

## C.R.S. 24-31-701

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**Colorado Revised Statutes TITLE 24. GOVERNMENT - STATE PRINCIPAL DEPARTMENTS ARTICLE 31. DEPARTMENT OF LAW PART 7. COLORADO DOMESTIC VIOLENCE FATALITY REVIEW BOARD**

### 24-31-701. Definitions

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As used in this part 7, unless the context requires otherwise:

- (1)** "Department" means the department of law.
- (2)** "Fund" means the Colorado domestic violence fatality review board cash fund created in section 24-31-705.
- (3)** "Review board" means the Colorado domestic violence fatality review board created in section 24-31-702.
- (4)** "Review team" means a local or regional domestic violence fatality review team.

### History

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Source: L. 2017: Entire part added, (SB 17-126), ch. 400, p. 2082, § 2, effective August 9.

▼ Annotations

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## Notes

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Cross references: For elections, see title 1; for peace officers and firefighters, see article 5 of title 29; for state engineer, see article 80 of title 37; for state chemist, see part 4 of article 1 of title 25; for offenses against government, see article 8 of title 18; for the "Uniform Records Retention Act", see article 17 of title 6.

Cross references: For statutory provisions relating to the other principal departments of state government, see article 1 of title 8 (department of labor and employment); article 1 of title 17 (department of corrections); part 1 of article 2 of title 22 (department of education); article 1 of title 23 (department of higher education); article 21 of this title (department of state); part 1 of article 50 of this title (department of personnel); part 1 of article 1 of title 25 (department of public health and environment); article 1 of title 25.5 (department of health care policy and financing); article 1 of title 26 (department of human services); part 1 of article 1 of title 27 (department of human services); title 28 (department of military and veterans affairs); article 1 of title 35 (department of agriculture); and part 1 of article 1 of title 43 (department of transportation).

Cross references: For the legislative declaration in SB 17-126, see section 1 of chapter 400, Session Laws of Colorado 2017.

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## C.R.S. 24-31-702

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**Colorado Revised Statutes TITLE 24. GOVERNMENT - STATE PRINCIPAL DEPARTMENTS ARTICLE 31. DEPARTMENT OF LAW PART 7. COLORADO DOMESTIC VIOLENCE FATALITY REVIEW BOARD**

### 24-31-702. Colorado domestic violence fatality review board - creation - membership - purpose - duties

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- (1)** The Colorado domestic violence fatality review board is established in the department 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 general assembly.
- (2)** (a) The review board includes the attorney general or his or her designee, who shall act as chair, and at least seventeen but not more than twenty other members, to be appointed by the attorney general on or before October 1, 2017, as follows:
- (I)** A medical professional with forensic experience;
  - (II)** A domestic violence advocate representing a shelter or other domestic violence service organizations, who may not testify without consent of a victim pursuant to section 13-90-107 (1)(k)(II);
  - (III)** A criminal defense attorney;
  - (IV)** A representative of a law enforcement agency;
  - (V)** The executive director of the department of public health and environment, or his or her designee;
  - (VI)** A representative of a city attorney's office in Colorado who has experience working with victims of domestic violence or prosecuting domestic violence offenders;
  - (VII)** A representative of a statewide nonprofit organization that offers training and expert advice to domestic violence programs that serve survivors of domestic violence, dating violence, and stalking;

**(VIII)** A representative of the department of human services' adult protection services;

**(IX)** A representative of the department of human services' child protection services;

**(X)** A representative of a probation, parole, or community corrections program;

**(XI)** A representative designated by the Colorado district attorneys' council;

**(XII)** A representative of a domestic violence treatment provider specializing in offender treatment;

**(XIII)** Two domestic violence survivors;

**(XIV)** A representative of the domestic violence offender management board created in section 16-11.8-103;

**(XV)** A representative of the Denver metro domestic violence fatality review committee;

**(XVI)** A judge or magistrate; and

**(XVII)** Such other members as the attorney general may determine, whose contributions would be valuable to the work of the review board; except that the attorney general may not appoint more than two members pursuant to this subsection (2)(a)(XVII).

**(b)** The review board must, to the extent practicable:

**(I)** Include members from throughout the state;

**(II)** Include members with disabilities;

**(III)** Reflect the ethnic diversity of the state; and

**(IV)** Include members who have knowledge of and experience with domestic violence.

**(c)** Members of the review board, other than the attorney general, serve for four-year terms and are eligible for reappointment no more than two times at the expiration of a four-year term.

**(d)** Members of the review board serve without compensation but may receive per diem and reimbursement for costs, subject to the availability of funds.

**(e)** The attorney general may fill any vacancies on the review board at any time.

**(f)** Before commencing his or her service on the review team, each member shall submit his or her fingerprints to the Colorado bureau of investigation for the purposes of a criminal background check. The bureau shall forward the results of each background check to the attorney general.

