



Annual Report 2022

**Colorado Domestic
Violence Fatality Review Board**

CDVFRB ANNUAL REPORT

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In Memoriam: Victims of Domestic Violence Fatalities

We remember, honor, and dedicate this report to the 45 victims who died in Colorado in 2021 in the context of domestic violence, and to their surviving children, family members and friends who must bear the weight of their loved one's absence. Each of these victims was someone's child, parent, sibling, family member, neighbor, and/or colleague. These victims were dedicated and devoted parents, artists, frontline workers, philanthropists, realtors, postal workers, veterans, schoolteachers, and more.¹

Yolanda LaCome (35)

**Keyry Hernandez
Marroquin (20)**

Leah Knowlton (28)

Suni Grooms (34)

Phoenix Vigil (19)

Danielle Hopton (18)

Tashianna Blake (30)

Roxann Martinez (31)

Sarah LaRocca (33)

Jasmin Cigarroa (24)

Masany Cruz (29)

Luis Sandoval (22)

Katereen Pivoda (33)

Melissa Wright (41)

**Tyriana Nashae
Ravenell (16)**

Gwendolyn Watson (51)

Nubia Rodriguez (45)

Seteria Black (30)

Sarah Terry Smith (40)

Hermilo Garcia Saucedo (68)

Raymond Lee (56)

Valerie Infante (52)

Camren Tomlinson (31)

Amanda Farley (20)

Maria Donjuan-Diaz (44)

Shaleen Cruz (39)

Shelley Mohr (37)

Lee Arthur Walker (69)

Rebecca Zahradka (36)

Lauren Duncan (34)

Jason Schaefer (33)

Yvette Siegert-Kreb (50)

Kathryn Cochran (43)

Tricia Green-Westfall (46)

Laura Tong (35)

Monica Medina (43)

Celsa Charette (41)

**Jessica Guadalupe
Cazares (32)**

Unknown Woman

Allison Cantrell (33)

Abraham Yohannes (16)

Sandra Ibarra-Perez (28)

Jamie Sullivan (49)

Ibtessim Trabelsi (50)

Reba Pitcher (91)

¹ By naming the victims, the Board is not making any determinations on guilt or taking convictions into account, but simply considering if there was a death that based on the available material arose in the context of domestic violence.

In Memoriam: Collateral Victims of Domestic Violence

We also remember, honor, and dedicate this report to the 14 collateral fatality victims² who died in Colorado in 2021 in the context of domestic violence. Collateral victims include those who died, other than the person with whom the perpetrator was involved in an intimate relationship, in the context of a domestic violence incident. These victims include children, family members, coworkers, neighbors, bystanders, and new partners. These victims were important members of our communities—and their absence is deeply felt.

Atlas Grooms (1 month)

Joanna Cruz (53)

Jose Gutierrez (21)

Sylvio Anglada (17)

Jose Ibarra (26)

Jennifer Gelvin (49)

Felicity Krebs (13)

Barrett Krebs (9)

Mayra Perez (32)

Dustyn James (24)

Marquez Brown (18)

Oscar Flores (48)

Melvin Perez (30)

Joseph Viera (20)

² One collateral fatality who is not listed was a man who shot his son and fatally killed his daughter-in-law and then died by suicide. The son and daughter-in-law were in an intimate partnership and were in an argument at the time of the incident.



Message from Attorney General Phil Weiser

In 2021, the world was still reeling from the ramifications of the global COVID-19 pandemic and the challenges that came with it. Many of those challenges heightened and exacerbated the very real dangers that exist for those experiencing domestic violence—economic insecurity, isolation, and limited childcare. As we emerge from the pandemic, many of these same challenges continue to exist for domestic violence victims. By shedding light on the trends and realities of domestic violence fatalities, the Board is working to spur changes in public policy and practice to better support victims and their families.

In 2021, Colorado saw the greatest number of domestic violence fatalities since the Board was created in 2017. It is likely that this tragic reality stems from the broader trends of increased domestic violence more generally. Nationally, domestic violence incidents are on the rise, and this concerning trend has been observed on a local level here in Colorado.

The work of the Board is incredibly important, and I am honored to serve as its chair and to have this Board housed within the Department of Law. During the Board's first five years, it has worked tirelessly to collect and analyze statewide data on domestic violence fatalities to provide insights fundamental to assisting Colorado policymakers, advocates, and others. I am most appreciative of the Board's work to learn from these tragedies and prevent future ones. I am also grateful that the General Assembly, at my request, reauthorized the Board for another five years. Important work remains to be done.

The insights in this report can serve to catalyze action in our communities. This year's report calls for more action on firearm relinquishment, judicial training, and resources for advocates and law enforcement – all important steps to help prevent these tragedies. 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.



Philip J. Weiser
Attorney General, State of Colorado

Executive Summary

The findings presented in this report are compiled from information collected on all identified incidents across the state in which someone died in the context of domestic violence (DV) in 2021. These fatalities are referred to as Domestic Violence Fatalities or "DVF's" throughout this report. This report includes 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 but were not reviewed by a DVFRT.

Unlike in prior years, this report and the findings focus exclusively on cases that involved a fatality. This report does not include data on near-fatalities or on any other high level of lethality cases that could have ended in a fatality. This decision was made with significant consideration, and details about this decision can be found in the "Near-Fatality" section of this report.

As the process of DVF review and related research has made significant strides since its inception decades ago, the definitions have adapted. In response to this evolving landscape, this year's report provides a specific definition of DVF, which addresses the nuances and complexities the Colorado Domestic Violence Fatality Review Board (Board or CDVFRB) believes will help clarify the work and focus of the Board. The Board defines a domestic violence fatality or DVF as the death of any person that results from an act of domestic violence or occurs in the context of an intimate partner relationship. The longer definition can be found in the "Defining a Domestic Violence Fatality" section of the report.

In 2021, Colorado had 61 incidents in which DV resulted in a fatality, and 91 people died in these incidents. This was the highest number of DVFs since the Board was created in 2017.

The number of fatalities (91) is 1.5 times the average number of Colorado DVFs (61) over the six years of data collection (2016-2021). This increase is likely, at least in part, related to the impact of COVID-19 on DV. Although no studies to date have addressed DVF rates during the pandemic, research indicates a significant increase in the incidence of nonfatal DV during the pandemic, and it is likely the factors contributing to this increase are also impacting DVF rates.

Of the 91 fatalities identified, 45 were the primary DV victims, 32 were the DVF perpetrators, and 14 were collateral victims. Of these collateral victims, four were children, three of whom were killed by their fathers (their mothers' DV perpetrators). The fourth child was a DV victim's minor brother, killed by her DV perpetrator. DV perpetrators primarily died by suicide (72%), and 78% of these cases involved at least one additional fatality (in addition to the DV perpetrator suicide). Notably, 16% of the DV perpetrator deaths were by law enforcement and 12% were by civilians. In these cases, there were no other fatalities. More specifically, when law enforcement or civilians killed perpetrators, there were no DV victim or collateral deaths.

A number of important trends were identified in this year's report.

As in past years, the DVF victims were overwhelmingly female (88%) and the DVF perpetrators overwhelmingly male (90%) .

This pattern reflects the overall trend that DV more broadly is a very gendered crime. Male perpetrators with female victims constituted 89% of the cases. However, there were female perpetrators with male victims in 9% of the DVF cases and female perpetrators with female victims in 2% of cases in 2021 underscoring that DV is an issue that crosses genders and needs to be addressed in all relationships.

Consistent with other DVF research and previous Board reports, DVFs were overwhelming perpetrated with a gun .

About four-in-five DVFs (81%) resulted from gunshot wound fatalities. All the collateral fatalities were caused by a gun, including the four child fatalities. In 2021, the Colorado DVF case with the most fatalities in a single incident in the last six years (when the Board began collecting data) occurred – seven individuals died when the DVF perpetrator killed his girlfriend and five of her family members in Colorado Springs and then killed himself. All the individuals, including the perpetrator, were killed with the same gun. This data reflects the dangers associated with DV perpetrators' access to firearms. Of note, the National Coalition Against Domestic Violence found that an abuser's access to firearms increases the likelihood of fatality by 1,000%. For this reason, the Board recommends increased investment in firearm relinquishment processes for DV perpetrators across the state. More information on this and other recommendations is in the "2022 Recommendations" section of this report.

This is the second report to consider DVFs when controlling for population size.

Similar to the 2020 findings, in 2021, DVFs occurred disproportionately (measured as the number of DVFs out of 100,000 in the population) in rural, as compared to urban, counties.

It is hard to diagnose this precisely, but victims in more rural communities are often more isolated and their access to transportation and resources are more limited than in urban areas of the state; resources should continue to be allocated to these communities.

Traditionally, DV has been understood within the framework of marriage, yet DV plagues married and unmarried couples alike.

In 2021, 52% of the identified DVFs involved couples who were currently or formerly dating, while 48% of cases involved couples who were currently or formerly married .

Twenty-seven percent of the DVF couples were broken-up/estranged (regardless of dating or marital relationships) at the time of the incident. Taken together, these findings emphasize the importance of including (currently or formerly) dating couples in DVF research and ensuring that proper policies and procedures are in place at law enforcement agencies and courts to properly address DV among dating couples. Stated differently, DV among dating couples is particularly concerning among teens. In 2021, there were at least seven identified DVFs involving victims and/or perpetrators under the age of 21.

Ultimately, this report underscores the need to continue the work to prevent DVFs. Continuing to collect and analyze statewide data is fundamental to assisting Colorado policymakers, advocates, and others by providing the information necessary to develop training and intervention strategies that support victims of domestic violence. Colorado's decision to collect DVF data at the statewide level has allowed expansion of the work conducted by the Denver Metro Domestic Violence Fatality Review Committee since 1996. The Board is pleased that last year the General Assembly reauthorized the Board for five more years. In so doing, it expanded the Board's mandate to focus more on implementation and support of local fatality review teams. The Board is ready and eager to embrace this mandate. Over the past six years, the Board's work addressing DVF's has helped to identify and shape effective reforms. The Board and the Department of Law are committed to improving our ability to identify these cases to prevent fatalities and near-fatalities.



About the Colorado Domestic Violence Fatality Review Board

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 domestic violence fatality data from the preceding year and identify trends;
- (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;
- (d) Support local fatality review teams; and
- (e) Make annual policy recommendations concerning domestic violence to the Colorado General Assembly.

The Board was established in 2017 and its mandate was renewed for another five years in 2022.

The Board is composed of a multi-disciplinary set of leaders and subject matter experts from across Colorado committed to preventing domestic violence and domestic violence fatalities. The Board works in partnership with community stakeholders to publish an annual report detailing data and trends related to DVF's statewide and identifying policy recommendations aimed at preventing these tragedies. The Board also works closely with the Attorney General's Office to implement the policy recommendations from years prior. A full list of Board members can be found at the end of this report.



About Local Fatality Review Teams

C.R.S. § 24-31-703 enables communities across Colorado to form local Domestic Violence Fatality Review Teams (DVFRTs) to review fatal and near-fatal incidents of domestic violence. The purpose of each team is to learn from these tragic cases—identifying common risk factors and potential intervention points in order to help prevent domestic violence-related deaths in the future. Teams bring together a wide array of stakeholders—law enforcement, prosecutors, judges, advocates, and survivors. The local teams then convey the local data on DVF's and their findings to the statewide CDVFRB.

The local fatality review teams that currently exist in Colorado are detailed below.

Denver

The Denver Metro Domestic Violence Fatality Review Team (DMDVFRT) was formed in 1996 and was one of the first DVFRTs in the country.

The DMDVFRT is composed of professionals with a range of expertise including community and systems-based advocacy, perpetrator treatment, law enforcement, prosecution, judiciary, probation, child advocacy services, medical providers, and system-based victim assistance. The team meets monthly to review fatalities that have occurred within the 1st, 2nd, 17th, and 18th Judicial Districts.

