



**Domestic Violence Offender Management Board**  
**Office of Domestic Violence and Sex Offender Management**  
**Division of Criminal Justice**  
**Department of Public Safety**  
**700 Kipling St. Suite 1000**  
**Denver, Colorado 80215**  
**303-239-4442**  
<http://dcj.state.co.us/odvsom/>

## **POSITION PAPER ON PRE AND POST SENTENCE EVALUATIONS**

On December 13, 2002 the Domestic Violence Offender Management Board (DVOMB) formally adopted this position paper on pre and post sentence evaluations for domestic violence offenders. The purpose of this position paper is to further clarify the DVOMB's position, and its intent and language in *The Standards for Treatment with Court Ordered Domestic Violence Offenders, 2002 (The Standards)* regarding these evaluations (Sections 7.2.1 and 7.2.2).

When a domestic violence approved treatment provider (treatment provider) performs an evaluation pre or post sentence, the assumption is that the offender is guilty and will complete a minimum of 36 weeks of domestic violence offender treatment per *The Standards*. Additionally the criminal justice system, *not* the treatment provider, is responsible for making legal decisions regarding guilt or innocence, pleas, convictions, and sentencing. Therefore, evaluations shall not be completed prior to a guilty plea or a finding of guilt. **Providers shall not render legal opinions or recommendations, nor recommendations regarding the filing of charges.**

The terms "assess appropriateness for treatment", "treatment amenability" and "alternative disposition" are not and were never intended to authorize treatment providers to recommend no domestic violence offender treatment or less than the standard. **Inappropriate** uses of these terms to recommend no treatment include but are not limited to:

- a. the offense being perceived as an isolated incident
- b. perceived low risk of the offender
- c. non-severe or lack of victim injuries

An appropriate use of evaluations, when necessary, is the identification and recommendation of individualized (i.e. intensive or supplemental) treatment as part of or in addition to the minimum 36 weeks of domestic violence offender treatment.

Additionally, alternative therapies such as couples counseling, anger management and stress management, in lieu of domestic violence offender treatment are inappropriate recommendations.

When domestic violence offender treatment is ordered, no less than 36 weeks shall be recommended in any case. In those rare cases in which domestic violence offender treatment is deemed inappropriate by the treatment provider, the circumstances shall be compelling and well documented to the supervising criminal justice agency.