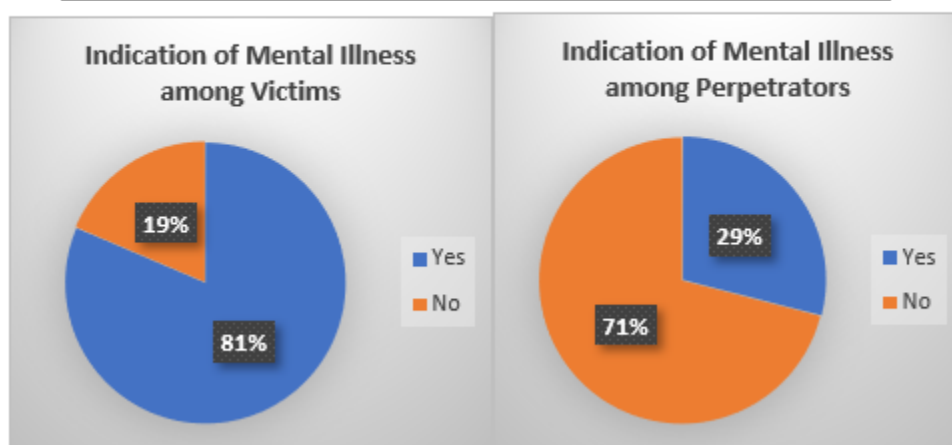
¹⁸ Chart F makes distinctions between types of employment. However, the authors note that individuals can have more than one type of employment and more than one type of additional financial support (e.g., one could have a legal job and be a student, have an illegal job and a legal job, etc.). Illegal "employment" includes non-legal activities resulting in income (e.g., selling drugs, robbery, and burglary).

The data on the victims' and perpetrators' educational attainment reinforces the data on victims' overall higher employment and financial statuses relative to perpetrators. For education past high school graduation, victims had overall higher attainment.



Colorado DVF data indicate that mental illness is a risk factor for intimate partner victims, but that intimate partner perpetrators are (29%) 1.5 times as likely as intimate partner victims (19%) to be mentally ill (Chart I). However, the data on mental illness are challenging for two reasons. First, we leave it to the DVFRTs to identify this, but it is rarely because they have an official mental illness record, it is more often from “word of mouth” from people interviewed about the case or it comes up during trial, which is not always easily validated. Second and relatedly, it is not always clear whether the victim is suffering mental illness from the DV severity and threats and whether the perpetrators are adopting a mental illness label to attempt to reduce their accountability.

Chart I: Indications of Victim and Perpetrator Mental Illness



WHO KNEW ABOUT THE DOMESTIC VIOLENCE/ABUSE?

Chart J presents the persons or agencies in victims' and perpetrators' social networks who knew of incidents of DV within the relationship. Notably, the DV was often known by members of the victim's community, most commonly victims' friends knew of the abuse, followed by victims' coworkers, siblings, and parents. While less well-known, perpetrators communities also knew of the abuse, most commonly the perpetrators' friends were aware of the DV, followed by neighbors and then by the perpetrators' parents, siblings and childcare/teachers or schools. Interestingly, while victim's coworkers were very aware of abuse, the same was not true of perpetrators co-workers – they were among the least likely to know. Although the victims' religious involvement was not collected, it was known that 11% of them had informed clergy of the DV. These findings stress the necessity of public education on bystander intervention and how the general community can support victims including how to provide social systems that can, ideally, more seriously respond to these offenders, victims, their children, and social circles.