The DMDVFRT is managed by the Domestic Violence Fatality Review Coordinator at the Rose Andom Center. The coordinator works with DMDVFRT members to identify which DVF's to review each month. The coordinator invites the assigned detectives and lead counsel of the identified case to provide a high-level walkthrough of the case. The group then discusses the risk factors for lethality, as well as what interventions were utilized or missed on the date of the incident. Information from each review is compiled using a Data Codebook, the data collected is analyzed at the end of the year, and the findings are reflected in this report.

Pagosa Springs

The City of Pagosa Springs operates a multidisciplinary team of nine professionals who work to improve responses to DV. The team was created in 2008 after an 18-month institutional analysis of the county's criminal justice response to DV. The team has since evolved into operating as a Coordinated Community Response Team (CCRT), which not only acts as the local DVFRB but also reviews other fatalities and sexual assaults. Reviews occur for common cases, up to and including near-lethal and fatal criminal cases.

The team meets monthly to conduct case reviews and identify concrete action steps needed to improve victim safety and offender accountability, including modification of processes, policies, and procedures within criminal justice, child welfare, victim advocacy, and medical systems.

Mesa County

Mesa County started its DVFRT in the fall of 2015. It took a year to compose a fully staffed team and begin reviewing cases. Over the last seven years, the Mesa County DVFRT has looked to the Denver Metro DVFRT to help them develop procedures and operational tenets for conducting fatality reviews. To date, the Mesa County DVFRT has reviewed nine cases. The team includes a robust cross-section of community members and representatives from various agencies within the 21st Judicial District, including the district attorney's office, Colorado Mesa University, the local domestic violence service agency, state and federal probation representatives, state courts, coroners' office, local law enforcement agencies, volunteer victim advocates, and private attorneys' offices.

Pueblo

The Board and the Domestic Violence Fatality Review Coordinator at the Rose Andom Center have met with community members in Pueblo County who are interested in forming a local fatality review team in their community. While a local DVFRT has not yet been officially created, a committed group of professionals from a wide variety of professional backgrounds is diligently developing a team. The Board is committed to supporting this team's development.



Defining a Domestic Violence Fatality

For the purposes of this report, the board defines a domestic violence fatality or DVF as the death of any person that results from an act of domestic violence or occurs in the context of an intimate partner relationship. Such deaths include:

- Homicides in which the victim was a current or former intimate partner of the perpetrator.
- Homicides committed by an abusive partner in the context of intimate partner violence—for example, cases in which the homicide perpetrator kills a current or former partner's family member or new intimate partner, law enforcement officer, or bystander.
- Homicides that are an extension of or in response to ongoing intimate partner violence—for example, cases in which an abuser takes revenge on a victim by killing the victim's children.
- Homicides of abusers killed by intimate partner violence victims, often in self-defense.
- Homicides of abusers killed by friends, family, or bystanders intervening on behalf of an intimate partner violence victim.
- Suicide of the abuser committed in the context of an intimate partner violence incident.
- Suicides, other than the abuser's, that may be a response to intimate partner violence.

In identifying DVFs we are not making any determinations on guilt or taking convictions into account, but simply considering if there was a death that based on the available information arose in the context of domestic violence. In the cases identified, some never involve a prosecution, some have pending charges, and some involve fully resolved prosecutions. Whether on those facts a conviction of any individual would result was a different question and is not considered in determining whether a death was a DVF.



Domestic Violence Fatality Data Collection Process

The findings presented in this report include a compilation of the DVF information collected by the Rose Andom Center on behalf of the Board and the Attorney General's Office. This report reviews both incidents and related data analyzed by a local domestic violence fatality review team or DVFRT as well as other incidents identified but not reviewed by a DVFRT. To identify DVFs statewide that were not reviewed by a local team, a diligent search was made of publicly available sources, including media reports and arrest affidavits, as well as of non-public sources—primarily those provided by police, sheriffs, and district attorney's offices.

While significant diligence was conducted to ensure as many cases were identified as possible, it is likely some DVFs occurring in 2021 were not identified. The reasons for this vary, but often, in fatalities, a connection to domestic violence was unknown or unreported. The Board recognizes that in any unidentified case there was pain felt in a victim's absence shared by family, loved ones, and communities left behind. The Board is committed to finding ways to improve and increase data sharing and reporting across the state to ensure accurate and comprehensive reporting on DVFs.

For this year's report, it is important to note that most cases identified were not reviewed by local DVFRT's. In previous years, more cases were reviewed by local teams, and the statewide Board was able to provide aggregate data on the incidence of red flag data in cases, the relationship of DVFs to housing instability, and other more granular data. However, this year due to the limited number of cases reviews, presenting such data was not possible. This reality is offset by the fact that this report contains the most comprehensive data collection of the statewide DVF to date (e.g., more variables and fewer missing data on the variables previously collected).

The reason for the lower number of case reviews is multi-variate, but primarily was due to the impact of the pandemic. During the pandemic, local DVFR teams faced hurdles in collecting data, including the limitations of virtually conducted review meetings, the difficulty of in-person data collection, and the limitations of police homicide investigations during the pandemic. (AbiNader et al., 2022; Swisher & AbiNader, 2022). As a result, only six case reviews were conducted of DVFs occurring in 2021. However, local fatality review boards are already on track for a more robust set of Board-reviewed cases for next year's report.

This year's report and its findings focus exclusively on cases involving a fatality. This report does not include data on near-fatalities or on any other high level of lethality cases that could have ended in a fatality. This decision was made with significant consideration and details about this decision can be found in the "Near-Fatality" section below.



Language Considerations

Several labels are used for abuse that occurs in the context of a current or former romantic/intimate relationship, including domestic violence, intimate partner violence, and intimate partner abuse. Given that most legal entities, such as the police and courts, use the term “domestic violence” and the legislature uses the term “Domestic Violence Fatality Review”, this report primarily uses the term domestic violence (DV) in lieu of intimate partner violence or intimate partner abuse.

Similarly, intimate partner homicide or IPH is a term often used in research on DV fatalities, but the term is used more commonly in research focused on homicides among current or former romantic/intimate couples and is less likely to address collateral fatalities and suicides. For this reason, this report primarily uses the term Domestic Violence Fatalities or DVF.

This report also uses the term victim throughout this report to refer to a member of an intimate partner couple killed in the context of DV and to those that survived these situations. Because this report focuses on DVFs and the term victim is typically used in the criminal and legal context, the term “victim” fits best within the mandate of our Board. However, we recognize that the term survivor speaks to the sense of empowerment with which many of those experiencing non-fatal DV identify and we acknowledge the important journey towards recovery of all impacted by DV.

Lethality Indicators

A central focus of local Domestic Violence Fatality Review Teams (DVFRT) involves a review of all DVF cases with the purpose of identifying what red flags or lethality indicators were present at the time of the fatality. In case reviews, some DVFRTs use a Red Flags checklist. This checklist includes factors that research suggests are indicators of future lethality. The Denver DVFRT, for example, has identified a robust set of lethality factors in their red flag checklist. This checklist has evolved, and the current list reflects more than 25 years of experience reviewing DVFs. Its lethality factors include, but are not limited to considering:

- ▲ The abuser's access to firearms ▲
- ▲ The abuser's prior threats with a firearm ▲
- ▲ The abuser's possessiveness of victim ▲
- ▲ The abuser's prior strangulation attempts of the victim ▲
- ▲ The abuser's prior threats to kill the victim ▲
- ▲ The abuser's history of drug/alcohol use or abuse ▲
- ▲ The abuser's belief victim is in a new relationship ▲
- ▲ The abuser's perceived loss of control ▲
- ▲ The victim and perpetrator have one last meeting that precedes fatality ▲
- ▲ The abuser's escalated threats of suicide ▲
- ▲ Imminent separation of the couple ▲
- ▲ Pending legal action related to incidents of abuse ▲

The below details some of the factors and their intersection with some of the 2021 DVFs included in this report.

The abuser's access to firearms

Firearms are a coercive tool used by abusers to control, intimidate and threaten DV victims. The National Coalition Against Domestic Violence found that an abuser's access to firearms increases the likelihood of fatality by 1,000 % (National Coalition Against Domestic Violence 2022). Domestic violence perpetrators with access to firearms are also five to eight times more likely to kill their victims than those without firearms. (Wintemute, et al., 2014); (Nanasi, 2019). Consistent with this research, and previous Colorado DVF reports, gunshot wounds accounted for 82% of the deaths in DVFs in 2021.

Pending legal action related to incidents of abuse

A perpetrator who is aware of pending legal action related to prior acts of DV can escalate existing patterns of abuse. This is particularly true where a perpetrator faces significant legal consequences in the case, creating a perceived loss of control and sense that they have nothing left to lose. This is a very dangerous situation for a victim as highlighted below.

CASE: On June 28, 2021, in Aurora, Colorado, a victim was shot and killed by her ex-boyfriend. On the day of her murder, her boyfriend was scheduled to appear in court for a hearing on his motion to withdraw his plea on a 2018 DV case involving the victim. Sentencing was set for August 2021. Before the ex-boyfriend was arrested, he was found dead from a self-inflicted gunshot wound to the head on July 9, 2021. He had a previous conviction for second-degree murder in Denver and had been paroled in August 2017.

Imminent separation of the couple

While it may be assumed that a victim separating from an abusive partner or leaving a shared residence may reduce the risk of further harm, research suggests that the risk of violence actually increases after a victim separates from a perpetrator. One research study identified that 41% of women killed by a partner or former partner had separated or taken steps to separate, with 30% killed within the first month and 70% killed within the first year of separation (Kelly et al.). The reasons for this vary, but in general, as DV is a pattern of behaviors used to gain or maintain power and control, when a victim leaves, the perpetrator feels a loss of power and control and escalates their behavior. The case below is an example of a DVF that immediately followed an attempt of the victim to separate from her partner.

CASE: On February 2, 2021, in Stratmoor, Colorado, a victim was shot and killed by her ex-boyfriend. The victim and her ex-boyfriend started dating in the seventh grade and eventually shared an apartment together. Following a breakup, the victim began to move out of the apartment. During the move, the victim asked her brother, to come over because her ex-boyfriend was being “a jerk.” Shortly after, the victim’s brother arrived with his friend. Upon their arrival, the ex-boyfriend shot the victim, her brother, and her brother’s friend before killing himself. Both the victim and her brother died at the scene, while her brother’s friend later succumbed to his injuries and died at a hospital.



Current Colorado Laws & Policies Mitigating Domestic Violence

Colorado has several protections in place that mitigate the risk of domestic violence and DVFs, specifically. Highlighted below are some of the current programs Colorado has in place.

Lethality Assessment Program

In its 2020 Annual Report, the Board recommended the implementation of the Lethality Assessment Program (LAP) across Colorado. The LAP is an evidence-based tool of 11 questions that a law enforcement officer can use to assess risk and connect a victim of intimate partner violence with a victim advocate.

Since then, the Office of the Attorney General was awarded a federal Justice Administration Grant to contract with a statewide coordinator tasked with implementing the LAP across Colorado. The statewide coordinator was hired in 2022 and has begun the work of assessing the current use of the LAP by law enforcement agencies across the state. A system is now in place for communities to apply for training and support to implement the LAP. Boulder County law enforcement agencies and victim advocates were the first to take part in this training in October 2022. The statewide coordinator has been in touch with six communities across the state, and it is anticipated that 25 agencies will receive training and implementation support in 2023.

Civil Protection Orders

Colorado issues three kinds of civil protection orders: temporary protection orders; permanent protection orders; and emergency protection orders. Unlike criminal protection orders, discussed below, civil protection orders are issued at the victim's request rather than in connection with a criminal case. Violating a civil protection order is a criminal offense.

Temporary protection orders prohibit an individual from engaging in certain conduct or communications with the protected person or require the individual to stay a certain distance away from the protected person's home, school, or workplace. These orders are issued if a judge determines the person seeking the order is in "imminent danger". In the case of DV, a victim is not required to have previously reported abuse to law enforcement, and an order can be granted without the abuser's knowledge or appearance in court, though the order is not enforceable until the abuser has been served. Temporary orders can last up to 14 days. Permanent protection orders function much like temporary orders, but are in place permanently unless modified or terminated by a court. After a temporary protection order is issued, a hearing for a permanent protection order is set 14 days after the date of issuance.