**(3)** The review board shall convene its first meeting on or before November 1, 2017, and shall meet thereafter as determined by the membership.

**(4)** The review board shall coordinate with review teams to collect data, review and analyze the data, and prepare recommendations for the general assembly. The review board shall submit a written report of its recommendations to the health and human services and judiciary committees of the senate and the public health care and human services and judiciary committees of the house of representatives, or any successor committees, on or before December 1, 2018, and on or before December 1 each year thereafter. Notwithstanding the provisions of section 24-1-136 (11)(a)(I), the report required in this subsection (4) expires on September 1, 2022. The review board shall make the report available to the public on the department's website. The report may include, but is not limited to, the following:

**(a)** Recommendations for improving communication between public and private organizations and agencies;

- (b) The number of domestic violence fatalities and near-death incidents that occurred in each county during the preceding year and the factors associated with each fatality;
- (c) Recommendations for:
  - (I) Reducing the incidence of domestic violence in the state; and
  - (II) Improving responses to domestic violence incidents by the legal system and by communities; and
- (d) Recommendations directed at primary prevention of domestic violence.
- (5) Case review data will be stored in the manner determined by the review board. The review board shall work with review teams to incorporate and maintain existing data collection methods.
- (6) In addition to collaborating with review teams, the review board may collaborate with other agencies or organizations to fulfill its duties pursuant to this part 7.
- (7) Notwithstanding any provision of this section, the review board is authorized to review case data only from cases that have been closed by each law enforcement agency that investigated or prosecuted each such case.

## History

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### Source:

L. 2017: Entire part added, (SB 17-126), ch. 400, p. 2082, § 2, effective August 9.

### ▼ Annotations

#### Notes

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Cross references: For the legislative declaration in SB 17-126, see section 1 of chapter 400, Session Laws of Colorado 2017.

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**Colorado Revised Statutes TITLE 24. GOVERNMENT - STATE PRINCIPAL DEPARTMENTS ARTICLE 31. DEPARTMENT OF LAW PART 7. COLORADO DOMESTIC VIOLENCE FATALITY REVIEW BOARD**

### 24-31-703. Local and regional domestic violence fatality review teams - creation - membership - purpose - duties

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- (1) A city, county, or district court may establish a review team to review fatal and near-fatal incidents of domestic violence, related domestic violence matters, and suicides related to domestic abuse.
- (2) In establishing a review team, a city, county, or district court, to the extent practicable, shall select team members with subject-matter expertise from the following entities, with an attempt to reflect the racial and ethnic makeup of the city, county, or judicial district:
- (a) Appropriate county departments;
  - (b) Domestic violence service providers;
  - (c) Law enforcement agencies;
  - (d) Prosecutors' offices;
  - (e) One or more county departments of public health;
  - (f) One or more county departments of human or social services;
  - (g) One or more coroner's offices or county medical examiner's offices or designees thereof;
  - (h) Batterer intervention services providers;
  - (i) The local parole division of the state board of parole;
  - (j) The local probation department;
  - (k) Hospitals;
  - (l) Judges of the county and district courts;
  - (m) Clerks of the county and district courts; and
  - (n) Survivors of domestic violence.

**(3)** (a) Each review team shall collect data on domestic violence fatalities and near-death incidents, conduct individual case reviews of domestic violence fatalities and near-death incidents, document case characteristics of those case reviews, and report this information to their communities and to the review board.

**(b)** Each review team shall determine its own structure and activities; except that, to ensure statewide consistency, each review team shall use any uniform method for collecting, analyzing, or storing data that is established by the review board pursuant to section 24-31-702 (1)(c).

**(c)** Each review team shall determine which incidents to review. A review by a review team may include examination and consideration of:

**(I)** Events leading up to the domestic violence incident;

**(II)** Available resources of the criminal legal system and community;

**(III)** Current laws and policies;

**(IV)** Actions taken by individuals and agencies, including individuals and agencies of the criminal justice and human services systems, related to the incident and the parties; and

**(V)** Any other information or action deemed relevant by the review team, including a review of public records and records for which public records exemptions are granted.

**(4)** Each review team shall submit data and recommendations to the review board:

**(a)** On or before September 1 of each year following the year in which the review team was established; or

**(b)** In the case of a review team in existence on August 9, 2017, on or before September 1, 2018, and on or before September 1 each year thereafter.

**(5)** (a) Notwithstanding subsection (1) of this section, no more than one review team may be created in any judicial district. Review teams in existence on August 9, 2017, are recognized as review teams under this part 7.

**(b)** Nothing in this section requires the formation of a review team.

**(6)** If a local or regional child fatality prevention review team is created in a judicial district pursuant to section 25-20.5-404, it may operate as a domestic violence review team pursuant to this section, so long as it:

**(a)** Uses a uniform method for collecting, analyzing, or storing data that is established by the review board pursuant to section 24-31-702 (1)(c); and

**(b)** Includes domestic violence expertise from entities described in subsection (2) of this section.

**(7)** Notwithstanding any provision of this section, a local or regional child fatality prevention review team is authorized to review case data only from cases that have been closed by each law enforcement agency that investigated or prosecuted each such case.