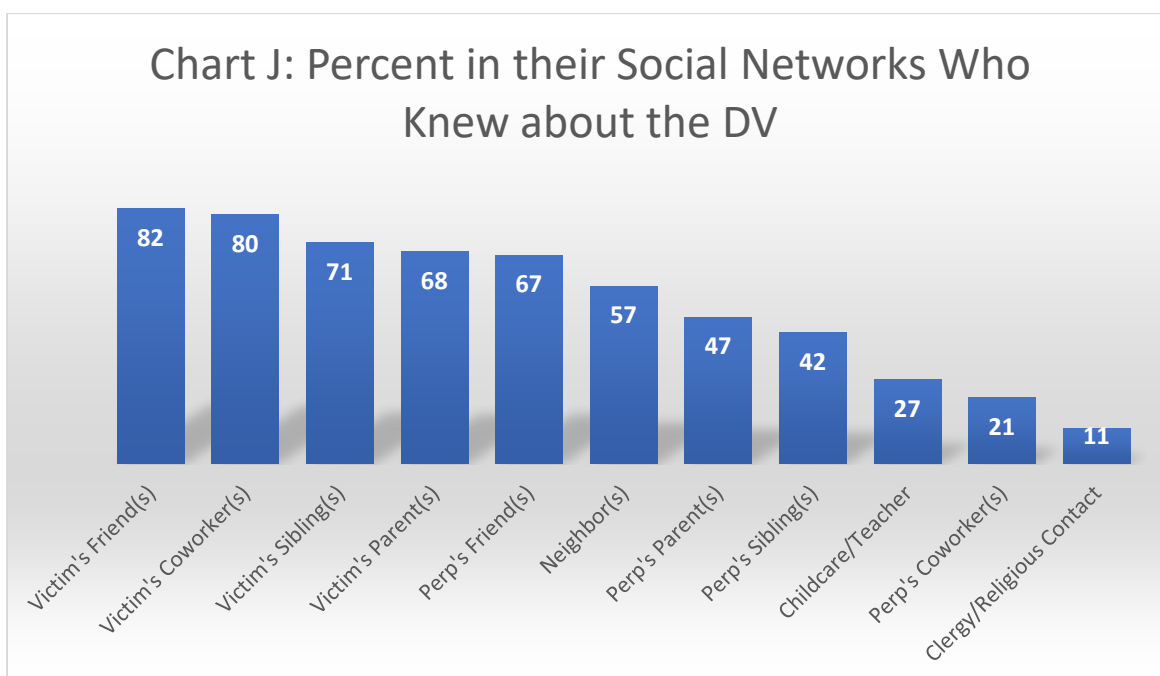
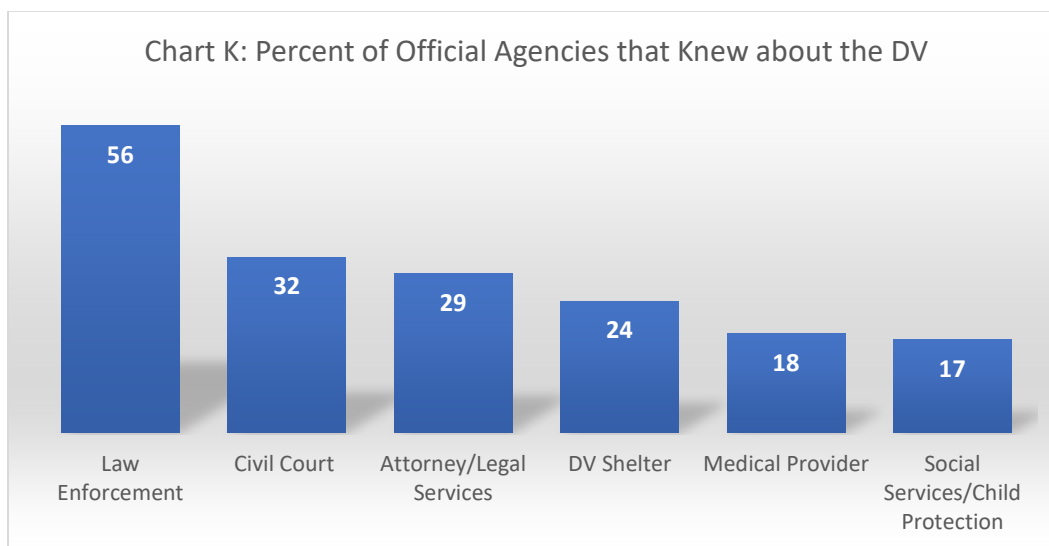


Chart K details the agencies and service providers who knew about the incidence of DV within the relationship. In 56% of cases law enforcement was aware, but only 32% of civil courts were aware, followed by attorneys/legal services (29%), and DV shelters (24%). These findings suggest the importance of constantly improving law enforcement training on DV and DV intervention and the risk factors for fatalities. This finding continues to emphasize the importance of LAP, in particular.