Emergency protection orders are generally requested by law enforcement and last a few days. They are intended to protect individuals at risk of harm when courts are closed or where the victim has filed a temporary protection order (see above) but the judge cannot hold a same-day hearing. Generally speaking, to seek an emergency protection order, law enforcement must believe there is an immediate and present danger of domestic abuse, assault or stalking.

Criminal Protection Orders

Also called Mandatory Protection Orders (MPOs), these orders are entered when someone has been charged with a crime, including the crime of domestic violence. The court issues a MPO in an effort to protect a victim, regardless of whether the victim requests or desires one. Such orders prohibit the criminal defendant from harassing, intimidating, retaliating against, or tampering with the victims of the crime for the duration of the case and terminate upon case disposition. In cases with a DV charge, such orders are automatic and a condition of bond.

Firearm Relinquishment

Various laws in Colorado prevent DV perpetrators from possessing or purchasing firearms.

When a court issues a civil protection order and the court determines the order includes an act of domestic violence involving the threat, use, or attempted use of physical force, the court is required to order the abuser to relinquish his or her firearms and ammunition. Even if the court grants a civil protection order without the finding of physical force, it may grant a victim's request for a firearm relinquishment order.

Where an individual is subject to a criminal protection order or MPO, discussed above, and the crime includes an act of domestic violence involving the threat, use, or attempted use of physical force the court must order firearm prohibition and relinquishment, the court may also grant a firearm relinquishment order.

The relinquishment process is complicated and one of the Board's recommendations, detailed in the "2022 Recommendations" section of this report below, discusses some of the ways implementation of existing firearm relinquishment laws can be improved. Generally, respondents have three options to relinquish firearms or ammunition: selling or transferring the firearm to a federally licensed gun dealer; storing the firearm with a law enforcement agency; or selling or transferring the firearm to a private party who may legally possess the firearm and who is subject to various provisions, such as a criminal background check. If the respondent refuses to comply with the order, the court may issue a search warrant that allows law enforcement to search for and confiscate firearms from specified areas.

Before a respondent can recover his or her firearms and ammunition, the court must confirm the party is eligible to possess firearms, determined by a background check, and confirm the relinquishment order has terminated.

Extreme Risk Protection Orders

Extreme risk protection orders (ERPOs or “red flag laws”) temporarily prohibit individuals determined by a judge to be at high risk of firearm violence—including any combination of violence directed at others, themselves, or large groups of people—from possessing or legally purchasing firearms. A family member, household member, or law enforcement officer or agency may file for an ERPO. The court must hold an initial temporary ERPO (“TERPO”) hearing, in-person or by telephone, on the day the request is filed or on the next court day. At the TERPO hearing, the judge will also schedule a second hearing within 14 days. At the second hearing—for which the respondent receives court-appointed counsel—the court determines whether the TERPO order shall be lifted or whether to extend the ERPO for up to 364 days.

Those who must relinquish their firearms may petition the court to terminate the ERPO by showing that they no longer present a threat. In addition, an individual who requested the ERPO may petition the court, within 63 days of the 365-day termination period, to extend the protection order.

Additional ARPA (American Rescue Plan Act) funding (SB 21-292; SB 22-183)

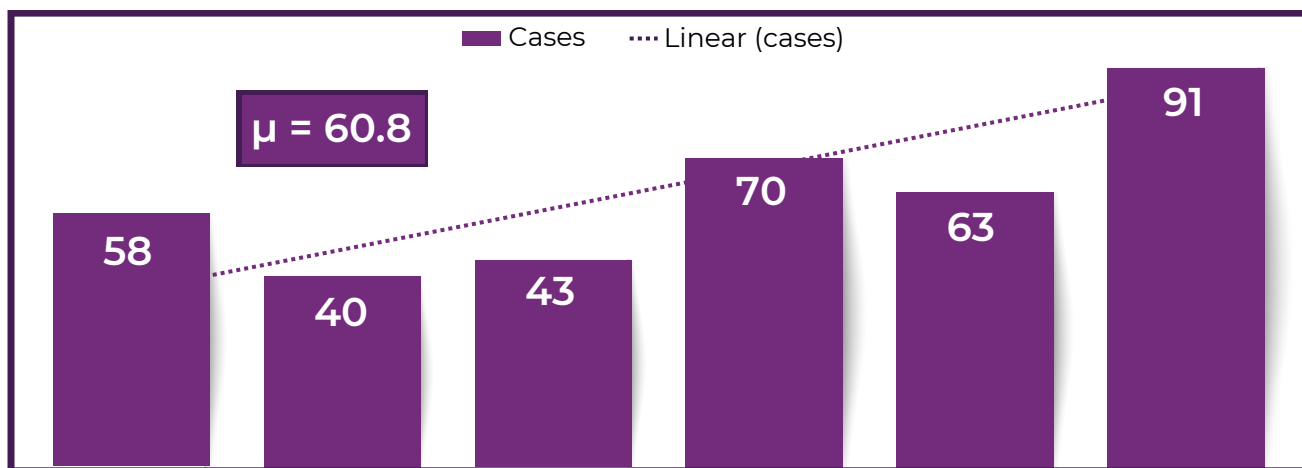
In 2021, the federal government enacted the American Rescue Plan Act (ARPA) to provide financial support for state, local, and tribal governments responding to the COVID-19 pandemic. The Colorado Senate allotted \$15 million in SB 21-292 to victim’s services programs. The law targets populations that were disproportionately affected by the COVID-19 pandemic, including those affected by domestic violence. Specifically, the law funds family violence justice grants, the forensic nurse examiner telehealth program, the state and local victim and witness assistance and law enforcement fund funds, the state crime victim’s compensation program, and more.

Domestic Violence Related Fatalities in Colorado in 2021

There were 61 DVF cases identified in Colorado in 2021, together resulting in 91 fatalities. This is by far the greatest number of DVF's in any year since the creation of the Board in 2017 and is 1.5 times the average number of Colorado DVF's (61) over the Board's six years of data collection (2016-2021) (Chart A). This increase is likely, at least in part, related to the impact of COVID-19 on DV. Although no studies to date have addressed DVF rates during the pandemic, research indicates a significant increase in the incidence of nonfatal DV during the pandemic, and it is likely the factors contributing to this increase are also impacting DVF rates.³

Chart A:

Annual number of DVF's in Colorado, 2016-2021



³ For example, a study of 1,169 individuals in Michigan in the summer of 2020 found that 64% of those who experienced DV reported it was new to the relationship (34%) or increased in severity (27%) since the onset of COVID-19. These increases were particularly acute among respondents who tested positive for COVID, essential workers, pregnant women, those who could not afford rent, and those who had partners with employment changes (Peitzmeier et al., 2021, pp. 1-2).

Number of Fatalities per Case (Incident)

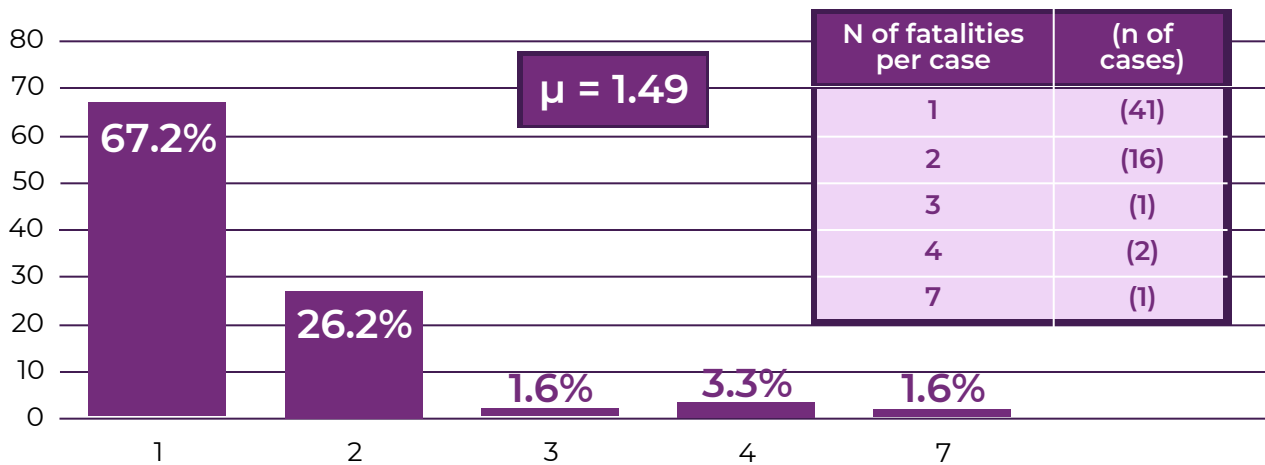
The number of fatalities per case ranged from one to seven, with an average of 1.5 deaths per case (see Chart B). When excluding the Colorado Springs case with seven fatalities (discussed in more detail below), the average is 1.4. Two-thirds of the 2021 Colorado cases (67.7%) involved one fatality, a quarter (25.8%) involved two fatalities, and the rest (6.5%) involved three or more fatalities.

Chart B:

Number of fatalities per case (incident)

N = 91 fatalities per 61 DVF cases

■ % of cases



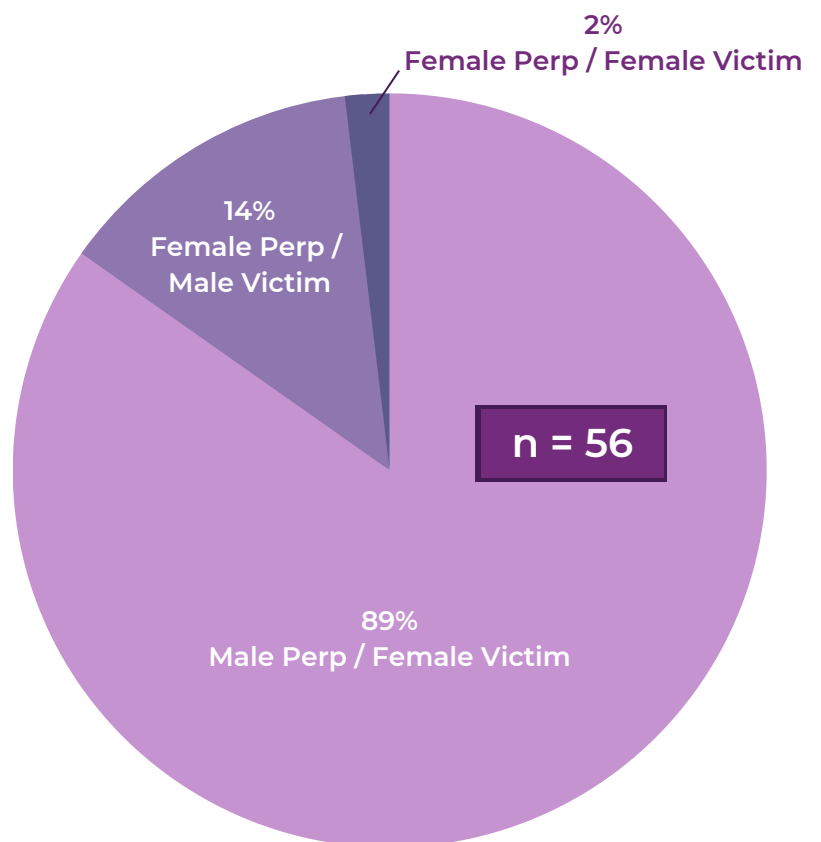
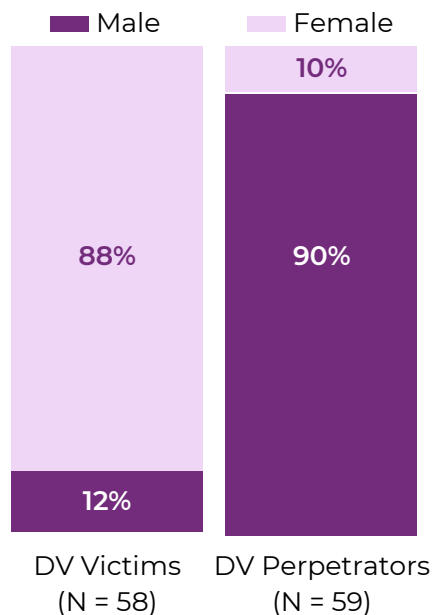
Characteristics of the DV victim and DV perpetrator

In the 61 identified DVF cases, 86% of the DV victims were female (whether they were a fatality or not), and 88% of the DV perpetrators were male (see Chart C).⁴ Male perpetrators with female victims constituted the vast majority (89%) of the DVF couples. Female perpetrators with male victims made up the next largest group (9%). There were no same-sex male DVFs. There was one same-sex female DVF (2%).