## History

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**Source:**

L. 2017: Entire part added, (SB 17-126), ch. 400, p. 2085, § 2, effective August 9.

▼ Annotations

Notes

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Cross references: For the legislative declaration in SB 17-126, see section 1 of chapter 400, Session Laws of Colorado 2017.

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### 24-31-704. Access to records - confidentiality - public access - immunity

**(1)** (a) Notwithstanding any other state law to the contrary, but subject to the requirements of applicable provisions of federal law, the review board and review teams have access to records and information that are relevant to a review of a domestic violence fatality and that are in the possession of a state or local governmental agency.

**(b)** The review board and review teams may access mental health and substance abuse treatment records only with the written consent of appropriate parties in accordance with applicable federal and state law.

**(2)** (a) All review board and review team meetings; activities of the review board and review teams, including activities of any issue-specific panel or ad hoc subcommittee formed by the review board or by review teams; review board and review team meeting notes and statements; health information and medical records obtained by the review board or by review teams; and any information obtained by the department in connection with the review board or review teams are confidential and are not subject to:

**(I)** The open meetings provisions of the "Colorado Sunshine Act of 1972" set forth in section 24-6-402;

**(II)** The "Colorado Open Records Act", part 2 of article 72 of title 24; or

**(III)** Subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, unless the information was obtained from another source that is separate and apart from the review board or review teams.

**(b)** Each member of the review board, each member of a review team, and each invited participant at a meeting shall sign a statement indicating an understanding of and adherence to confidentiality

requirements. A person who knowingly violates confidentiality requirements commits a class 3 misdemeanor and, upon conviction, shall be punished as provided in section 18-1.3-501.

**(c)** A member of the review board, a member of a review team, a person who attends a review team meeting, and a person who presents information to a review team are not subject to examination in any civil or criminal proceeding concerning information presented to members of the review team or opinions formed by the review team based on that information. A person may, however, be examined concerning information reviewed by the review board or a review team that is otherwise available to the public or that is required to be revealed by that person in an official capacity.

**(d)** Information, documents, records, notes, memoranda, and data of the review board and the review teams are not subject to subpoena, discovery, or introduction into evidence in any action in any court or before any tribunal, board, agency, or person and may not be exhibited or disclosed in any way by any person unless the information was obtained from another source that is separate and apart from the review board or review teams, except as may be necessary for furthering the duties of the review board or the review teams or in response to an alleged violation of a confidentiality agreement pursuant to subsection (2)(b) of this section.

**(3)** A member of the review board, a member of a review team, and any person acting as a witness to, incident reporter to, or investigator for the review board or a review team is not liable for any act or proceeding undertaken or performed within the scope of the functions of the review board or review team unless he or she acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

## History

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### Source:

L. 2017: Entire part added, (SB 17-126), ch. 400, p. 2087, § 2, effective August 9.

### ▼ Annotations

### Notes

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Cross references: For the legislative declaration in SB 17-126, see section 1 of chapter 400, Session Laws of Colorado 2017.

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VIOLENCE FATALITY REVIEW BOARD**

### 24-31-705. Colorado domestic violence fatality review board contracts - grants - cash fund created

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**(1)** To fulfill its duties under this part 7 and subject to available money in the fund created in subsection (1)(e) of this section, the department and the review board may:

- (a)** Hire staff and contract with consultants with expertise in domestic violence fatality review;
- (b)** Contract with local entities;
- (c)** Expend money from the fund to pay the direct and indirect costs of implementing this part 7;
- (d)** Expend money from the fund to reimburse local review teams for the direct and indirect costs of implementing this part 7;
- (e)** Seek, accept, and expend gifts, grants, and donations from private or public sources for the purposes of establishing the review board and carrying out its duties. The department and the review board shall transmit any such gift, grant, or donation to the state treasurer, who shall credit the same to the Colorado domestic violence review board cash fund, which fund is hereby created. The money in the fund is appropriated annually to the fund by the general assembly for the direct and indirect costs associated with the implementation of this part 7. All money in the fund not expended for the purpose of this part 7 may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of money in the fund is credited to the fund. Any unexpended and unencumbered money remaining in the fund at the end of a fiscal year remains in the fund and may not be credited or transferred to the general fund or another fund.
- (f)** The review board and review teams are encouraged to apply for federal grants.

## History

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### Source:

L. 2017: Entire part added, (SB 17-126), ch. 400, p. 2088, § 2, effective August 9.

### ▼ Annotations

### Notes

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Cross references: For the legislative declaration in SB 17-126, see section 1 of chapter 400, Session Laws of Colorado 2017.

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