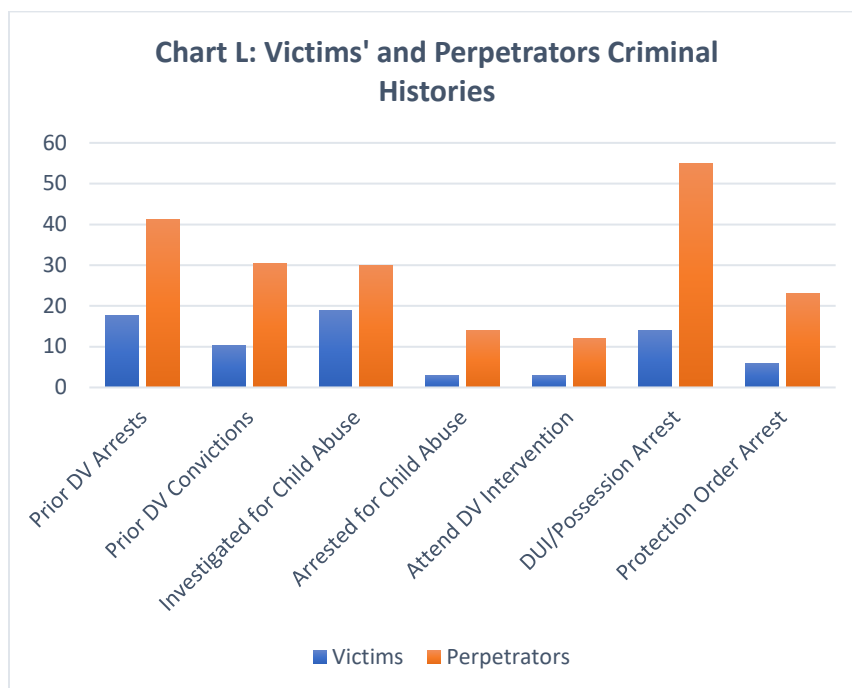
It is also important to note medical providers (18%) and social/child services (17%) were the least likely to be aware of the DV. Like with law enforcement, this emphasizes the need for education on how to more effectively identify victims and about DV dynamics. Relatedly, members of the multitude of agencies responding to DV need to be trained to respond effectively to prevent fatalities, including child service workers to better identify intimate partner when child abuse cases are reported. This could save the IPs, their children's, and other collateral victims' lives and from near deaths. The data also indicate such practices could prevent future DV fatalities: One of the perpetrators who killed a new boyfriend and almost killed his soon-to-be ex-wife witnessed his mother being murdered by her boyfriend when he was 7 years old.



PERPETRATORS' AND VICTIMS' CRIMINAL HISTORIES

Although two-fifths of perpetrators had prior DV arrests, and this was about double victims' prior DV arrests, this is still remarkable that almost one-fifth of DVF victims had prior DV arrests (Chart L). There are certainly some "mutually-combative" couples (who are fairly equally abusive to each other), but research indicates this is not a large portion of DV couples (Belknap 2021). This suggests criminalization of victims may be occurring. A growing body of research is concerned about the criminalizing of DV victims, for example, when insufficient investigation is conducted to determine self-defending behavior (e.g., Durfee & Goodmark 2021). This concern is compounded by extant research that documents how the more marginalized an individual is by class, race, disability, citizenship status, and so on, the more at risk that person is for DV victimization. There is also significant research documenting, and some Colorado DVFRT data confirmed, that intimate partner perpetrators sometimes make false charges about their intimate partner victims' child abuse (Durfee & Goodmark 2021). Just

as mental illness (Chart I) increases individuals' risks of DV victimization, including DVFs, so do criminal records and substance addictions. Thus, mental health providers and addiction specialists also need training on identifying DV victims and perpetrators.