Chart C:

Sex and Sex-Dyads of the DV Partners / Ex-Partners

Victims' & Perpetrators' x Sex



⁴ There were no indications of any victims or perpetrators with sexual identities other than male and female.

The DVF victims' ages ranged from 16 to 91, with an average age of 39. DV perpetrators ranged in age from 15 to 92, with an average age of 40. (Excluding the couple in their nineties did not change the average ages significantly—excluding this case the average age was 38 for DVF victims and 39 for DVF perpetrators).⁵

Chart D:

Domestic Violence Couple Relationship at DOI (N=52)

| | Dating | Married | Total |
|-----------------------|--------|---------|-------|
| Broken up / estranged | 17% | 10% | 27% |
| Together | 35% | 38% | 73% |
| Total | 52% | 48% | 100% |

For dating: DV victims' ages ranged from 16-52, $\mu = 33$ years old.

DV perpetrators' ages ranged from 15-64, $\mu = 33$ years old.

For married: DV victims' ages ranged from 22-91, $\mu = 42$ years old.

DV perpetrators' ages ranged from 22-92, $\mu = 47$ years old.

⁵ Accurate data on race were difficult to obtain so race was not included in this report. There was an additional teenage female DV victim, but her exact age and name were not provided in the media because she was a minor.

The victim-offender relationship on the date of the DVF indicates that about half of the cases involved currently or formerly dating couples (51%) and the remaining 49% involved currently or formerly married couples (see Chart D). There was little difference between the dating and married couples in terms of whether they were still together or broken up/estranged on the date of the DVF—in 72% of the cases, regardless of dating or marital status, the couples were still together (and the other 28% were broken up or estranged). Taken together, these findings emphasize the importance of including currently or formerly dating couples in DVF research and that proper policies and procedures are in place at law enforcement agencies and courts to properly address DV among dating couples. Stated differently, DV among dating couples is particularly concerning among teens. In 2021, there were at least seven identified DVFs involving victims and/or perpetrators under the age of 21.⁶

Responding to teen DV, law enforcement and court officials must be educated on the serious risks, including fatalities, in teenagers' intimate relationships (Gulliot-Wright et al., 2022). For example, data from the CDC's Youth Risk Behavior Study in 2019 found that among high schoolers who reported, 1 in 12 students experienced physical dating violence. As expected, the dating couples tended to be younger (the average age was 33 years old for both victims and perpetrators) than the married couples (victims' average age was 42 and perpetrators' average age was 47). The below cases depict the severity of teen dating violence:

Case: On October 11, 2021, in Denver, a victim was shot by her boyfriend. During the attack, the boyfriend dropped the infant child he shared with the victim, causing serious injuries to the child. He then shot the victim's father before shooting and killing himself. The infant and the adult male survived their injuries. The victim was transported to the hospital and later died from her injuries.

⁶ Of the 61 cases, ages were missing for 14 of the DV victims and 6 of the DV perpetrators so this could be higher than 7 cases involving at least one teen.

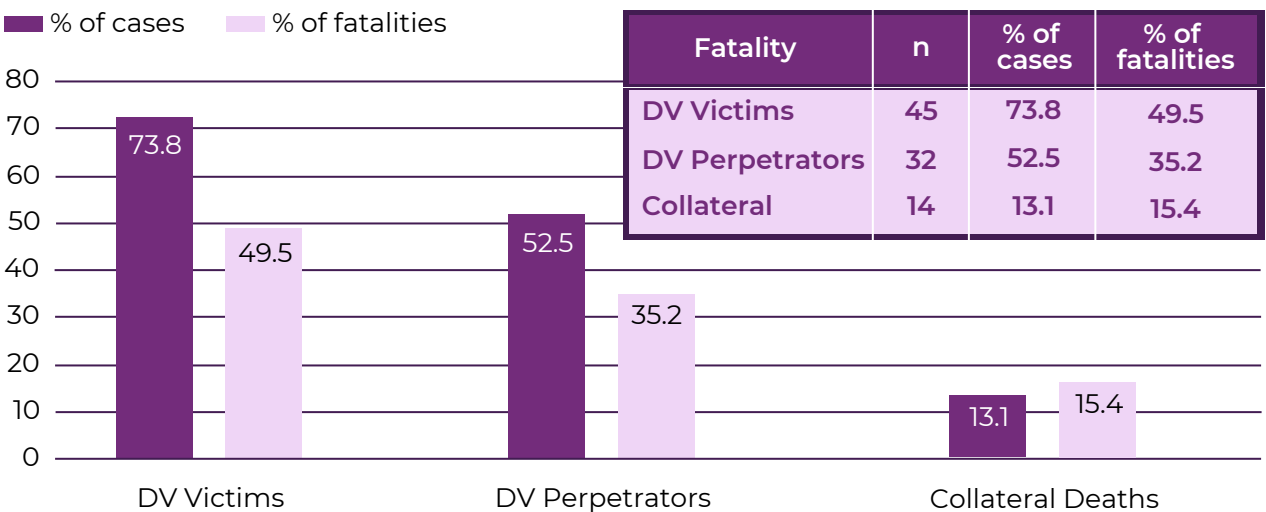
Representation of Fatalities by Who Was Killed and Who Killed

Those Who Died

Chart E distinguishes fatalities among three primary groups, in the order that they are most likely to be fatalities: DV victim, DV perpetrator, and collateral victims.⁷ This chart includes the percent representation of these three groups both in terms of their incidence among the 61 cases, and their prevalence among the nine fatalities. As expected, DV victims made up the highest percentage of deaths in both the case (74.2%) and total fatality (50.0%) data. Next most likely were DV perpetrator deaths (51.6% of cases and 34.8% of total fatalities), and lastly, collateral deaths (12.9% of cases and 15.2% of total fatalities). More detail on the collateral deaths is provided in Charts F through I.

Chart E:

Percent of fatalities among the 61 cases and the 91 fatalities



⁷ Intimate partner homicide (IPH) research is usually limited to documenting fatalities among the two members of the intimate couple (DV victims and DV perpetrators). Collateral fatalities are any deaths in the context of a DV incident that are not the DV victims or DV perpetrators.

Who Caused the Death

It is important to remember that some fatalities in the DVF cases result from self-defense and/or efforts to defend others. For example, DV victims, their family members, police, new partners of DV victims, and other bystanders, including strangers, may kill DV perpetrators to save themselves and/or others at risk of harm by the DV perpetrator. It is also common for the DV perpetrators to die by suicide during these incidents.

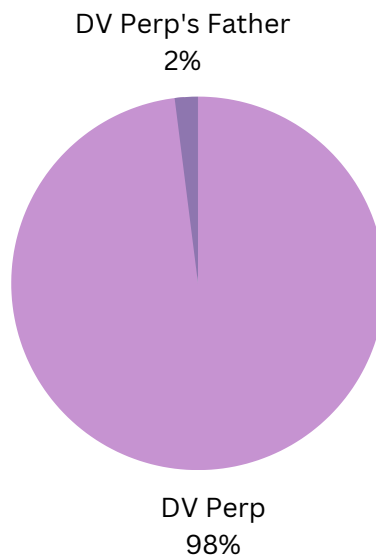
While Chart E summarizes those who died, Chart F summarizes those who caused the death (including in self-defense and/or defense of others present). As expected, DV perpetrators were the overwhelming category of those who killed DV victims (98%) and collateral victims (93%). One unique case kept these (DV victim and collateral) deaths from being entirely caused by the DV perpetrator. Specifically, there was a case in which the DV perpetrator's father shot both his son (the DV perpetrator) and his daughter-in-law (the DV victim), and then the father died by suicide. The DV victim died from the gunshot wound and the DV perpetrator survived.

The DV perpetrator deaths were also primarily caused by the DV perpetrators (Chart F); 72% of the DV perpetrators died by suicide. The next most common cause of DV perpetrator death was by law enforcement (15.6%), followed by self-defense by a civilian (12.5%). Note that there were no records of charges brought against any of these officers or civilians. This year involved the highest percentage DV perpetrator deaths at the hands of law enforcement (8.1% of all cases, 15.6% of DV perpetrator fatality) in the last six years of data, and it is notable that in these cases there were no other fatalities. There were also no other fatalities (beside the DV perpetrators' deaths) in the cases of the four citizens acting in self-defense and/or to defend the victim (12.5% of DV perpetrator deaths). These four citizens were a DV victim, a DV victim's brother, a DV victim's new boyfriend, and an unknown male at the residence.

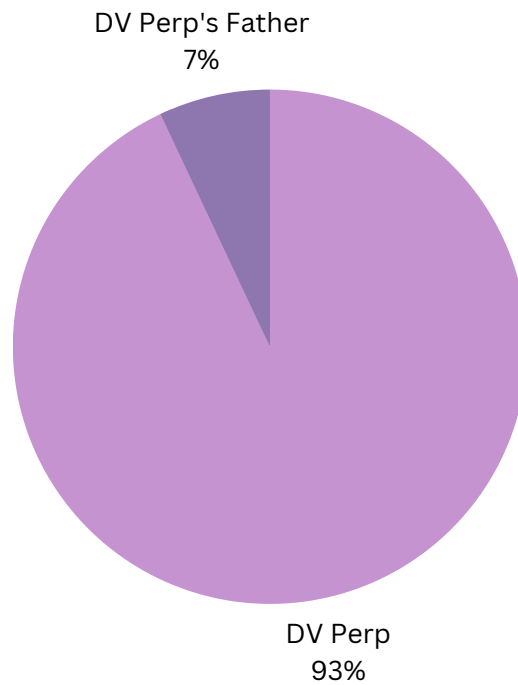
Chart F:

Who killed (includes self-defense or for another person's safety)

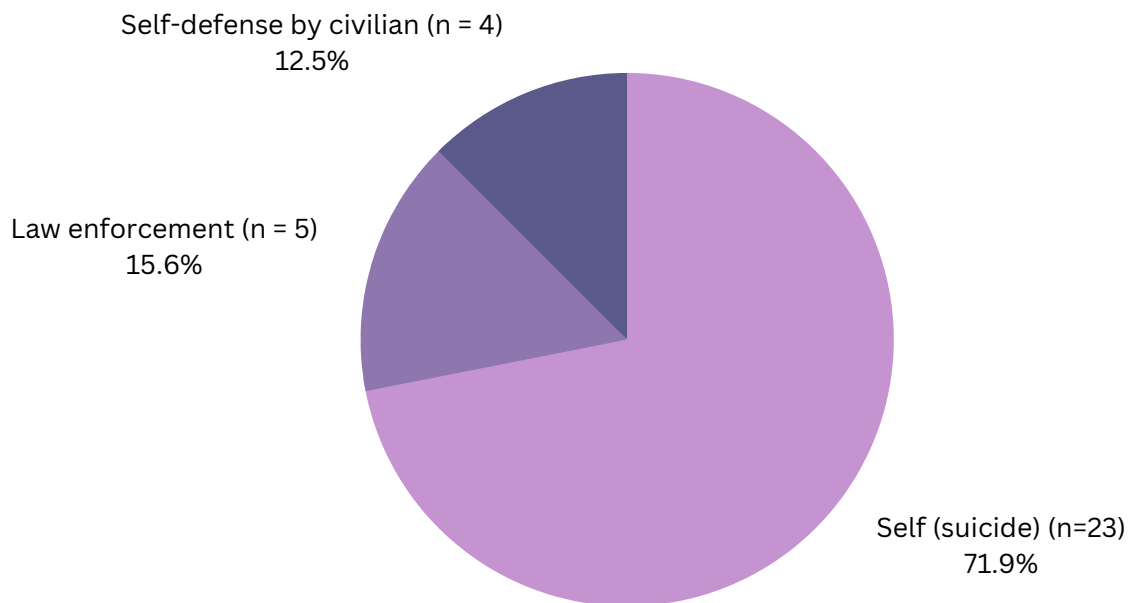
Who killed DV victims (N = 45)