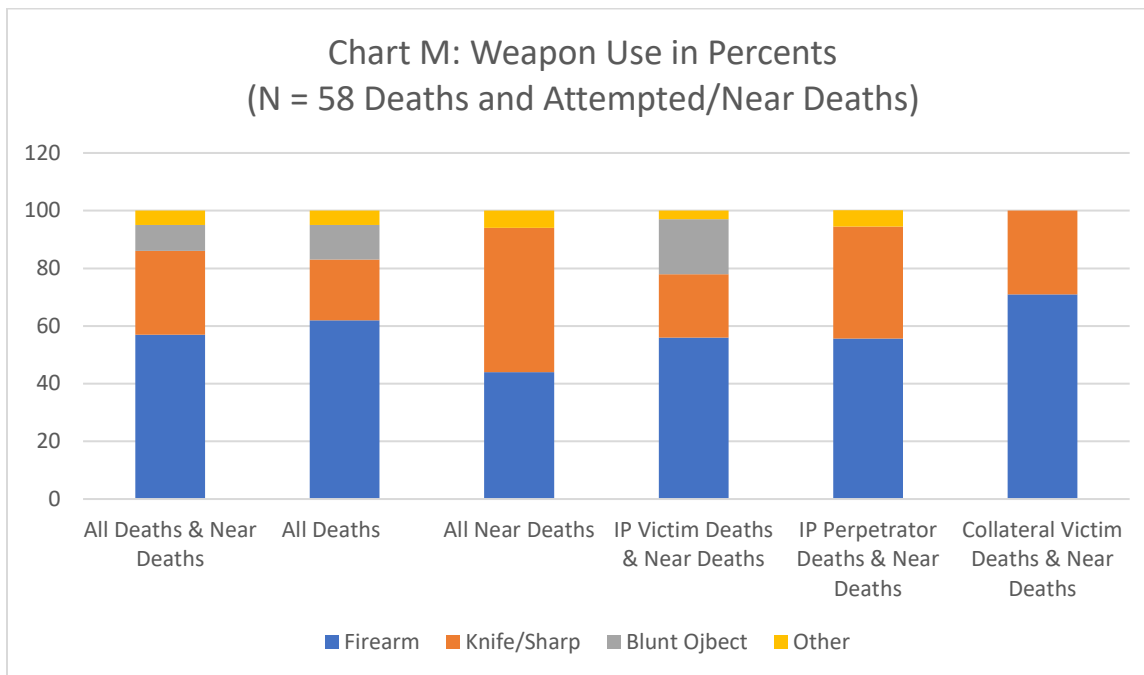


WEAPONS AND LOCATIONS OF DVF INCIDENTS

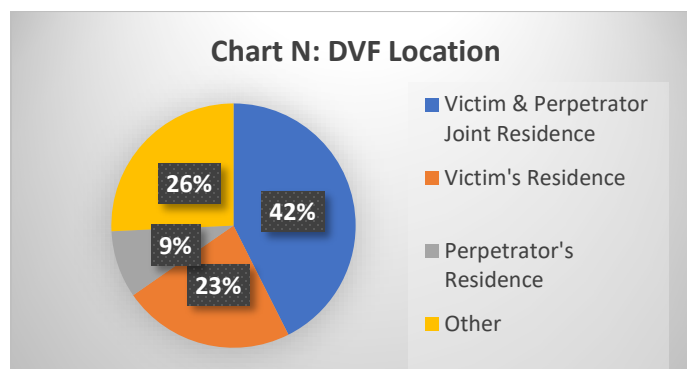
Chart M addresses the weapons used in the 58 fatalities and near/attempted fatalities.¹⁹ Proportions of weapons used are provided for a variety of categories. Guns (firearms) were the most common weapons for all fatalities and attempted/near fatalities (n = 33, 57%), and as expected, were far more likely (specifically, 18% more likely) the weapon used in fatalities (62%) than attempted/near fatalities (44%). Notably, the highest percent of guns (71%) used were in fatalities with collateral victims. The only category for which guns were *not* the most common weapon was in the attempted/near deaths, where sharp items/knives were the weapons in 50% of the cases, guns in 44% of the cases. (The remaining 6% is the case where the intimate partner perpetrator ran over his victim with a car, and she survived.) After guns, knives/sharp objects (n = 17, 29%) and blunt objects (n = 6, 9%) were the most common weapons, respectively, in fatalities and near fatalities (Chart M). The three remaining “other” weapons were a DV perpetrator who ran over his victim with his car after beating and strangling her, a DV perpetrator who pushed his wife off a high mountain ledge, and a DV

¹⁹ These fatalities include the perpetrators who completed and attempted suicide, as well as the two perpetrators who were killed by their victims in self-defense, and the victim who attempted suicide after she killed her abuser in self-defense.

perpetrator who hung himself. Clearly these findings indicate the added lethality of guns, but they also document the variety of weapons used in DV fatalities and attempted/near fatalities.



The primary²⁰ location of the DVFs and attempted/near deaths was primarily at the shared home of the victim and perpetrator (n = 15), while almost a quarter occurred at the victim's residence (n = 8) (Chart N). Although it appeared that a bedroom was the most common DVF location, there was also a pattern of the DVFs occurring on the street in front of the home or a parking lot of the victim's residence. The remaining incidents occurred at the perpetrator's residence (n = 3) and almost a quarter occurred at a variety of other sites, including a national park, a hotel room, another family member's or friend's home, and the victim's place or work (n = 8). The locations of the attempted/near deaths:



²⁰ In cases where there was more than one fatality or near fatality, they were typically at the same location. In two cases the perpetrators suicided in another location, one in his car and another in his own home not where his intimate partner victim lived. The primary location for this chart is where the primary fatality or near fatality occurred.

CRIMINAL LEGAL SYSTEM PROCESS AND OUTCOME

Chart O documents the charges, process, and disposition of the cases reviewed by DVFRBs (Chart P). As expected, the most common arrest charge is 1st degree murder (68%). Although only one case resulted in a 2nd degree assault charge, this was surprising given the severity of the DVF case. In two-fifths of the cases the intimate partner perpetrators accepted a plea, and in the remaining three-fifths, they went to trial. The most common disposition was 2nd degree murder (39%), followed by 1st degree murder (35%), attempted murder (9%) and manslaughter (9%), and 2nd degree assault (4%) and not guilty by reason of insanity (4%).