Who killed collateral victims (N = 14)



Who killed the 32 DV perpetrators

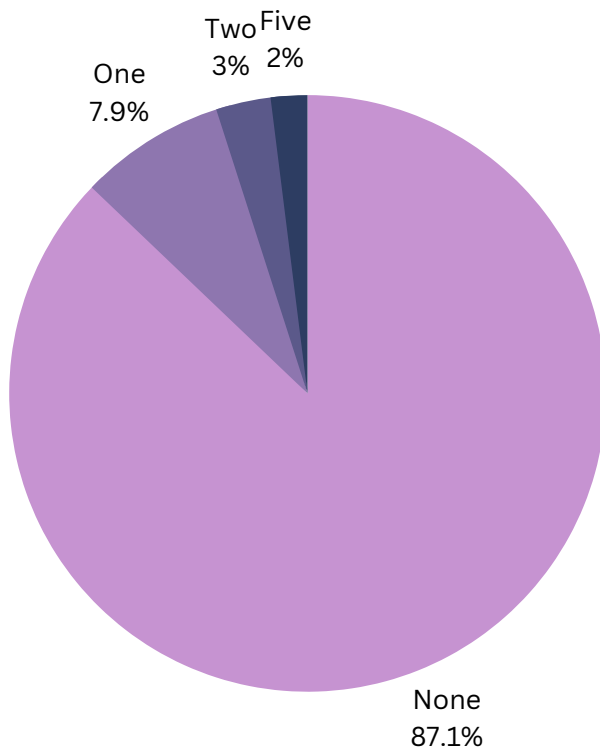


A Deeper Look at the Too-Often Invisible Victims: The Collateral DVF Fatalities

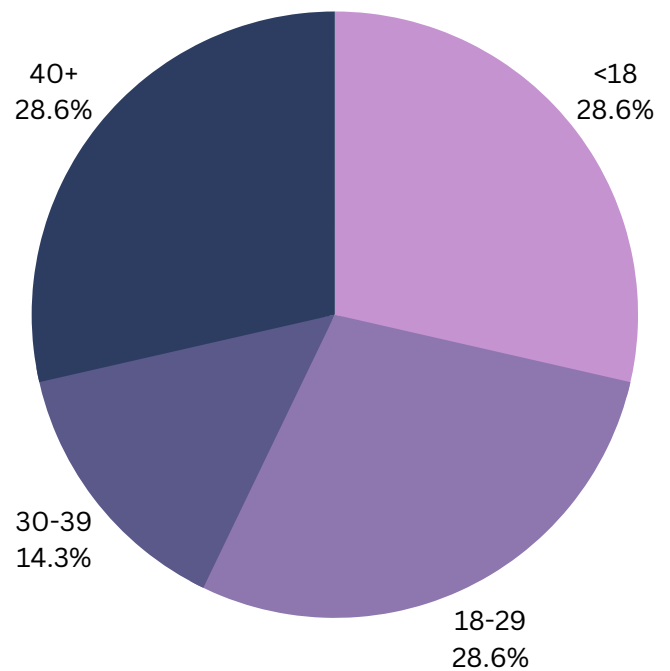
As previously stated, the 14 collateral fatalities constituted 15% of the total DV fatalities (occurring in 13% of the cases). Chart G shows the breakdown in the number of collateral victims per case. Eight percent of the cases had one collateral victim, 3% had two, and 2% had five collateral victims. The collateral victims ranged in age from one month old to 58 years old with an average age of 28 years old (Chart H). The oldest collateral fatality was the man who shot and killed his daughter-in-law and then died by suicide. The four minor child deaths constituted 28.6% of the collateral victims and were an 8-month-old and a 9-, 13-, and 17-year-old. The youngest three were joint children of the DV victim and DV perpetrator (thus, all killed by their fathers), and the 17-year-old was the brother of a DV victim.⁸

Chart H:

**Number of collateral fatalities per case
N = 14 collateral fatalities in 61 cases**



Collateral victims ages (N = 14)



⁸ Three perpetrators were involved in the 4 children's fatalities: The 8-month-old was the daughter of one DV perpetrator, the 9- and 13-year-olds were siblings (a son and daughter, respectively) of another DV perpetrator, and the 17-year-old brother of the DV victim, was by a third DV perpetrator.

Although there was a considerable amount of missing statewide data regarding whether children were present at the incident, in at least 27.4% (n = 17) of the cases, children were present. Three incidents from the more detailed DVF review teams included these descriptions of children witnessing their fathers killing their mothers:

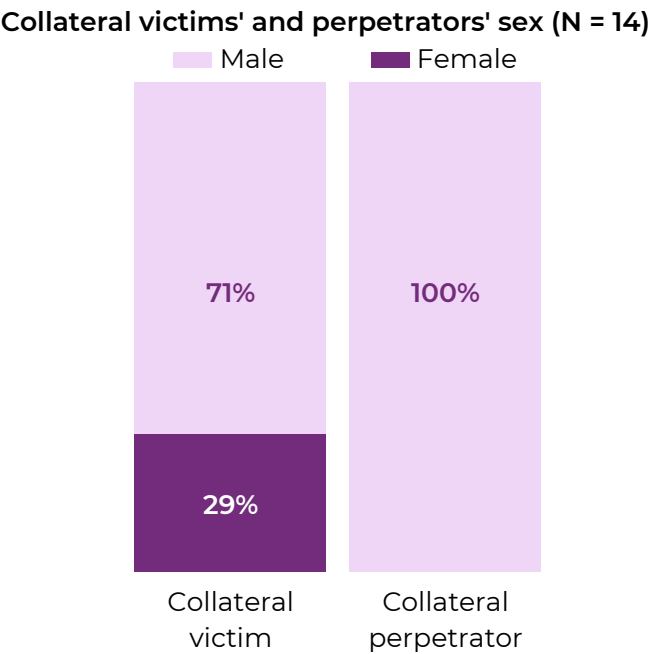
Following an argument, the victim was attempting to leave in a car with her six-year-old son when her fiancé shot at her 17 times, striking her twice in the head, before dying by suicide in front of their son. After witnessing his mother’s murder and father’s suicide, the child walked to a neighbor for help.

Five- and 7-year-old daughters witnessed their father shooting and killing their mother. They reported that their mother was covering her eyes and saying "I'm sorry" when she was shot.

A couple's 5-year-old daughter witnessed her father fatally strangling her mother. She attempted to physically intervene to stop the strangling.

Chart I:

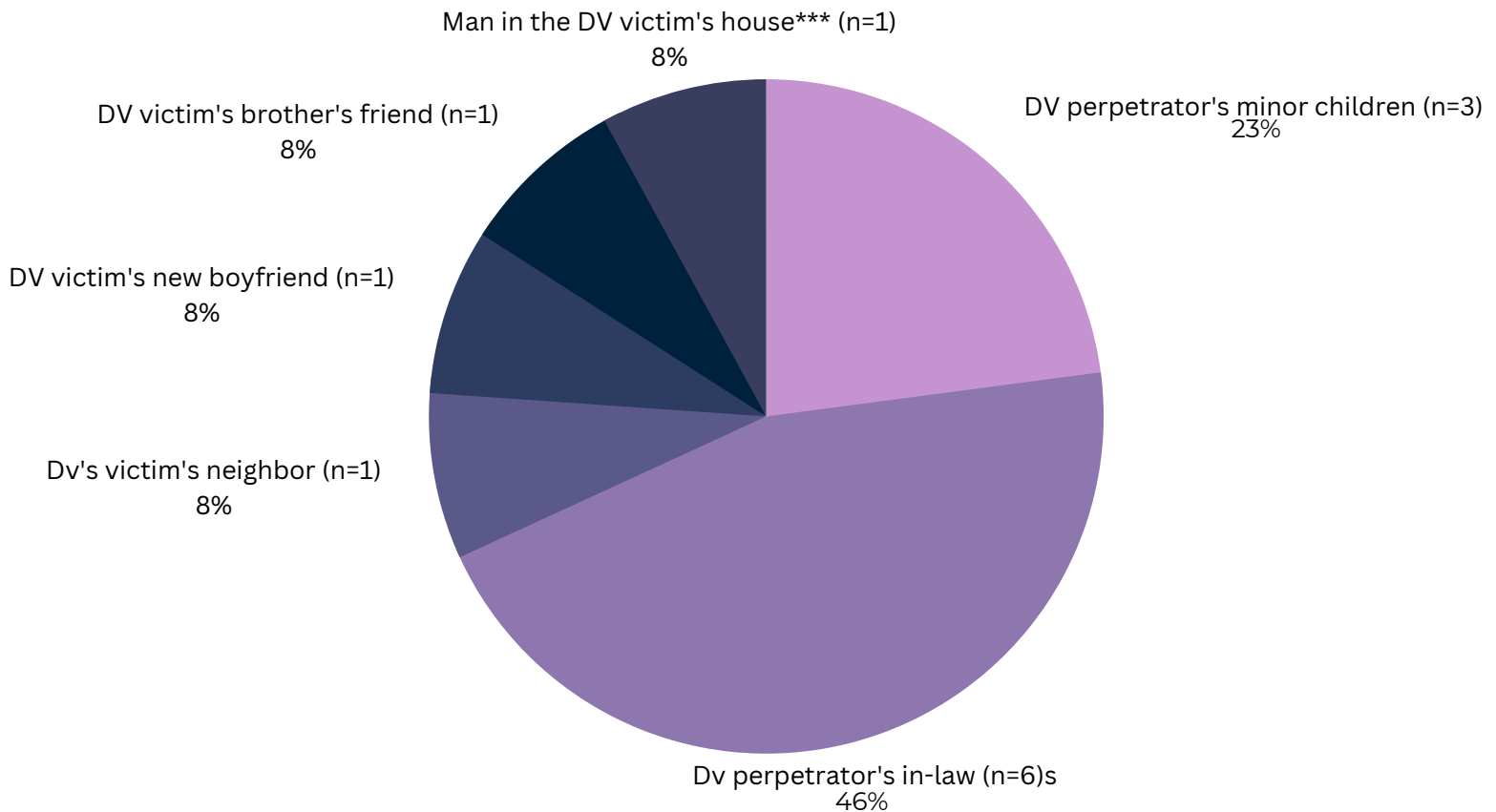
The 2021 Colorado data indicated that males were the predominant collateral fatality victims; 71% of these victims were male and 29% were female. All collateral victims were killed by males. (Chart I).



Recall Chart F indicating that 13 of the 14 of the individual collateral fatalities (93%) were killed by male DV perpetrators. The exception (7%) was the father-in-law who killed the DV victim and then died by suicide (2%). Chart J provides an additional lens to view the relationship between the 13 collateral deaths committed by the DV male perpetrators (omitting the father-in-law who died by suicide). The most common category of male DV perpetrators' collateral victims were his in-laws (46%). There were six in-law collateral victims, five of whom were killed by the same DV perpetrator.⁹ The second most likely collateral fatality victims were the DV perpetrators' own minor children (23%) who were also the children of his DV victim.¹¹ The remaining collateral fatality relationships, one of each, were a next-door neighbor who was in the backyard with the DV victim (he stabbed both to death), a friend of the DV victim's brother, a new boyfriend of the DV victim, and a man in the DV victim's home whose relationship to the DV victim was unknown.