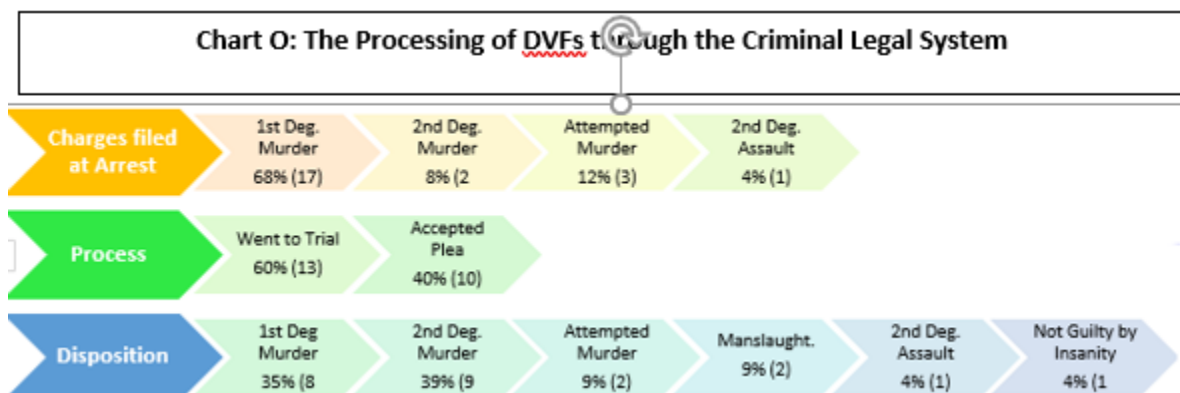
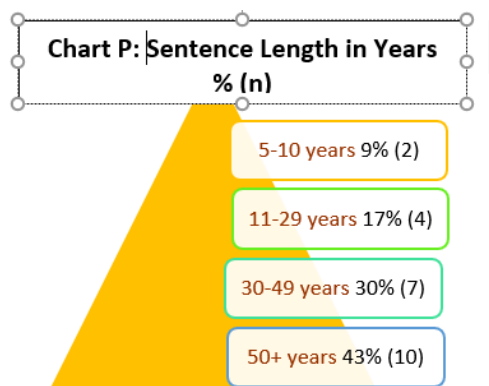
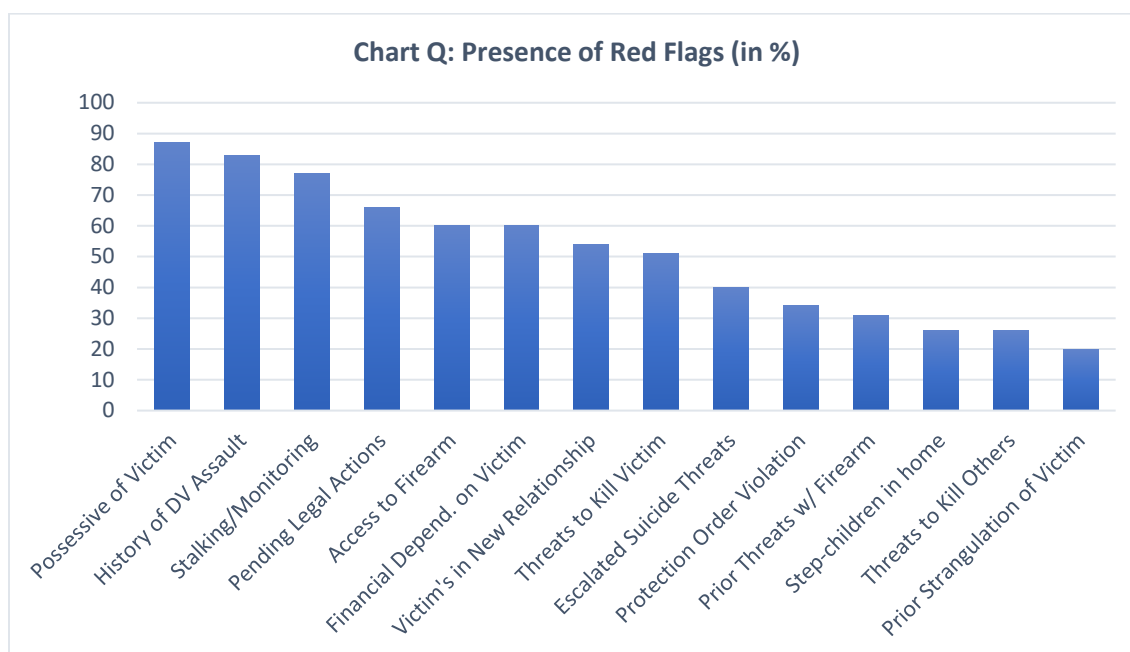


Chart P presents the prison sentence lengths in years. As should be expected, as the sentence length increased, so did the percent of DVF perpetrators receiving that sentence. More specifically, over two-fifths of the defendants received 50 or more years (including those who received life without parole) and less than one-tenth received 5-to-10-year sentences (n = 2). The 5-year sentence was a plea deal where the prosecution reportedly worried about getting a conviction and the 10-year sentence was for the second-degree assault where the victim survived and was too afraid to testify.



THE PRESENCE OF RED FLAGS (RISKS FOR DVFs)

Chart Q reports the presence of some of the risk factors, or “red flags,” for DVFs in the cases reviewed. The most common were intimate partners who were possessive of their victims (believed they owned them) (89%) and who have a history of DV assaults and stalking their victims (77%). Next most common red flags which were present in 50 to 69% of cases were that the perpetrator was stalking the victim (69%), the victim had a pending legal action against her intimate partner perpetrator (66%), the perpetrator had access to a firearm (60%), the perpetrator was financially dependent on the victim (60%), the victim was in a new relationship (54%), and the perpetrator had threatened to kill the victim (51%). Other red flags present in (30-49% of cases were: prior to the lethal incident, the intimate partner perpetrator had escalated threats to kill himself (40%), violated a protection order against the victim (34%), and threatened the victim with weapons (usually firearms) (31%). A fifth to a third of the cases involve stepchildren in the home (26%), the intimate partner perpetrators’ threats to kill people other than their intimate partners (usually the intimate partner victims’ children and parents) (26%), and intimate partner perpetrators who have a history of strangling their victims (20%). Taken together, these red flags emphasize the necessity for police, court, and victim advocates working with intimate partner victim survivors to recognize the strong correlation between perpetrators’ threats to kill (including themselves) and DV cases becoming DVF cases. This is particularly dire when the perpetrator has access to firearms, there are stepchildren, the victim is in a new relationship, there are pending legal actions against the perpetrator, and the victim has a protection order against the perpetrator.



Conclusion

This section on findings from the 2020 Colorado DVFs and the 35 cases reviewed by Colorado DVFRTs from 2017 through 2020 reaffirms previous DVF research, such as the gendered nature of DVFs (DVFs are largely committed by men against women), the heightened risk with gun availability (including a greater likelihood that attempted fatalities will be completed when the weapon is a firearm), the prevalence of strangulation of victims prior to the DVF, the impact on the intimate partner victims, these victims' new partners, law enforcement personnel, the courts, and the victims' and perpetrators', children, other family members, friends, and community members who try to intervene or are otherwise connected to members of the couple involved and/or their children (e.g., neighbors, teachers and classmates, etc.). The findings also emphasize the need to recognize the unique aspects of DVFs in rural settings as the rates for these are higher than more populated locations and the resources for victims are far fewer. Finally, these findings are consistent with more recent research on the relationship between loss of housing (even if temporary) and housing insecurity as risk factors for DVFs.

Colorado Domestic Violence Fatality Review Board Members

1. City attorney's office in Colorado who has experience working with victims of domestic violence or prosecuting domestic violence offenders:
 - **Linda Loflin-Pettit**, Manager of Government and Community Relations, Denver City Attorney's Office
2. Colorado Department of Public Health and Environment:
 - **Kelly Dougherty**, Injury Prevention Coordinator
3. Colorado District Attorneys' Council Designee
 - **Maggie Conboy**, Senior Chief Deputy District Attorney, 2nd Judicial District
4. Criminal Defense Attorney:
 - **Tally Zuckerman**, Zuckerman Law, LLC
5. Denver Metro Domestic Violence Fatality Review Committee:
 - **Linda Johnston**, EAW Project Director, Colorado District Attorney's Council
6. Department of Human Services' Adult Protection Services:
 - **Kathleen Calderon**, Adult Protection Services Specialist, Division of aging and Adult Services, Office of Access and Independence
7. Department of Human Services' Child Protection Services:
 - **Lucinda Connelly**, Manager, Child Protection Services Unit, Division fo Child welfare, Office of Children, Youth and Families
8. Domestic Violence Survivor (one of two positions):
 - **Bridget Dyson**, Victim Advocate
9. Domestic Violence Survivor (second of two positions):
 - **Phillip Clark**, Senior Facilities Technician, LenderLive

10. Domestic violence advocate representing a shelter or other domestic violence service organizations:

- **Carmen Hubbs**, Executive Director, Rise Above Violence (aka Archuleta County Victim Assistance Program), Pagosa Springs

11. Domestic violence offender management board:

- **Jesse Hansen**, DV Offender Management Board Program Coordinator, Colorado Department of Public Safety

12. Domestic violence treatment provider specializing in offender treatment:

- **Dr. Brenna Dee Tindall**, Director Treatment and Evaluation Services, Ft. Collins-Greeley

13. Judge or magistrate:

- **Judge Shannon Gerhart**, 4th Judicial District, El Paso County Court

14. Law enforcement agency:

- Currently Vacant

15. Medical professional with forensic experience:

- **Megan L. Lechner**, Forensic Nurse Examiner, UHealth Memorial Hospital (El Paso County)

16. Probation, parole, or community corrections program:

- **Lindsey Dixon**, Probation Officer Supervisor, Pretrial Services and Electronic Monitoring, City and County of Denver, Department of Safety, Division of Criminal Corrections

17. Statewide nonprofit organization that offers training and expert advice to domestic violence programs that serve survivors of domestic violence, dating violence, and stalking:

- **Deborah Bittner**, Division Director, Domestic Violence Services, Family Tree

18. AG Selected Appointee (first of two):

- **Andrew Steers**, Senior Deputy DA, 18th Judicial District

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