Chart J:

The relationship of the collateral death individuals to the male DV perpetrator who killed them (N = 13*)



Notes:

- The 14th collateral fatality was the father-in-law of the DV victim.
- These data are likely skewed by the mass shooting at a family birthday party which many in-laws attended.
- The relationship of the man in the DV victim's home to the DV victim is unknown.

⁹ This includes family members of the DV victim in cases where the DV victim and perpetrator were dating, exes, or living together.

¹⁰ This case is detailed below Chart K.

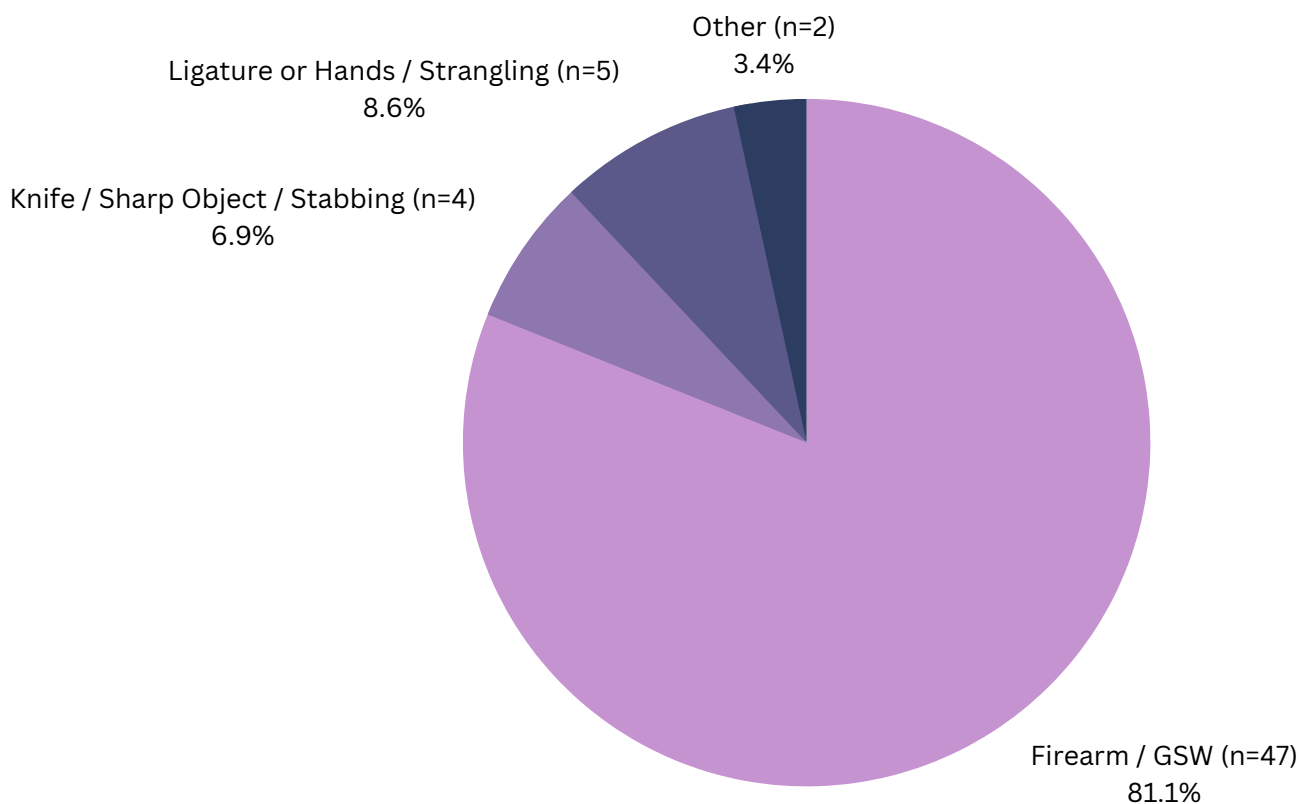
¹¹ We use "his" as all perpetrators were males. In all cases, the child he killed was a child he had with his DV victim.

DVFs are Overwhelmingly Perpetrated with Guns

Consistent with other DVF research and previous board reports, firearms are the most common weapons involved in DVFs, and gunshot wounds are the most frequent causes of death in DVFs (Chart K). About four in five DVFs (81%) resulted from gunshot wound fatalities. Strangling the DV victim with a ligature or the perpetrators' hands was next most common cause of death (9%), followed closely by stabbing with knife or sharp object (7%). There were two additional cases that did not fit into these categories (in the category "other" in Chart K). One involved a vehicular homicide in which the DV perpetrator would not let the DV victim out of the car as he drove erratically until he wrecked the car, and the other involved blunt force with an object. Although not in any of the charts, all four of the child fatalities were by firearms. In fact, all the collateral fatalities were committed with firearms (usually semi-automatic weapons), excepting the neighbor who was stabbed to death in the DV victim's backyard (as well as the DV victim) by the male DV perpetrator.

Chart K:

Chart K: Weapons / Cause of Death (N=58)



*One of the "other" cases was a vehicular homicide and the other was blunt force with an object to the head and neck.

One case in particular highlights the grave risks of firearm access in the context of DVFs. As detailed below, one DV perpetrator caused the death of six individuals:

CASE: On May 9, 2021, in Colorado Springs, a victim was shot and killed by her boyfriend when he came to a family birthday party and began shooting at partygoers. The boyfriend also shot and killed the victim's sister, her brother, her brother-in-law, and her brother-in-law's brother in addition to their mother, before killing himself. Three children hid in the bedroom and witnessed the shooting but were not physically injured. Witnesses reported that some of those who were killed were asleep when the boyfriend came to the home.

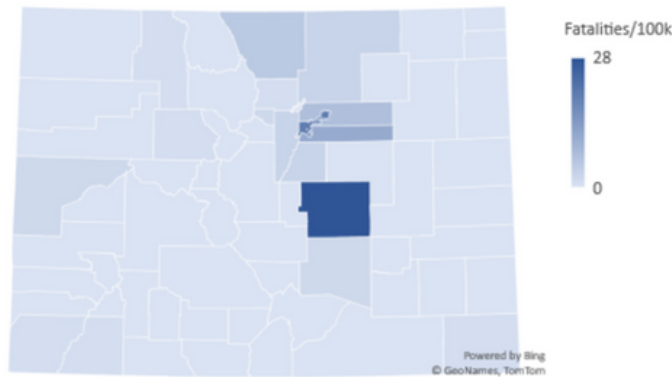
The victim and her boyfriend had been dating for about one year. The victim's family reported that her boyfriend had been controlling and jealous, and that there had been a conflict between him and their family at a gathering the week prior. Investigators found communications on the boyfriend's phone that indicated he had been upset he was not invited to the party. The firearm that was used had been sold to a different party by a gun shop in 2014. The boyfriend had no criminal history and there were no previously reported incidents of domestic violence. According to Colorado Springs Police Department, this was the deadliest shooting in Colorado Springs' history.

County and Population Patterns

As found in the 2021 report, rural counties in Colorado (i.e., Gilpin, Baca, Routt, Montezuma, Eagle, Mesa, Weld) had disproportionately high rates of DVFs when controlling for population size (DVFs per 100,000 people in the population). However, DVFs also occurred at high rates in more populated counties, particularly El Paso and Denver (see Chart L). These findings stress the importance of documenting the risk of DV in rural areas, particularly given their diminished DV resources (e.g., emergency shelters, abuser intervention programs) (Eastman & Bunch, 2007).

Chart L:

Chart L: 2021 DVF Deaths x County per 100,000 People



| County | Fatalities/ 100k | # of Fatalities |
|-----------|---------------------|--------------------|
| Gilpin | 34.1 | 2 |
| Baca | 28.5 | 1 |
| Routt | 4.0 | 1 |
| Montezuma | 3.8 | 1 |
| El Paso | 3.8 | 28 |
| Denver | 2.8 | 20 |
| Eagle | 1.8 | 1 |
| La Plata | 1.8 | 1 |
| Arapahoe | 1.7 | 10 |
| Larimer | 1.4 | 5 |
| Adams | 1.3 | 7 |
| Mesa | 1.3 | 2 |
| Pueblo | 1.2 | 2 |
| Weld | 0.9 | 3 |
| Douglas | 0.8 | 3 |
| Jefferson | 0.5 | 3 |
| Boulder | 0.3 | 1 |

Discussion of Findings

These findings reaffirm previous DVF research and patterns observed over the last six years of data collection. Such patterns included the gendered nature of DVFs—DVFs are largely committed by men against women—and the heightened risks associated with gun availability, including a greater likelihood that attempted fatalities will be completed when the weapon is a firearm. The impact of these fatalities—on the victims, victims' new partners, children, family members, friends, and the larger community—cannot be understated. The findings also emphasize the need to recognize the unique aspects of DVFs in rural settings as the rates for these are higher than those for more populated locations and the resources for rural victims are far fewer.

This report sheds light on tragic events which will shape many lives for years to come, and the Board's aspiration is to bring attention to these cases and catalyze action. The lessons from these findings animate the recommendations detailed in the next session. The Board is committed to spending the next year not only collecting data from 2022 DVFs, but also to working in partnership with the Legislature and community stakeholders to bring these recommendations to fruition.

Near-Fatalities

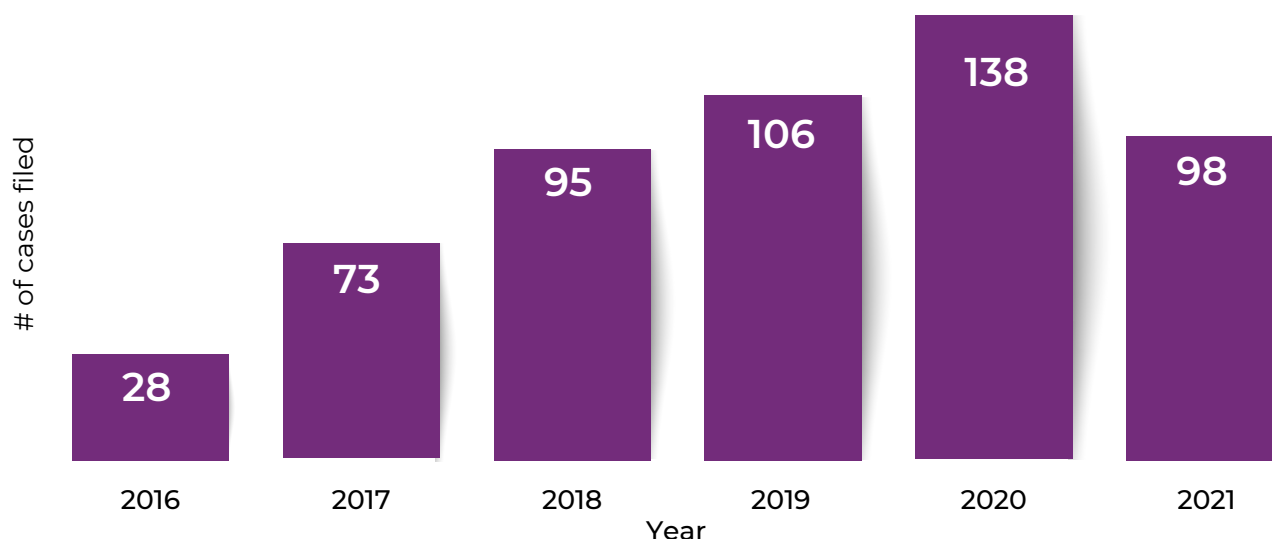
In prior years the annual report included data on near-fatalities. This year the Board has determined that it will no longer include these cases at least for the immediate future. While the Board recognizes the critical importance of these cases, there are many concerns about the available near-fatality data. First, defining near-fatalities is challenging because the line between near-death and significant bodily injury is unclear and hard to delineate. Second, even if a definition were formulated, data on near-fatality cases is hard to identify reliably and comprehensively. Third, many cases that could have resulted in severe or fatal injury are sometimes de-escalated by law enforcement, family members, and advocates. In some cases of intervention, a victim's injury is averted entirely or significantly reduced, complicating the underlying challenge of the scope of defining near-fatality. Finally, an original goal of collecting near-death fatalities was to have a clearer comparison group for assessing what keeps near-deaths from becoming fatalities. Yet, in the near-fatality cases evaluated in the past six years, the reasons a DVF was averted often seemed more miraculous than attributable to particular interventions. For these reasons, any attempt to quantify near-fatalities involves complexities that result in data that is so under-representative as to not be sufficiently meaningful.

However, there are certain available data that underscore the risk of fatality posed to DV victims. Strangulation data is particularly staggering. Research suggests that a victim who has suffers a nonfatal strangulation incident with an intimate partner is 7.48 times more likely to be killed than someone who has never been strangled. (Pritchard et al. 2018.) Loss of consciousness can occur in less than 10 seconds. This research underscores that cases of strangulation in the context of DV could reasonably be categorized as near-fatalities and certainly represent cases for which risk of a future fatality is significant.

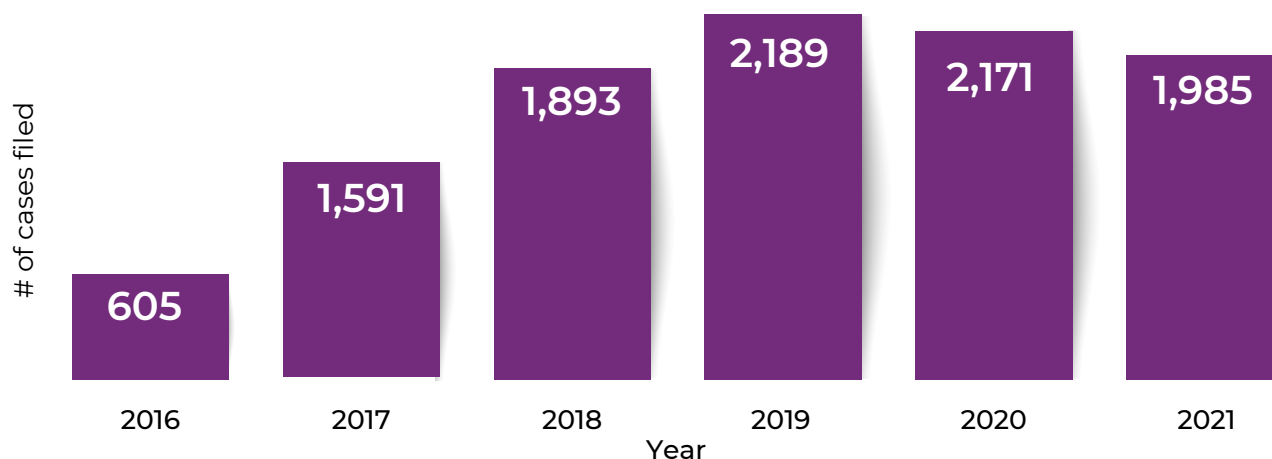
Given the risks associated with strangulation, in 2016, the legislature created two special categories of felony assault crime for strangulation—1st degree assault under C.R.S. § 18-3-202(1)(g) and 2nd degree assault under C.R.S. § 18-3-203(1)(i). The Colorado District Attorney's Council has tracked the number of annual filings under these new statutory offenses since 2016.¹²

¹² Note that the 2016-2019 data does not include complete data from the Denver District Attorneys' Office since that office did not contract with CDAC software used to compile these numbers until 2020. Additionally, the decrease in filings between 2020 and 2021 likely resulted from the overall decrease in crime reporting during the pandemic rather than due to a decrease in incidence.

Cases filed with first-degree assault (strangulation)



Cases filed with second-degree assault (strangulation)



Most of the strangulations identified above likely occurred in the context of DV. For example, of the 80 first-degree assaults that have been filed in 2022, only six did not occur in the context of DV. In other words, 92% of the strangulations in 2022 occurred in the context of DV. Given this, looking at strangulation data alone, thousands of cases each year could be classified as near-fatalities for the purpose of this report. Yet, to report definitively on these cases, much more information is needed, and each case would need to be reviewed separately. The strangulation data highlights not only the complexity with near-fatality cases, but also the staggering reach of potentially lethal incidents of DV across the state each year.



2022 DVFRB Recommendations

Below each recommendation is a list of Board members who have committed to doing the work necessary to work towards implementation of the recommendation.

Expand domestic violence training opportunities for judicial officers.

Judicial officers are in a unique position to intervene and respond to DV. DV presents itself in a variety of cases including, but not limited to, criminal, domestic relations, dependency and neglect, protection orders, and general civil litigation cases. While DV is not always the central issue in these cases, understanding the dynamics of DV is an important lens through which a judge may evaluate a case and craft appropriate remedies. The prevalence of DV issues in the courts presents an important opportunity for judges to act in a trauma-informed manner and to make evidence-based decisions, ultimately leading to better outcomes for victims while assuring public safety.

Importantly, judicial officers routinely sentence criminal DV offenders. As part of any sentence, offenders convicted of a domestic violence crime must be sentenced in accordance with the Domestic Violence Offender Management Board (DVOMB) guidelines pursuant to C.R.S. § 18-6-801. Sentences should include an evaluation and therapy only through DVOMB-approved providers; other therapy modalities, including anger management or family therapy, are prohibited and constitute illegal sentences. When selecting an appropriate sentence in a DV case, judges need to have a deep understanding of applicable sentencing guidelines as well as current DV data.

To achieve the trauma-informed courtroom while promoting public safety, judges should receive sufficient training in the social science behind DV while staying informed of applicable DV related laws. The Board recognizes that various trainings on DV have been offered through the years to judges and that some material is available to judges through online resource banks. However, the Board believes that more training and resources are required to adequately equip judges to respond to the complexities of DV. More specifically, the Board recommends that there be an increased number of regular trainings available to judicial officers, on at least trauma-informed courtroom best practices and the patterns and nature of DV. As to the latter, topics the Board believes would be important to cover include victim and perpetrator dynamics, recanting witnesses, the effects of domestic violence on children, ways to assess risks of dangerousness and lethality, and mortality rates associated with certain DV crimes.

The Board also understands that the Colorado Judicial Branch provides various resources about DV cases, including forms, an online encyclopedia of DV terms, and recorded DV trainings on Judicialnet (a website accessible only to judges). These materials, however, are dispersed throughout the website and are not all up to date. It also appears some critical resources are not available to judges. For example, it is not clear that sufficient materials are provided to judges on the DVOMB, its guidelines, and how those guidelines can and should shape sentencing.

The Board recommends that all information pertinent to DV cases be organized in one central location for judges on Judicialnet and that the materials are updated regularly and reviewed for comprehensiveness. The Board also recommends that all trainings provided related to DV to judicial officers be recorded and available through Judicialnet. The Board stands ready and willing to work with the state judicial branch in this effort.

Implementation Committee: Judge Keri Yoder, Linda Johnston, Shalyn Kettering (or a representative from the Colorado Attorney General's Office), and Linda Loflin Pettit.

Create a mechanism for law enforcement agencies to report Domestic Violence Fatalities (DVF's) directly to the Attorney General's Office.

Currently, DVF data is not aggregated in one place. While some DVF data is reported to the Colorado Bureau of Investigation, much of the data is available in an aggregate form and it is difficult, if not impossible, to find the individual case data required for fatality review. Currently, to compile the data required for this report, the Domestic Violence Fatality Review Coordinator identifies cases using publicly available sources, including the media, and then must reach out to every law enforcement agency in Colorado to confirm cases. This process is intensely time-consuming, and it is difficult to confirm that all DVF cases have been identified. POST has historically reached out on behalf of the CDVFRB to request verification of identified cases and identification of additional cases. This information is then sent to the Domestic Violence Fatality Review Coordinator. The Board remains very grateful to agencies who respond and to POST for its support.

The Board believes that the efficient collection of DVF data is critical to its mission. While a larger coordinated effort between local law enforcement and state agencies including CBI is required, as an initial step the Board recommends that a portal be created on the POST website through which law enforcement agencies can report DVF fatalities throughout the year as they occur. Training could be provided to law enforcement through POST and other partners, including the Colorado District Attorney Council's Ending Violence Against Women Project, the Rose Andom Center, and the LAP Statewide Coordinator. The availability of a proactive reporting option would be an important step towards addressing data sharing about DVFs in Colorado.

Implementation Committee: Rudy Underwood, Sandie Campanella, Shalyn Kettering (or a representative from the Colorado Attorney General's Office), and Jesse Hanson.

Invest in diversity, equity, and inclusion efforts that improve the response to domestic violence statewide.

The Legislature called on the Board to “make a recommendation in its 2022 annual written report whether and how diversity, equity, and inclusion training could be provided for individuals who provide initial call response functions and could be provided for local boards who may conduct a fatality review to create greater trust between local agencies and victims of domestic violence.”

The Board has three associated recommendations pursuant to this directive.

First, benefiting from the perspective of the diverse set of individuals and backgrounds on the Board, we recognize that many advocacy agencies and first responders have dutifully considered and implemented various trainings on how to better practice diversity, equity, and inclusion in their organizations and in their response to domestic violence. We applaud these efforts and encourage the continuation of this work. We recommend that all organizations who interact with and serve victims of domestic violence make and continue to make an intentional and carefully considered effort to address diversity, equity, and inclusion.

Second, as detailed below, the Board recommends that a protocol and best practices manual be developed to support and enhance the work of local fatality review boards. This manual should include information for the local boards on best practices for composing a board to ensure that a diverse and equitable distribution of voices and perspectives are included. The manual should also include guidance for conducting case reviews mindfully to ensure that the diverse range of voices are heard and listened to.

Third, the Board also recognizes that domestic violence is a pervasive problem that impacts all communities and all demographics. However, the Board also recognizes that there is unequal access to services and resources, and that the resources available might not always be provided in a way is sufficiently mindful of the age, gender, race, ethnicity, culture, language, education, sexual orientation, ability, socioeconomic or immigration status of a victim of domestic violence. This issue is compounded by the staffing recruitment and retention challenges faced by law enforcement and advocacy agencies. As a result, the Board recommends that the Legislature provide funding to support the recruitment and retention challenges of the agencies and organizations who provide initial response functions to domestic violence, with a particular focus on encouraging efforts to recruit and retain individuals with diverse backgrounds. While such an effort will not completely address the challenges, it is a critical step in creating greater trust between providers of initial response functions and victims of domestic violence.

Implementation Committee: Bridget Dyson, Shalyn Kettering (or a representative from the Colorado Attorney General's Office), Margaret Abrams (or a Representative from the Rose Andom Center), Lisa Jenkins, Dr. Brenna Dee Tindall, and Ami McCarthy.

Develop a local domestic violence fatality review team best practices and protocol manual.

The Board's work is best achieved in partnership with local fatality review teams. Ideally, and as contemplated by the Board's authorizing statute, local fatality review teams would exist throughout the state which would review DVFs occurring within their communities in an effort to better respond to and prevent domestic violence locally. These teams would then share their insights and data with the Board who would report on statewide trends and make recommendations to the legislature.

To date, there are three local fatality review teams and at least one additional local team in development. To support the work of these teams and to ensure statewide consistency and integrity in data collection, the Board recommends that the Denver Metro Domestic Violence Fatality Review Coordinator develop a "Domestic violence Fatality Review Team Protocol and Best Practices Manual" (Protocol Manual), to be approved by the Board, and then shared by all local fatality review teams in Colorado. The Board anticipates that the manual will be an evolving document that will benefit from the feedback from local teams over time.

The Protocol Manual should at least: (1) provide detail and training on uniform methods for collecting, analyzing, and storing DVF and related data, through the use of standardized, research-based data collection tool to ensure consistent statewide list data is collected ; (2) identify best practices for conducting DVF case reviews and incorporating case review findings into community response to intimate partner violence; (3) provide training materials for onboarding new fatality review team members; and (4) identify the confidentiality parameters for case reviews; and (5) identify document retention policies for documents used in case reviews. Before being submitted to the Board the draft Protocol Manual should be circulated to all existing local fatality review teams for review and comment.

The Denver Metro Domestic Violence Fatality Review Team was one of the first local fatality review teams in the country and has been conducting case reviews for over 20 years. This team conducts the greatest number of case reviews in the state and is led by an experienced coordinator who also serves as a lead author of the annual CDVFRB statewide report. The Denver Metro Domestic Violence Fatality Review Team Coordinator is in a unique position to compile and author a draft Protocol Manual.

The Board believes that this Protocol Manual is consistent with the Legislature's mandate that the Board "coordinate with stakeholders to develop best practices for collecting data on domestic violence-related fatalities"; "coordinate [with local review teams] to implement effective information-sharing related to identified domestic violence fatalities"; and "prioritize development and support of local review teams in underserved and rural communities". A manual detailing best practices and data protocols will give communities a playbook to start and maintain a local fatality review team and will help coordinate antiviolence efforts between communities. By establishing consistency throughout the state, Colorado will benefit from more robust and accurate data, which in turn, will support more targeted prevention and response efforts.

Implementation Committee: Lindsey Dixon, Shalyn Kettering (or a representative from the Colorado Attorney General's Office), Keisha Sarpong (or a Representative from the Rose Andom Center), JoAnne Belknap, and Carmen Hubbs, Lucinda Wayland Connelly, and Kelly Dougherty.

Invest in strategies that ensure firearm relinquishment.

As noted in this report, over 80% of the DVFs in 2021 involved firearms. Domestic violence perpetrators with access to firearms are five to eight times more likely to kill their victims than those without firearms. (Wintemute, et al., 2014); (Nanasi, 2019). Every 16 hours in the U.S., a woman is fatally shot by a current or former intimate partner. (Fridel, 2019). Gun homicides by intimate partners have increased by 58% over the last decade and increased a stunning 25% in 2020 compared with the previous year, to the highest level in almost three decades. (Fridel, 2019).

Firearms are also used in non-lethal ways by DV perpetrators to exert power and control over their partners. A recent report indicates that 4.5 million women in the U.S. today report having been threatened with a gun by an intimate partner. (Sorenson and Schut, 2018). Emerging research also points to a connection between mass killings and perpetration of DV, showing that possession of firearms by perpetrators of DV presents a threat not only to DV victims, but also to the general public. For example, researchers reported that more than two-thirds of recent mass shootings in the U.S. involved perpetrators who killed partners or relatives or had a history of domestic abuse. (Geller et al., 2021)

One tool critical to stopping gun violence toward intimate partners and the community at-large are firearm relinquishment statutes. Federal law has prohibited the possession of firearms and ammunition by DV offenders for decades. In 2013, Colorado passed a firearms relinquishment statute that prohibited those subject to a DV protection order from possessing or purchasing a firearm or ammunition for the duration of the order. Additionally, the defendant must relinquish any firearm or ammunition in the defendant's immediate possession or control. Defendants subject to the DV protection order are told at first advisement that they are statutorily prohibited from possessing or purchasing any firearms, and that they must relinquish any guns in their possession. In 2021, the statutes regarding firearm relinquishment were strengthened through House Bill 21-1255. This bill decrease the amount of time a defendant had to relinquish firearms from 72 to 24 hours, requires a defendant file an affidavit or declaration within seven days after a protection order is issued providing details about the firearms in their possession, required the court to conduct a compliance hearing to ensure the person has completed the affidavit, and provided immunity for statements made in the affidavit and declaration.¹³

Notwithstanding these requirements, defendants do not always admit to owning firearms, which can impact victim safety. As a result, some district attorney offices in Colorado began looking for alternate ways to determine whether an offender subject to a mandatory DV protection order possesses or has access to firearms. For example, the Denver District Attorney's Office created a new investigator position—Firearms Relinquishment Investigator—responsible for collecting information related to firearm possession by DV offenders. The Investigator reviews available material including: witness statements, responding officer observations, 911 calls, neighborhood surveys, social media, pawn shop records and other databases, etc. The Investigator reviews each new DV case where there is an arrest and collects potential firearm information. This information is readily available to deputy DAs through an internal filing system.

The Firearms Relinquishment Investigator also typically reaches out to the victim (after consulting with the assigned DV detective) to see if the victim is willing to assist with relinquishment of the weapons. Thus far, there has been significant victim cooperation and frequently the Investigator is able to put the victim in touch with advocacy services. This cooperation with advocates is strengthened with Denver's framework because the Investigator is housed within the Rose Andom Center, Denver's family justice center which provides direct victim services on site.

When a DV defendant appears for first advisement, he or she is advised pursuant to C.R.S. § 18-1-1001 that all firearms and/or ammunition in their possession or control must be relinquished until final disposition of the case. The DA prosecuting the case then advises the court and defense counsel of information available from the Firearms Relinquishment Investigator about firearm possession. By providing this information in open court, DV defendants have an incentive to relinquish their firearms, even if he or she has not admitted to gun ownership on the record. Defense counsel then often work with the Firearms Investigator to assist with their client's relinquishment of weapons. Since the program has been implemented, many more defendants have been relinquishing weapons. In 2021, 2891 DV cases were reviewed and 141 firearms were relinquished through this program. In 2022, the Denver District Attorney's Office decided to shift from review of all DV cases to DV cases where an arrest was made, and as of October 2022, 905 DV cases were reviewed and 91 firearms were relinquished.

¹³ Firearm relinquishment by DV offenders is a different process from extreme risk protection orders (ERPOs).

Denver's effort serves as one example of how to proactively implement firearm relinquishment. While other jurisdictions may not have the funds to replicate Denver's model and hire a Firearms Relinquishment Investigator, they can develop other protocols to implement the relinquishment statutes. This can be done through compliance hearings, charging a violation of the protection order, or the modification or revocation of the defendant's bond for failure to comply. We recommend that jurisdictions make efforts to be proactive about developing strategies to implement firearm relinquishment which ultimately can improve victim, officer, and public safety. We also recommend the Legislature provide funding to jurisdictions to support firearm relinquishment strategies.

Implementation Committee: Maggie Conboy, Tally Zuckerman, Shalyn Kettering (or a representative from the Colorado Attorney General's Office), and Megan Lechner.

Provide funding for a full-time law enforcement training position be provided by the legislature for the successful implementation of the LAP across Colorado.

Ongoing funding will be crucial to the sustained success and implementation of the LAP program in Colorado (as detailed in the "Current Colorado Domestic Violence Laws and Policies Mitigating Domestic Violence" Section above). To recruit agencies to participate and to provide technical assistance and training, the statewide coordinator position needs to be sustainably funded. The Board recommends that funding for a full-time law enforcement training position be provided by the Legislature. A position could be housed within the Department of Law, and the position would be charged with continuing to train and implement LAP statewide and provide additional training about the proper use of other law enforcement interventions that help curtail domestic violence and DVFs such as Extreme Risk Protection Orders.

Implementation Committee: Linda Johnston, Shalyn Kettering (or a representative from the Colorado Attorney General's Office), Jesse Hanson, and Nicole Fisher.

Colorado Domestic Violence Fatality Review Board Members

Attorney General Phil Weiser, Chair

- 1 City attorney's office in Colorado who has experience working with victims of domestic violence or prosecuting domestic violence offenders: Linda Loflin-Petit, 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 – 2nd Judicial District.
- 4 Criminal Defense Attorney: Tally Zuckerman, Zuckerman Law, LLC.
- 5 Denver Metro Domestic Violence Fatality Review Committee: Linda Johnston, EVAW (Ending Violence Against Women) Project Director, Colorado District Attorney's Council.
- 6 Department of Human Services' Adult Protection Services: Nicole Fisher, Adult Protective Services Policy Specialist, DHS (Denver Human Services).
- 7 Department of Human Services' Child Protection Services: Lucinda Wayland Connelly, Manager, Child Protection Services Unit, Division of Child welfare, Office of Children, Youth and Families.
- 8 Domestic Violence Survivor: Bridget Dyson, Victim Advocate.
- 9 Domestic Violence Survivor: Lisa Jenkins, CEO, Kingdom Builder's Family Life Center.
- 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 Keri Yoder, 7th Judicial District.
- 14 Law enforcement agency: Sandra Campanella, DV Investigator for the 20th JD.
- 15 Medical professional with forensic experience: Megan L. Lechner, Forensic Nurse Examiner, UC Health Memorial Hospital (El Paso County).
- 16 Probation, parole, or community corrections program: Lindsey Dixon, Pretrial Services Supervisor, City and County of Denver, Department of Safety, Division of Community Corrections.
- 17 Non-profit organization that offers training and expert advice to domestic violence programs that serve survivors of domestic violence, dating violence, and stalking: Ami Macarthy: Director of Training, COVA (Colorado Organization for Victim Assistance).
- 18 AG Selected Appointee: Rudy Underwood, Brighton Police Department (Joined March 2022).



Acknowledgements

This report was co-authored by Keisha Sarpong, The Denver Metro Domestic Violence Fatality Review Coordinator; Anna Brennan, contracted by the Rose Andom Center; Dr. Joanne Belknap, Professor in the Department of Ethnic Studies at the University of Colorado Boulder; Margaret Abrams, Executive Director of the Rose Andom Center; and Shalyn Kettering, Legal Counsel.

Keisha has been working alongside the Colorado Domestic Violence Fatality Review Board through her role as the Domestic Violence Fatality Review Coordinator since 2022. She provides leadership to the Denver Metro Domestic Violence Fatality Review Team as well as supporting the expansion DVFRTs across the state of Colorado. Keisha has used her lens in victim advocacy and her educational background of criminology and criminal justice to further expand on this existing work with an emphasis on how we speak, present, and portray victims.

Dr. Belknap has served as the researcher for the DMDVFR since it began over 20 years ago. Her guidance as a researcher has helped Colorado receive national recognition for our DV fatality review work, and she continues to improve the systems and processes to ensure that we are collecting the most robust and accurate data possible. Dr. Belknap's many contributions to this work cannot be understated.

Anna Brennan began working on the Denver Metro DV Fatality Review Team with the Denver Domestic Violence Coordinating Council, first doing graduate work centering on lethality and risk assessment in domestic violence cases, then as a Program Manager. She is currently working with the Rose Andom Center to provide support in the transition of the DMDVFR and assistance with the compilation of the 2021 statewide list of domestic violence related fatalities.

Shalyn Kettering serves as Legal Counsel for Attorney General Phil Weiser and manages the CDVFRB on his behalf. In this role she coordinates the meetings of the Board, works with the Board to implement recommendations each year, and ensures the coordination and cooperation of all parties in the drafting of this report.

Additional thanks to the following for their contributions to the collection and compiling of the important information in this report:

Maggie Conboy, Senior Chief Deputy District Attorney, 2nd Judicial District

Linda Johnston, JD, Project Director, EVAW, Project, Colorado District Attorney's Council

Mark Deaton, LAP Coordinator

Honorable Keri Yoder, Magistrate 7th Judicial District

Finally, we want to thank the current and existing DVFRTs, law enforcement and individuals across the state that assisted our team in providing us with data for the purposes of this report given that the focus of this year's report was attributed to a larger scope of DVFs across the state.

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If you or anyone you know is a victim of domestic violence or is in need of support services, there are organizations that can help.

If you are in a crisis or need immediate support, dial 911 or call the National Domestic Violence Hotline at (800) 799-SAFE (7233), and for a comprehensive list of resources available throughout Colorado please visit [Violence Free Colorado](https://www.violencefreecolorado.org) at www.violencefreecolorado.org.